

Draft Environmental Impact Report

Santa Clara Downtown Precise Plan

SCH No.: 2022010282



Prepared by



In Consultation with



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

SUMMARY

The Santa Clara Downtown Precise Plan (SCDPP) area is currently developed with approximately 302,500 square feet of retail and office space and 228 residential units. The City is proposing a Precise Plan to create a policy framework to guide future development within the boundary of Downtown and to transform a portion of the Downtown Focus Area¹ into a vibrant, pedestrian-oriented Downtown destination. A precise plan provides detailed guidance on how a small district should develop and allows for community engagement and more precise direction compared to a general plan. A form-based zoning code² has also been developed as part of the planning process and will be a companion document to the SCDPP.

The proposed land use alternative selected by the City of Santa Clara to be studied includes construction of up to 1,071 dwelling units, 531,720 square feet of office space, 197,900 square feet of commercial/retail space, and 44,300 square feet of public space. 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*.

Significant Impacts	Mitigation Measures
Air Quality	
Impact AIR-1: As mitigated, the project would not conflict with or obstruct implementation of the applicable air quality plan. (Less than Significant Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures AIR-3.1 and AIR-3.2.
Impact AIR-2: As mitigated, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (Less than Significant Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures AIR-3.1 and AIR-3.2.

¹ The General Plan provides detailed guidance for a Downtown Focus Area that encompasses the SCDPP area. The Downtown Focus Area includes two blocks of Franklin Square and eight former blocks that were previously consolidated under the Federal Urban Renewal program in the 1960s.

² The form-based zoning code contains development standards that future development under the SCDPP would need to comply with. It also ensures that future developments are built consistent with the goals and policies of the SCDPP. Note that the form-based zoning code is not a separate code, the form-based zoning code would be incorporated into the existing Zoning Code (and/or new Zoning Code).

Significant Impacts	Mitigation Measures
Impact AIR-3: Development proposed under the Santa Clara Downtown Precise Plan (SCDPP) would result in significant construction air pollutant emissions due to dust generation, and emissions of toxic air contaminants (TACs) and criteria pollutants during construction. (Less Than Significant Impact with Mitigation Incorporated)	MM AIR-3.1: During any construction ground disturbance, the project applicant shall ensure that the project contractor implements the following Bay Area Air Quality Management District (BAAQMD) Construction Best Management Practices: • 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 the 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

Significant Impacts	Mitigation Measures
	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 AIR-3.2: Prior to receiving demolition, grading, and building permits, a qualified air quality consultant shall prepare a project-level air quality assessment that quantifies construction criteria pollutant and TAC emissions for each individual project proposed within the SCDPP once construction details are available. The air quality assessments shall model construction impacts and, if necessary, include measures to reduce emissions. Criteria pollutant emissions shall not exceed BAAQMD construction criteria pollutant emissions thresholds. Health risks from construction TACs shall be reduced below 10 in one million excess cancer cases, a hazard index (HI) of 1.0, and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) concentration of 0.3 micrograms per cubic meter (µg/m³). The air quality assessment shall be submitted for review and approval by the Director of Community Development or the Director's designee, once complete. Reduction in emissions can be accomplished through, but 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 compounds (VOC) paints; • Modify construction schedule; and • Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Significant Impacts	Mitigation Measures
Impact AIR-3: As mitigated, the project would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures AIR-3.2 and AIR-3.3.
Impact AIR-3: Future development proposed under the Santa Clara Downtown Precise Plan (SCDPP) would result in significant operational toxic air contaminant (TAC) impacts from stationary sources. (Less Than Significant Impact with Mitigation Incorporated)	MM AIR-3.3: Prior to receiving demolition, grading, and building permits, a qualified air quality consultant shall prepare a project-level health risk assessment that analyzes project operational TAC sources and identifies sources of TACs within 1,000 feet of the project site boundaries. The qualified air quality consultant shall use the latest Bay Area Air Quality Management District (BAAQMD) guidance to determine which sources of TACs shall be included in the risk assessment. Screening tools approved by BAAQMD may be used in lieu of dispersion modeling; however, if no screening tool is available then an in-depth health risk assessment with dispersion modeling shall be required. The community risk assessment shall model the project's operational TAC impacts and compare the health risk values against the latest BAAQMD single-source thresholds. If necessary, the risk assessment shall include measures to reduce project health risk impacts. Health risks associated with project TAC sources shall be reduced below 10 in one million excess cancer cases, a hazard index (HI) of 1.0, and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) concentration of 0.3 micrograms per cubic meter (µg/m³). The project-level health risk assessment shall be submitted for review and approval by the Director of Community Development or the Director's designee, once complete.
Impact AIR-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant air quality impact. (Less Than Significant Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures AIR-3.1 and AIR-3.2.

Significant Impacts	Mitigation Measures
Impact AIR-C: Future development proposed under the Santa Clara Downtown Precise Plan (SCDPP) could contribute to cumulative toxic air contaminant (TAC) impacts. (Less Than Significant Impact with Mitigation Incorporated)	MM AIR-C.1: Prior to receiving demolition, grading, and building permits, a qualified air quality consultant shall prepare a cumulative community risk assessment that analyzes project operational TAC sources and identifies sources of TACs within 1,000 feet of the project site boundaries. The qualified air quality consultant shall use the latest Bay Area Air Quality Management District (BAAQMD) guidance to determine which sources of TACs shall be included in the risk assessment. Screening tools approved by BAAQMD may be used in lieu of dispersion modeling; however, if no screening tool is available then an in-depth health risk assessment with dispersion modeling shall be required. The community risk assessment shall model the project's operational TAC impacts and compare the health risk values against the latest BAAQMD single-source thresholds. The combined health risk impacts shall be compared against the latest BAAQMD cumulative-source thresholds. If necessary, the risk assessment shall include measures to reduce project health risk impacts. The combined health risks from TAC sources shall be reduced below the cumulative source thresholds of 100 in one million excess cancer cases, a hazard index (HI) of 10.0, and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) concentration of 0.8 micrograms per cubic meter (µg/m³). The cumulative community risk assessment shall be submitted for review and approval by the Director of Community Development or the Director's designee, once complete.
Biological Resources	
Impact BIO-1: Construction activities associated with future development within the Santa Clara Downtown Precise Plan (SCDPP) area could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. (Less than Significant Impact with Mitigation Incorporated)	MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1st through August 31st. MM BIO-1.2: If it is not possible to schedule construction and tree removal between September 1st and January 31st, pre-construction surveys for

Significant Impacts	Mitigation Measures
	nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). During this survey, the ornithologist shall inspect all tress and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the Migratory Bird Treaty Agreement (MBTA) or Fish and Game Code shall not be disturbed during project construction.
Impact BIO-5: Tree removal from redevelopment of individual parcels under the Santa Clara Downtown Precise Plan (SCDPP) could result in a significant impact to trees. (Less than Significant Impact with Mitigation Incorporated)	MM BIO-5.1: Projects proposing or required to retain trees on-site shall implement precautionary measures during site construction to limit adverse environmental effects on trees protected under General Plan Policies 5.10.1-P3 and 5.10.1-P4 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. Proof of tree protection measures shall be provided to the Director of Community Development or the Director's designee prior to issuance of any demolition or grading permits. MM BIO-5.2: Project applicants under the SCDPP shall be required to comply with the City Code and submit permit applications for removal of all trees covered by the City's tree ordinance. Any trees to be removed would require replacement on-site or

Significant Impacts	Mitigation Measures
	off-site at a minimum 2:1 ratio per General Plan Policy 5.3.1-P10. To the extent feasible, the replacement trees shall be planted on-site and the project applicant shall comply with all other tree removal requirements imposed by the City. The minimum tree replacement size shall be a 24-inch box for all on-site plantings, with all street trees to be a minimum 36-inch box. Street tree selection shall be per City specifications; spacing, and species shall be approved by City Arborist. Tree removal permits shall be obtained prior to the issuance of any demolition or grading permits.
Impact BIO-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant biological resources impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures BIO-1.1, BIO-1.2, BIO-5.1, and BIO-5.2.
Cultural Resources	
Impact CUL-2: Future projects proposed under the Santa Clara Downtown Precise Plan (SCDPP) could result in impacts to as yet unidentified buried archaeological resources. (Less than Significant Impact with Mitigation Incorporated)	MM CUL-2.1: Prior to grading of the project site, a qualified archaeological consultant shall conduct subsurface sampling to determine if historic archaeological resources are present. Testing for historic-era resources shall extend to a depth of four feet below the current ground surface. Testing for prehistoric resources shall extend to a depth of eight feet below the current ground surface to account for rapid alluviation during the Holocene era. In the event that resources are discovered on-site, a site-specific cultural resources treatment plan shall be prepared and approved by the Director of Community Development or Director's designee prior to issuance of any of grading permits in conformance with the steps outlined below. <u>Investigation – Resource Identification</u> Archaeologists shall investigate features to determine their potential significance. Decisions shall be made about which features shall be subject to archaeological data recovery.

Significant Impacts	Mitigation Measures
	• The determination of significance of historic archaeological property types is tied directly to their historical context and relevance to research themes further discussed below. Usefulness of a property type (feature) with regard to relevant research themes determines the legal importance of that resource. Also germane to the importance of property types are assessments of integrity, land use history, and comparison with other known similar property types. Especially relevant here are issues that cannot be addressed using data from other sources. The purpose of identifying relevant research themes is to help predict areas of special concern, given expected property types. Determination of relevance to research themes is critical to the identification of significant features in the field. • If data recovery is determined to be appropriate, excavation shall target recovery of an appropriate amount of information from archaeological deposits to determine potential of the resource to address specific research questions. If it occurs, data recovery shall emphasize understanding of the archaeological deposit's structure, including features and stratification, horizontal and vertical extent, and content including the nature and quantity of artifacts. <u>Reporting</u> The findings reports shall follow the outline below and shall focus on particular finds encountered during the excavation. All reports shall, at a minimum, meet the Secretary of the Interior's Standards for Archaeological Documentation. The report shall be submitted to the project applicant and all reviewing agencies, and shall ultimately be filed with the Northwest Information Center at Sonoma State University.

Significant Impacts	Mitigation Measures
	The technical report on project results may address the following elements: • executive summary; • statement of scope, including project location and setting; • background contexts or summaries; • summary of previous research, historical and archaeological; • research goals and themes; • field and laboratory methodologies; • descriptions of recovered materials; • findings and interpretations, referencing research goals; • conclusions; • references cited; and • appendices such as artifact catalogs, special studies, and other information relevant to the project and findings. MM CUL-2.2: Upon completion of all field work, but before completion of the Findings Report (outlined in MM CUL-2.1), a preliminary report outlining the data recovery work on the site(s) shall be submitted to the Director of Community Development or Director's designee for review and approval prior to issuance of building permits. MM CUL-2.3: 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. The archaeologist, in consultation with the project applicant, shall make the necessary plans for treatment of the find(s) if the resource is eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). Construction and potential impacts to the area within a radius

Significant Impacts	Mitigation Measures
	determined by the archaeologist shall not recommence until the assessment is complete.
Impact CUL-3: Future projects proposed under the Santa Clara Downtown Precise Plan (SCDPP) could result in impacts to human remains. (Less than Significant Impact with Mitigation Incorporated)	MM CUL-3.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines.
Impact CUL-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant cultural resources impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures CUL-2.1 to CUL-2.3 and CUL-3.1 and implementation of the Condition of Approval identified under Impact CUL-1.
Geology and Soils	
Impact GEO-6: Development proposed under the Santa Clara Downtown Precise Plan (SCDPP) has the potential to disturb unknown paleontological resources during excavation, grading and construction activities. (Less than Significant Impact with Mitigation Incorporated)	MM GEO-6.1: Future projects requiring excavation of 10 feet or more below the ground surface (bgs) shall be monitored by a qualified paleontologist. In the event paleontological resources are discovered, all work on the site shall stop immediately, the Community Development Director or Director's designee shall be notified, and the qualified paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project

Significant Impacts	Mitigation Measures
	applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Community Development Director or Director's designee prior to the issuance of building permits.
Impact GEO-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant geology and soils impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measure GEO-6.1.
Greenhouse Gas Emissions	
Impact GHG-1: Operation of developments approved under the Santa Clara Downtown Precise Plan (SCDPP) after the year 2030 has the potential to result in greenhouse gas (GHG) emissions that would result in an impact on the environment. (Significant Unavoidable Impact with Mitigation Incorporated)	MM GHG-1.1: Future projects approved after the year 2030 shall be required to conform to the applicable GHG reduction standards in place at the time the project is initiated as provided in the City's adopted qualified Climate Action Plan (CAP) for year 2040 or 2050 (whichever is applicable). Proof of compliance shall be provided in writing for review and approval by the Director of Community Development or the Director's designee. MM GHG-1.2: If the City of Santa Clara does not have a qualified GHG CAP adopted for year 2040 or 2050, or the project cannot comply with the reduction strategies in the 2040 or 2050 CAPs (whichever is applicable), then the project applicant shall purchase and retire carbon offset credits equivalent to the project's total operational GHG emissions. • The project applicant shall provide proof to the Director of Community Development or the Director's designee that the carbon offset credits were issued by a registry meeting the following requirements: ○ The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set

Significant Impacts	Mitigation Measures
	forth in the international organization for standardization (ISO) 14064 and the World Resources Institute (WRI)/World Business Council for Sustainable Development (WBCSD) GHG Protocol for Project Accounting; ○ The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City’s Director of Community Development or the Director’s designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the project applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure. ○ The carbon offset credits retired by the project applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.³

³ The following terms in this mitigation are defined as follows: “Additional” means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in effect at the time the credit project was initiated. “Real” means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. “Verifiable” means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. “Permanent” means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure permanence, reductions from purchased

Significant Impacts	Mitigation Measures
	To demonstrate compliance with such requirements, the project applicant shall provide the following to the City’s Director of Community Development or the Director’s designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Director of Community Development of the Director’s designee shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Director of Community Development or the Director’s designee shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used. • The carbon offset credits shall be from credit projects developed locally. If carbon offset credits are not available locally, the carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure. • The project applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring offset credits prior to each year’s emissions that exceed the threshold. The applicant shall provide proof in the form of a compliance report to the Director of Community Development of the Director’s designee that carbon offset credits equal to the amount of project operational GHG emissions

credits must have already occurred. “Quantifiable” means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. “Enforceable” means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

Significant Impacts	Mitigation Measures
	in excess of the threshold have been purchased and retired, prior to the operational year in which those emissions would occur. The applicant shall also have the right, at any time, to purchase and retire carbon offset credits for some or all of the operational emissions of the project in advance of the issuance of certificates of occupancy, temporary or permanent. • The permits relating to the project shall be conditioned on achievement of GHG mitigation milestones. The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of a certificate of occupancy, temporary or permanent, for the project and as an issuance for continued operation. Should the City determine that the offset credits are non-compliant with these requirements, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards.
Impact GHG-2: Even with implementation of the identified mitigation measures, the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Significant Unavoidable Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures GHG-1.1 and GHG-1.2.
Impact GHG-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant GHG emissions impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures GHG-1.1 and GHG-1.2.

Significant Impacts	Mitigation Measures
Hazards and Hazardous Materials	
Impact HAZ-2: Existing hazardous materials contamination in soils and groundwater within the Santa Clara Downtown Precise Plan (SCDPP) area has the potential to impact construction workers and adjacent land uses if disturbed during demolition or construction of new buildings and structures on-site. (Less Than Significant Impact With Mitigation Incorporated)	MM HAZ-2.1: Prior to the start of any demolition or construction activity, a property-specific Phase I Environmental Site Assessment (ESA) shall be completed in accordance with American Society for Testing and Materials (ASTM) Standard Designation E1527-21 (or most recent version) to identify Recognized Environmental Conditions (RECs), evaluate the property history, and establish whether or not the property is likely to have been impacted by chemical releases. Soil, soil vapor, and/or groundwater quality studies (Phase II ESAs) shall subsequently be conducted, if warranted, based on the findings of the property-specific Phase I ESAs, to evaluate if measures are needed to protect the health and safety of site occupants. MM HAZ-2.2: Prior to the start of earthwork activities (e.g., excavation, trenching, grading, etc.) on properties with known contaminants of concern (COC) exceeding the lower of the then-current Department of Toxic Substances (DTSC), Regional Water Quality Control Board (RWQCB), or U.S. Environmental Protection Agency (EPA) regulatory levels, an appropriate corrective action/risk management plan (e.g., remedial action plan [RAP], removal action workplan [RAW], or Site Management Plan [SMP], etc.) shall be prepared that reflects the results of the property-specific investigations. The corrective action/risk management plan shall describe mitigation measures necessary to protect the health and safety of future site occupants and establish appropriate management practices for handling and monitoring of impacted soil, soil vapor, and groundwater that may be encountered during construction activities. The corrective action/risk management plan shall be prepared by an Environmental Professional and be submitted to an appropriate overseeing regulatory agency (e.g., Santa Clara County Department of Environmental Health [SCCDEH], DTSC, or RWQCB) and the City of Santa Clara Fire Department (SCFD) for review. Regulatory agency approval shall be obtained prior to

Significant Impacts	Mitigation Measures
	commencing earthwork activities. A Health and Safety Plan (HSP) shall also be prepared to establish health and safety protocols for personnel working at the site. All mitigation measures shall be completed under regulatory agency oversight and meet all applicable federal, state, and local laws, regulations, and requirements. Following completion, a report documenting compliance with the provisions of the corrective action/risk management plan and describing the work completed shall be submitted and approved by the overseeing regulatory agency. MM HAZ-2.3: If a project requires importing soil for property grading, the source and quality of imported soil shall be documented according to the DTSC's Clean Fill Advisory (October 2001).
Land Use and Planning	
Impact LU-2: Even with implementation of the identified mitigation measures, the project would cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Significant Unavoidable Impact)	Same mitigation as Mitigation Measures GHG-1.1 and GHG-1.2.
Impact LU-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant land use and planning impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures GHG-1.1 and GHG-1.2.
Noise and Vibration	
Impact NOI-1: Construction activities associated with future development could generate hourly average noise levels in excess of 60 equivalent continuous noise level (dBA L_{eq}) for residential uses and 70 dBA L_{eq} for commercial uses and the	MM NOI-1.1: The project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The construction plan shall identify a

Significant Impacts	Mitigation Measures
ambient noise environment by at least five dBA L_{eq} for a period of more than one year.	procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. In addition, the noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Community Development or the Director's designee prior to the issuance of any grading or demolition permits. As part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices: • Limit construction hours within 300 feet of any residentially zoned property to the hours of 7:00 AM to 6:00 PM, Monday through Friday, and between the hours of 9:00 AM to 6:00 PM on Saturdays. No construction is permitted on Sundays or Holidays. • Use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines with adequate mufflers and maintain all equipment in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. • Prohibit all unnecessary idling of internal combustion engines. • Construction staging areas shall be established at locations that shall create the greatest distance between the construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. • Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

Significant Impacts	Mitigation Measures
	• Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists. • Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project area. • Notify all adjacent businesses, residences, and other noise-sensitive land uses within 500 feet of the construction schedule and provide a written schedule of construction activities. • Designate a “noise disturbance coordinator” to respond to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., beginning work too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number at the construction site and include it in the notice sent to neighbors regarding the construction schedule. MM NOI-1.2: If pile driving is proposed, the following measures shall be included in the construction noise control plan: • 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 NOI-1: Mechanical equipment from future projects located in proximity to existing residential land uses could result in noise levels in exceedance of City standards for fixed sources. (Less than Significant Impact with Mitigation Incorporated)	MM NOI-1.3: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City’s Code requirements. A qualified acoustical consultant shall be retained by the applicants for future development projects to review mechanical noise as the equipment systems are selected in order to determine whether the

Significant Impacts	Mitigation Measures
	proposed noise reduction measures sufficiently reduce noise to comply with the City’s noise and vibration level performance standards for fixed sources. Noise reduction measures that would accomplish this reduction include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.
Impact NOI-2: Existing and planned land uses in the vicinity of the Santa Clara Downtown Precise Plan (SCDPP) area could be exposed to vibration levels beyond applicable Caltrans vibration limits due to project construction activities. (Less than Significant Impact with Mitigation Incorporated)	MM NOI-2.1: The following measures would be incorporated into the project to reduce vibration impacts: • Comply with the City Code construction hours requirements to limit the hours of exposure to surrounding properties. The City Code limits construction activities within 300 feet of residentially zoned property to the hours of 7:00 AM to 6:00 PM. On weekdays and between the hours of 9:00 AM. and 6:00 PM on Saturdays. No construction is permitted on Sundays or holidays within 300 feet of occupied residentially zoned property. • Prohibit impact or vibratory pile driving as a method of construction. As an alternative, construction of a mat slab⁴, shall be used. • Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 65 feet of the property lines shared with residences and commercial structures adjacent to the site. • Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. • Use smaller equipment to minimize vibration levels below the limits.

⁴ A mat slab is a hard surface designed with reinforcement to resist uplift forces created by hydrostatic pressure. A mat slab carries the entire load of the superstructure and spreads it over the whole area beneath the building. It is considered as one type of shallow foundation and is useful in controlling the differential settlement. No piles or other subsurface supports are utilized.

Significant Impacts	Mitigation Measures
	• Select demolition methods not involving impact tools. • Avoid dropping heavy objects or materials near vibration sensitive locations. • A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. • A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks: ○ Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the site. A vibration survey (generally described below) would need to be performed. ○ Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures nearest to the site. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 65 feet of the structure. This distance shall be extended to 80 feet for vibratory pile driving and 120 feet for impact pile driving. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and

Significant Impacts	Mitigation Measures
	other structural elements in the interior and exterior of the structure. ○ Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities. ○ The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. ○ Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
Impact NOI-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant noise impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures NOI-1.3, NOI-1.1, NOI-1.2, and NOI-2.1.
Tribal Cultural Resources	
Impact TCR-1: As mitigated, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).	Same mitigation as Mitigation Measures CUL-2.1 to CUL-2.3 and CUL-3.1.

Significant Impacts	Mitigation Measures
(Less than Significant Impact with Mitigation Incorporated)	
Impact TCR-2: As mitigated, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. (Less than Significant Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures CUL-2.1 to CUL-2.3 and CUL-3.1.
Impact TCR-C: As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant tribal cultural resources impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)	Same mitigation as Mitigation Measures CUL-2.1 to CUL-2.3 and CUL-3.1.

Summary of Alternatives to the SCDPP

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 Analysis*.

Location Alternative

A Location Alternative would need to be of similar size to the SCDPP area (approximately 25.0 acres), within the urban service area of the City, near existing transit, and have the appropriate General Plan land use designation(s). There is not an equivalent area available for redevelopment within the Downtown Focus Area or immediate vicinity. For these reasons, an alternative location was considered but rejected as infeasible.

No Project Alternative

The No Project Alternative would retain the existing buildings and parking lots on-site.

Reduced Density Alternative

The Reduced Density Alternative would include construction of up to 400 residential units and 130,000 square feet of non-residential development, excluding any space devoted to civic or public uses, as allowed in the Downtown Focus Area.

Areas of Public Controversy:

Areas of public concern include:

- Increase in traffic, noise, and parking
- Groundwater contamination from abandoned or unused wells
- Shallow groundwater and dewatering
- Pedestrian safety from vehicles (e.g., strategies making pedestrian crossings shorter and safer)
- Impacts to signalized intersections

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

The City of Santa Clara, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the SCDPP project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed 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.

In accordance with CEQA, this EIR provides objective information regarding the environmental consequences of the SCDPP project to the decisions makers who will be considering and reviewing the SCDPP project. The CEQA Guidelines contain the following general information of the role of an EIR, its contents, and the use of Program EIRs:

§15145 – Speculation. If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

§15151 – Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. 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.

§15168 – Program EIR

- a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
- (1) Geographically,
 - (2) As logical parts in the chain of contemplated actions,
 - (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
 - (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

It is anticipated that future development projects within the SCDPP area may require subsequent environmental review to demonstrate compliance with the mitigation measures identified in this EIR. Such review would be focused on analysis of only those subject areas necessary to ensure conformance with the relevant assumptions of this EIR.

Additionally, in accordance with CEQA, this EIR will tier from the 2010-2035 General Plan Final Environmental Impact Report (FEIR). The CEQA Guidelines contain the following information on tiering an environmental document:

§ 15152 – Tiering. (a) “Tiering” refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the EIR or negative declaration solely on the issues specific to the later project. (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the Lead Agency from adequately analyzing reasonably foreseeable significant effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

1.2 DRAFT EIR PROCESS

1.2.1 Notice of Preparation and Scoping

In accordance with Section 15082 of the CEQA Guidelines, the City of Santa Clara prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on January 20, 2022. The standard 30-day comment period concluded on February 21, 2022. The NOP provided a general description of the SCDPP and identified possible environmental impacts that could result from implementation of the SCDPP. The City of Santa Clara also held a public scoping meeting on February 1, 2022, via Zoom to discuss the project and solicit public input as to the scope and contents of this Draft EIR. Appendix A of this Draft EIR includes the NOP and comments received on the NOP.

1.2.2 Draft EIR Public Review and Comment Period

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

Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

Lesley Xavier, Planning Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Phone: (408) 615-2450
Email: lxavier@santaclaraca.gov

1.3 FINAL EIR/RESPONSES TO COMMENTS

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

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

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

1.3.1 Notice of Determination

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

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 PROJECT LOCATION

The approximately 25.0-acre SCDPP area is bounded by Lafayette Street to the east, Homestead Road to the south, Madison Street to the west, and Benton Street to the north. Regional and vicinity maps are shown on Figures 2.1-1 and 2.1-2, respectively.

2.2 PROJECT BACKGROUND

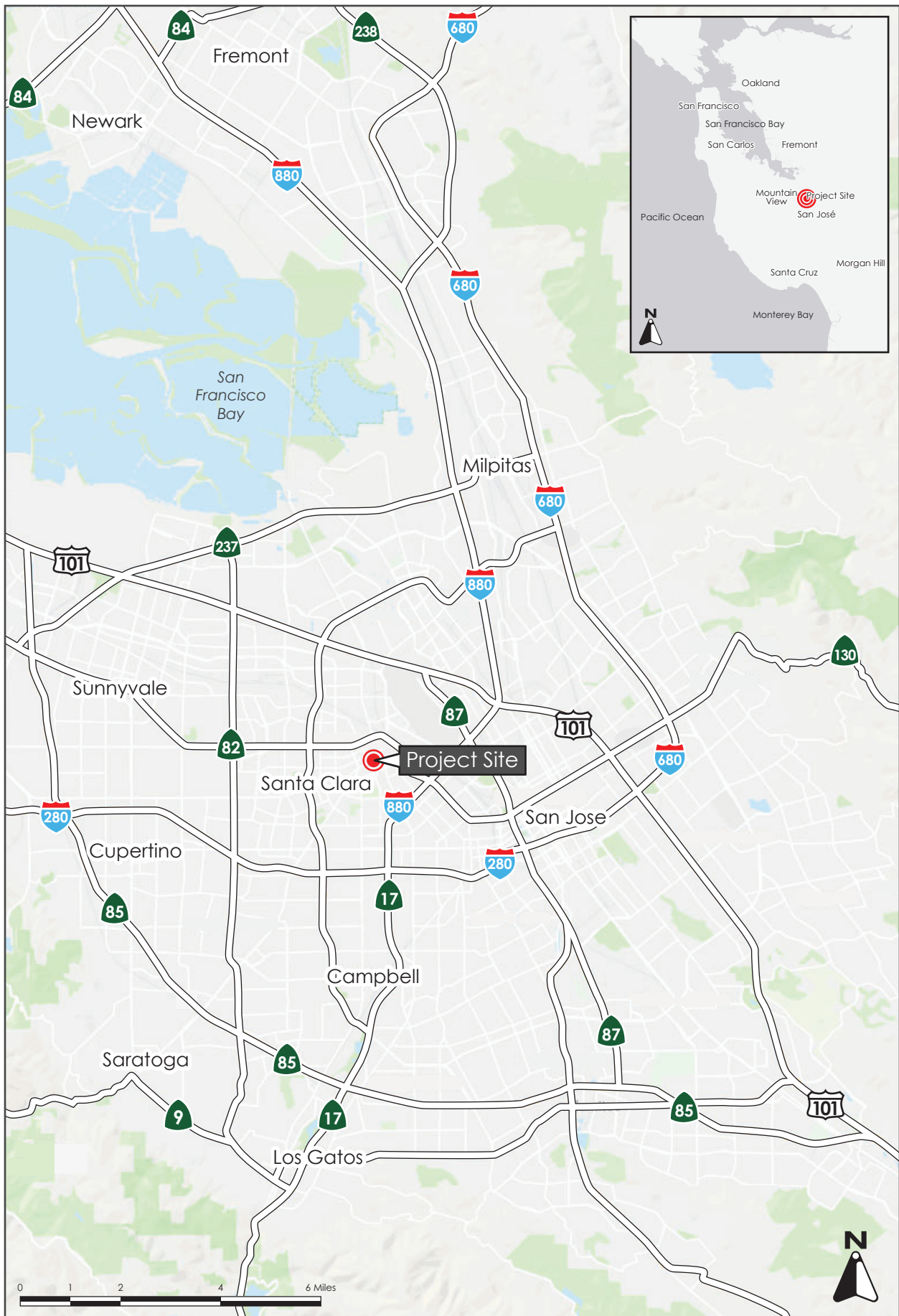
The City of Santa Clara adopted its comprehensive 2010-2035 General Plan in November 2010, with numerous subsequent amendments. In its current version, the General Plan designates seven Focus Areas and three Future Focus Areas throughout the City to support and foster the City's diverse economic and cultural base.⁵ The SCDPP area is located within the Downtown Focus Area. For Phase I of the General Plan, the General Plan vision for the Downtown was to develop mixed-use residential and commercial uses. Phase II of the General Plan continued many of the policies defined in Phase I, which included the development of mixed-use development in the Downtown. For Phase III, the City's long-range initiative includes exploring a civic presence in the Downtown.

The SCDPP integrates the community's vision for a future Downtown and includes a Downtown planning framework. The framework was developed with the Downtown Community Task Force (DCTF), community members, stakeholders, and City Council. The SCDPP will be accompanied by a financing plan⁶ that will identify funding availability, anticipated costs associated with public improvements, timeline and phasing of necessary infrastructure and improvements, and recommended additional funding sources or mechanisms to be used to pay for public improvements. A form-based zoning code, "form-based code", has also been developed as part of this planning process and will be a companion document to the SCDPP.

The SCDPP area is currently developed with approximately 302,500 square feet of retail and office space and 228 residential units. Table 2.2-1 provides a summary of existing land uses by block and a map of the SCDPP area is shown in Figure 2.1-3.

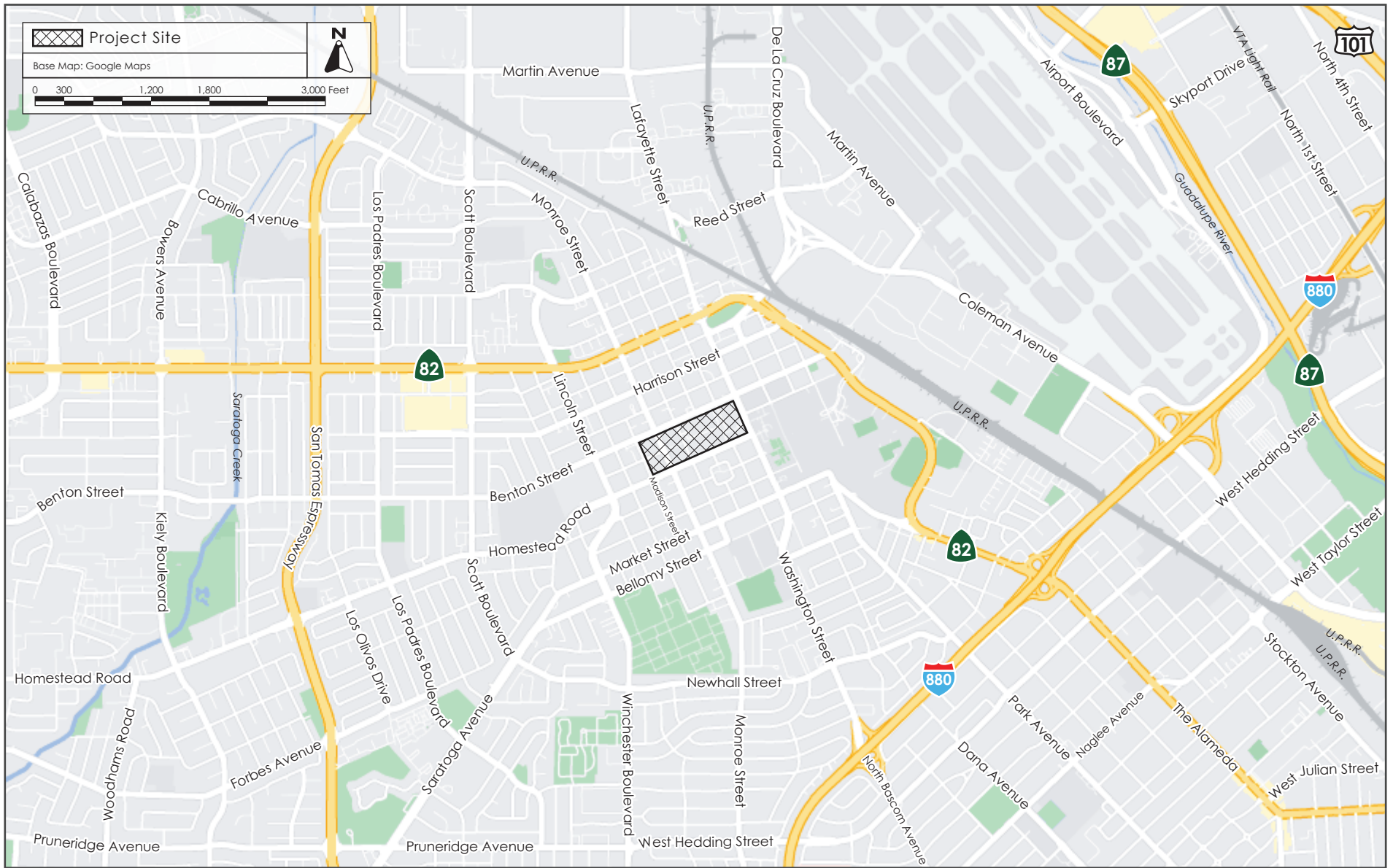
⁵ The purpose of Focus Areas is to encourage improvements and new development tailored to the character and quality of these areas. Focus Areas have the potential to significantly define the City's identity. These areas include major corridors and destinations, new centers of activity around transit stations, and new residential neighborhoods. Because of their integral location, changes in these areas offer an opportunity to implement the General Plan Major Strategies to enhance the City's quality of life and foster economic vitality. Future Focus Areas are envisioned along transportation corridors, such as San Tomas Expressway and Bowers Avenue, in order to facilitate greater mobility and expand accessibility to jobs in these areas.

⁶ The financing plan is not subject to CEQA and is not analyzed in this EIR.



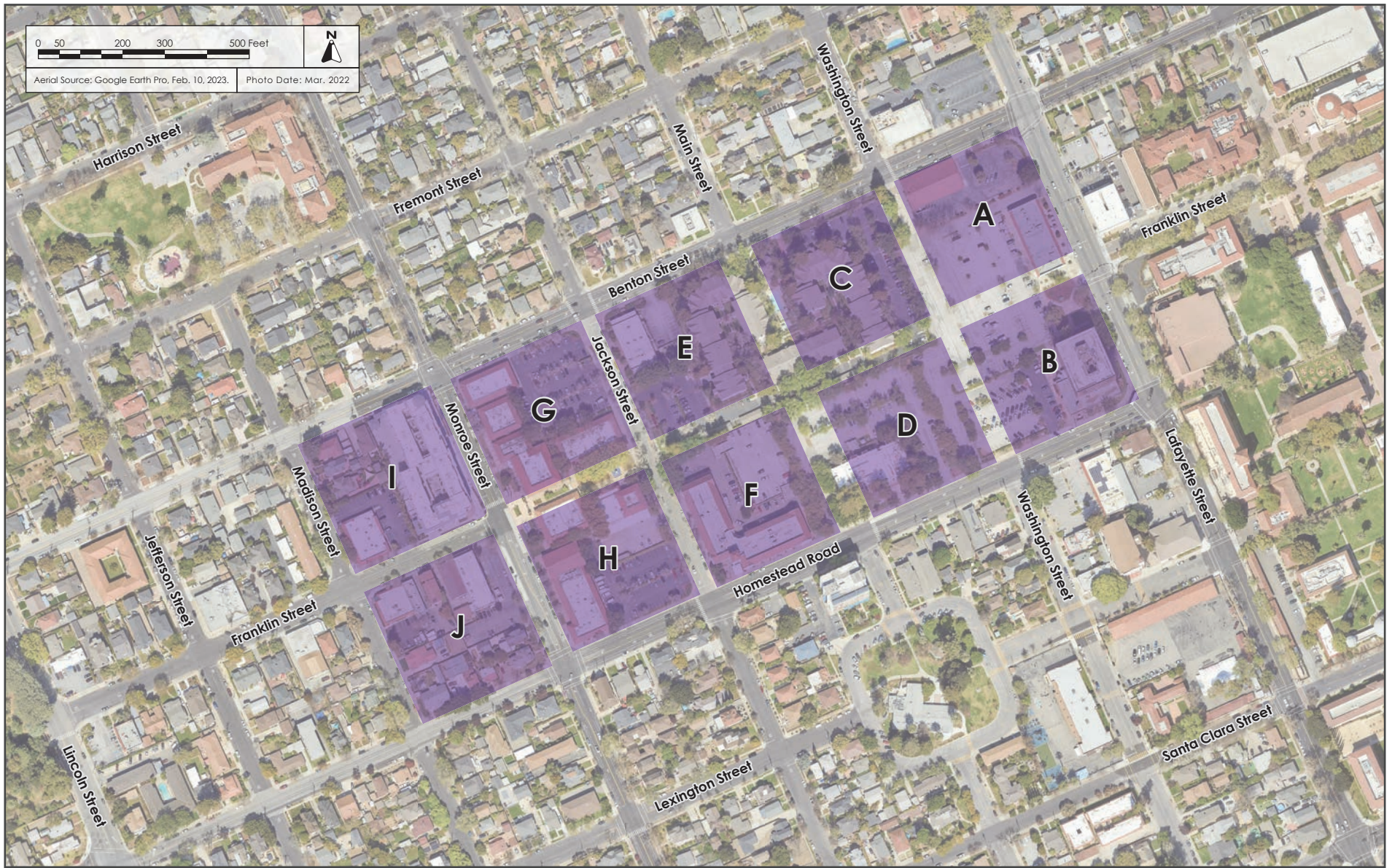
REGIONAL MAP

FIGURE 2.1-1



VICINITY MAP

FIGURE 2.1-2



MAP OF SCDPP AREA

FIGURE 2.1-3

Table 2.2-1: Summary of Existing Land Uses			
Blocks	Area (acres)	Existing Residential (units)	Existing Commercial (square feet)
A	2.04	0	19,500
B	2.04	0	81,300
C	2.10	96	0
D	2.10	0	16,500
E	2.08	76	8,600
F	2.08	0	54,100
G	2.09	0	39,300
H	2.09	0	38,700
I	2.09	49	23,000
J	2.11	7	31,500
Total:	20.82	228	302,500
Note: Summary table provided by WRT Design.			

Most of the buildings would be demolished as a result of the SCDPP. The buildings that would remain in the SCDPP area include the United States Postal Service (USPS) post office and some offices located within Blocks B, I, and J, as well as the buildings located at 906 Monroe Street, 930 Monroe Street, 945 Madison Street, 1059 Madison Street, and 1075 Madison Street which are listed on the City's Historic Preservation and Resource Inventory (HRI).

2023-2031 City of Santa Clara Housing Element

In 2022, the City of Santa Clara initiated its General Plan Housing Element update for the 2023-2031 planning period, including the 2023-2031 State Regional Housing Needs Assessment (RHNA) housing cycle. This update was adopted by the City Council on January 31, 2023. The 2023-2031 Housing Element focuses on ways to promote residential infill development, given land supply and cost constraints.

Projects within the SCDPP Area

At the time of preparation of this Draft EIR, the following project was pending within the SCDPP area.

Table 2.2-2: Projects within SCDPP Area		
Project Name	Location	Description
<i>Pending Projects</i>		
950 Monroe Mixed-Use – File No. PLN2020-14457	950 Monroe Streets	Construction of a six-story, mixed-use building with 50 multi-family residential units and approximately 2,000 square feet of ground floor retail/restaurant space. Four detached two-story, townhouses would also be constructed.

2.2.1 Existing General Plan Land Use Designations

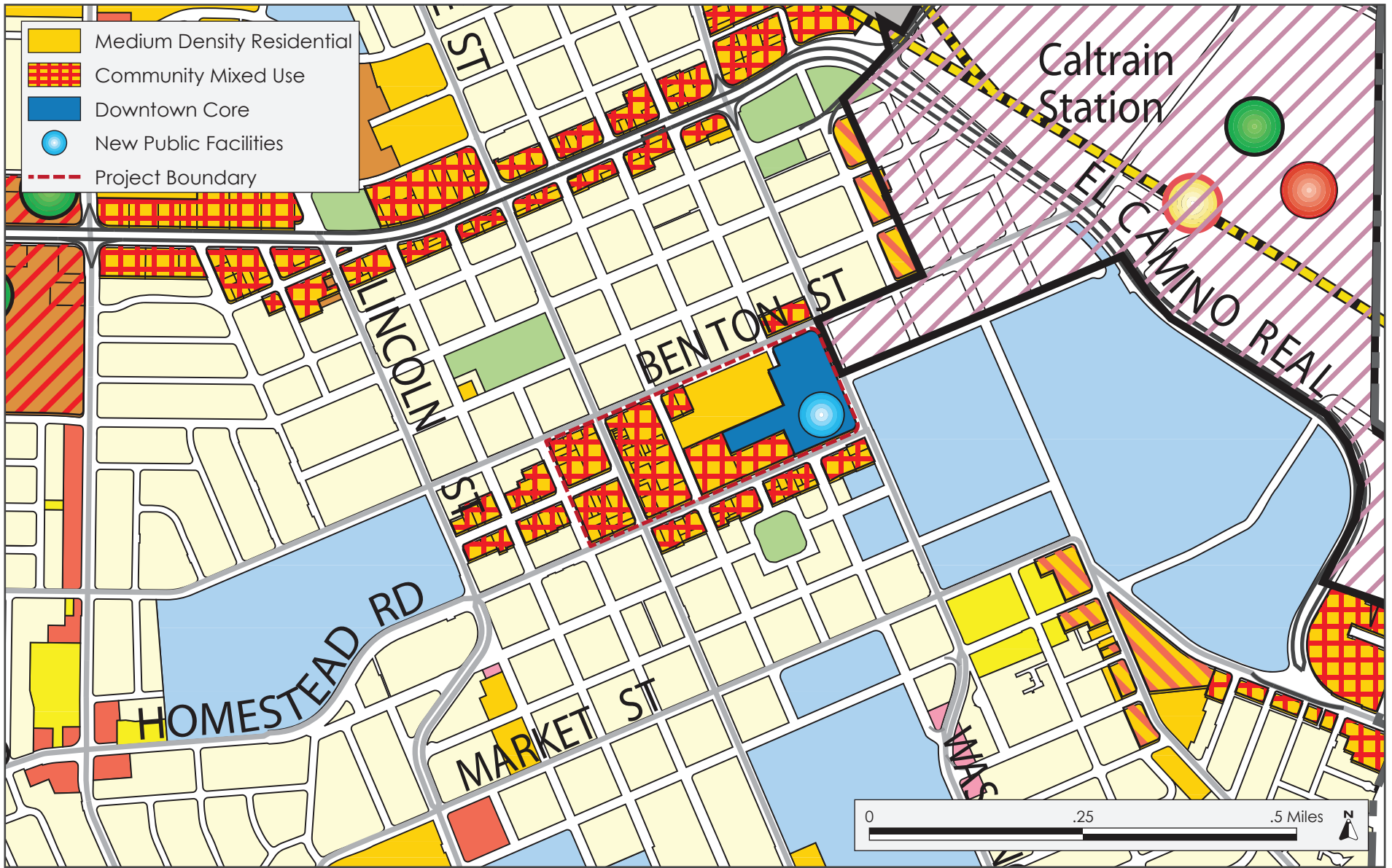
The SCDPP area consists of three General Plan designations: *Community Mixed Use*, *Downtown Core*, and *Medium-Density Residential*. Figure 2.2-1 shows the General Plan land use designations within the SCDPP area and Table 2.2-3 below provides a summary of all three General Plan land use designation.

Table 2.2-3: General Plan Land Use Designations Summary		
General Plan Designation	Permitted Uses	Density
Community Mixed Use	Mix of residential and commercial uses along major streets.	Minimum 0.10 FAR 20-36 du/ac
Downtown Core	High-density residential and retail uses to draw local and regional patrons and increase pedestrian activity in the City's center.	Approximately 400 dwelling units Approximately 130,000 square feet of non-residential development
Medium-Density Residential	Combination of low-rise apartments, townhouses and rowhouses with garage or below-grade parking	20-36 du/ac
Notes: dwelling units per acre (du/ac) floor area ratio (FAR)		

2.2.2 Existing Zoning Districts

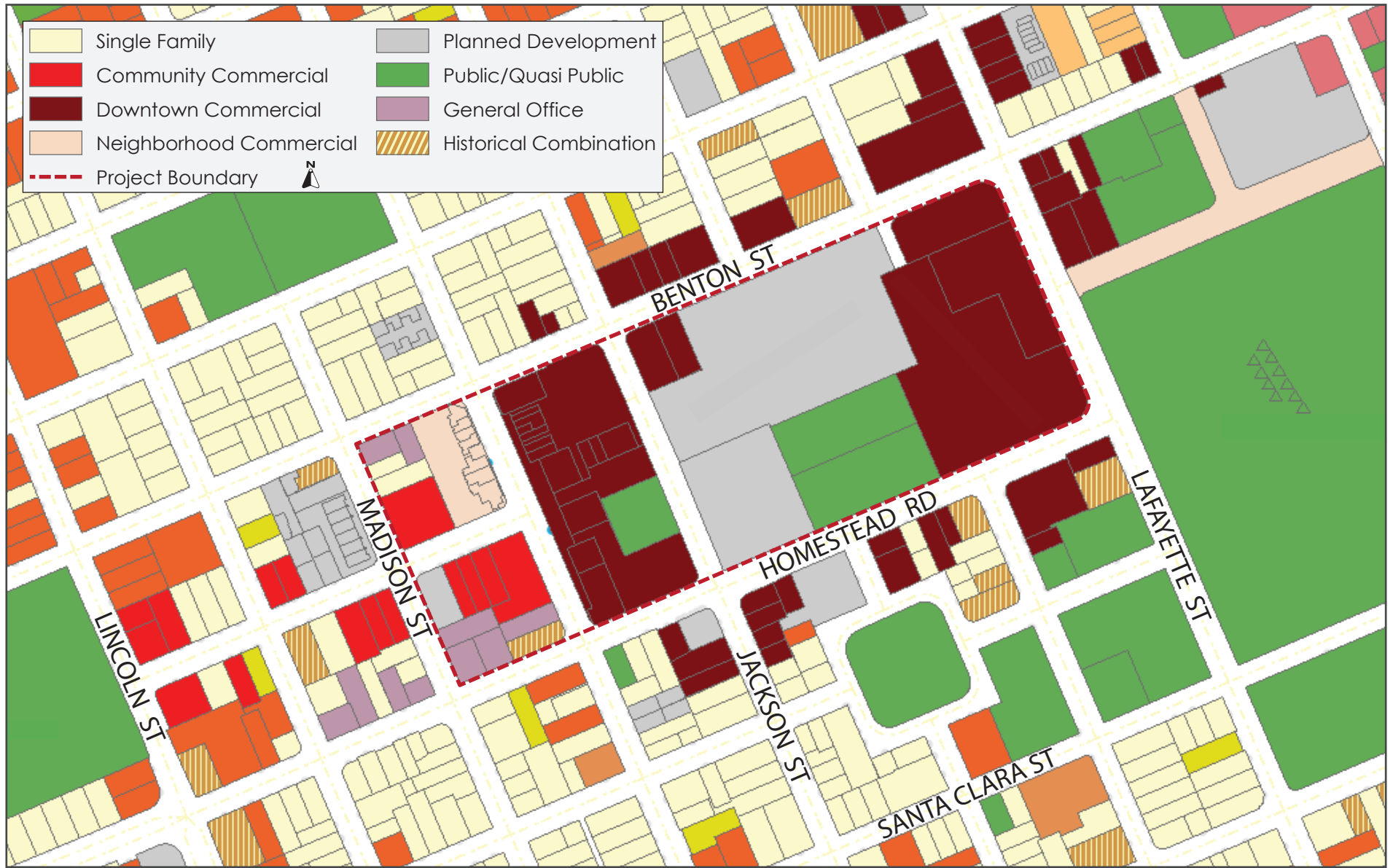
The SCDPP has seven zoning districts: *Downtown Commercial*, *Community Commercial*, *Public*, *Quasi-Public*, and *Public Park or Recreation*, *Planned Development*, *Historic Combining*, *Single-Family*, and *General Office*. Table 2.2-4 provides a summary of the existing zoning districts within the SCDPP area. Refer to Title 18 of the City Code for more information. Figure 2.2-2 below shows the zoning districts.

Table 2.2-4: Existing Zoning Districts Summary		
Zoning District	Permitted Uses	Allowed Height (feet)
Downtown Commercial	Large concentration of commercial and office uses in the central business area of the City.	No City-imposed limitation on height, but will need to comply with the Federal Aviation Agency (FAA) regulations.
Community Commercial	Retail business establishments, shops, and offices supplying commodities or performing services for residents of the surrounding community.	50
Public Quasi-Public, and Public Park or Recreation	Public parks without recreational facilities where there will be no evening activity or concentration of people such as a memorial site, the Civic Center Park, and other quiet park facilities.	Height shall not exceed that allowed in the most restrictive abutting zone district.
Planned Development	Development that is compatible with the existing community and that integrates uses that are not permitted to be combined in other zone districts.	N/A



EXISTING GENERAL PLAN LAND USE DESIGNATIONS

FIGURE 2.2-1



EXISTING ZONING DISTRICTS

FIGURE 2.2-2

Table 2.2-4: Existing Zoning Districts Summary		
Zoning District	Permitted Uses	Allowed Height (feet)
Historic Combining	Permitted and conditional uses and restrictions are those specified by the zone district subject to the restrictions contained in this chapter and the uses approved by the City Council as an appropriate historic combining zoning use for the particular property at the time of the historic combining zone zoning or rezoning.	Determined by the plot plan and reports approved as part of the historic combining zoning or rezoning.
Single-Family	Single-family dwellings, private garages and accessory buildings, home occupation, accessory unit, supportive housing, and transitional housing.	Two-stories not exceeding 25 feet.
General Office	Development and protection of administrative facilities and business office centers, wherein the normal development of mixed commercial uses would not be appropriate. Permitted uses would include banks, clinics and pharmacies, financial and general business offices, lodges, clubs, mortuaries, nursery, preschool, parking lot and/or parking structure, professional offices, restaurant, studios, and incidental and accessory buildings.	100

2.3 PROJECT DESCRIPTION

The purpose of the SCDPP is to provide guidance for new development within the Downtown, as identified in the City’s General Plan, and to meet the needs of the community. Future development would be required to comply with the form-based code, which was developed as part of the planning process. The form-based code, which includes standards and guidelines associated with building height, setbacks, building use, and building form and design, will ensure that the community’s vision for Downtown is implemented.

The community’s vision and priorities for Downtown is as follows:

- Restore the street grid; conserve and recreate the historical street grid; provide open space for relaxation, events and gathering; a transit connection to the Caltrain station; and create a high-quality, memorable place.
- Create a unique character and experience of place, a Downtown with a “heart and soul” that is connected to its historic roots. Look to arts as an anchor, with Santa Clara University as a partner.
- Recognize the challenging environment for retail, underlining the need for high-quality placemaking.
- Present an ambitious vision for long-term change, but create a clear path for near-term action.

To make the community's vision achievable, a SCDPP framework was developed which consists of three parts: streets and public spaces; essential land use; and urban form.

Streets and Public Spaces

The SCDPP proposes to re-establish the street grid, creating 10 city blocks with four types of streets: major, multimodal, pedestrian-oriented, and local Downtown streets. Major streets are arterials or collector streets (e.g., Lafayette Street).⁷ Multimodal streets provide vehicle, transit, bicycle and pedestrian travel (e.g., Benton Street, Homestead Road, and Monroe Street). Pedestrian-oriented streets encourage pedestrian movements and supports transit, bicycle, and other alternatives to vehicular travel by providing active retail and cultural uses (e.g., proposed extensions of Franklin Street and Main Street). Local downtown streets include a mix of uses and would provide both a quality pedestrian experience and service function (e.g., Washington Street, Jackson Street, and Madison Street).

In addition, the SCDPP envisions midblock alleys that can be service alleys. Per Policy 3.1A of the SCDPP, alleys are required in each block with future development to facilitate parking and service access, but their precise locations are left flexible. Alleys are anticipated to have private ownership with public access and utility easements. Additionally, three public spaces which include the Arts Commons, Franklin Square, and Central Green are proposed. Refer to Figure 2.3-1 below for the four types of streets and the locations of the proposed public spaces.

Essential Land Use

The essential land use component of the SCDPP identifies ground floor spaces where cultural venues (e.g., Santa Clara Theater, Cultural Arts Center, and Market Hall) should be required or encouraged, where retail uses should be required, and where retail uses should be retail ready. Refer to Figure 2.3-2 below for the proposed locations of retail, retail ready, entertainment/cultural, and public spaces.

Urban Form

Building form represents general building envelopes that the SCDPP and its form-based code should maintain. Building heights would step down in height where Downtown abuts existing residential neighborhoods, while stepping up in height along the eastern end of the SCDPP area, Franklin Street, and at the Main Street and Franklin Street crossing.

2.3.1 Proposed General Plan Land Use and Zoning Designations

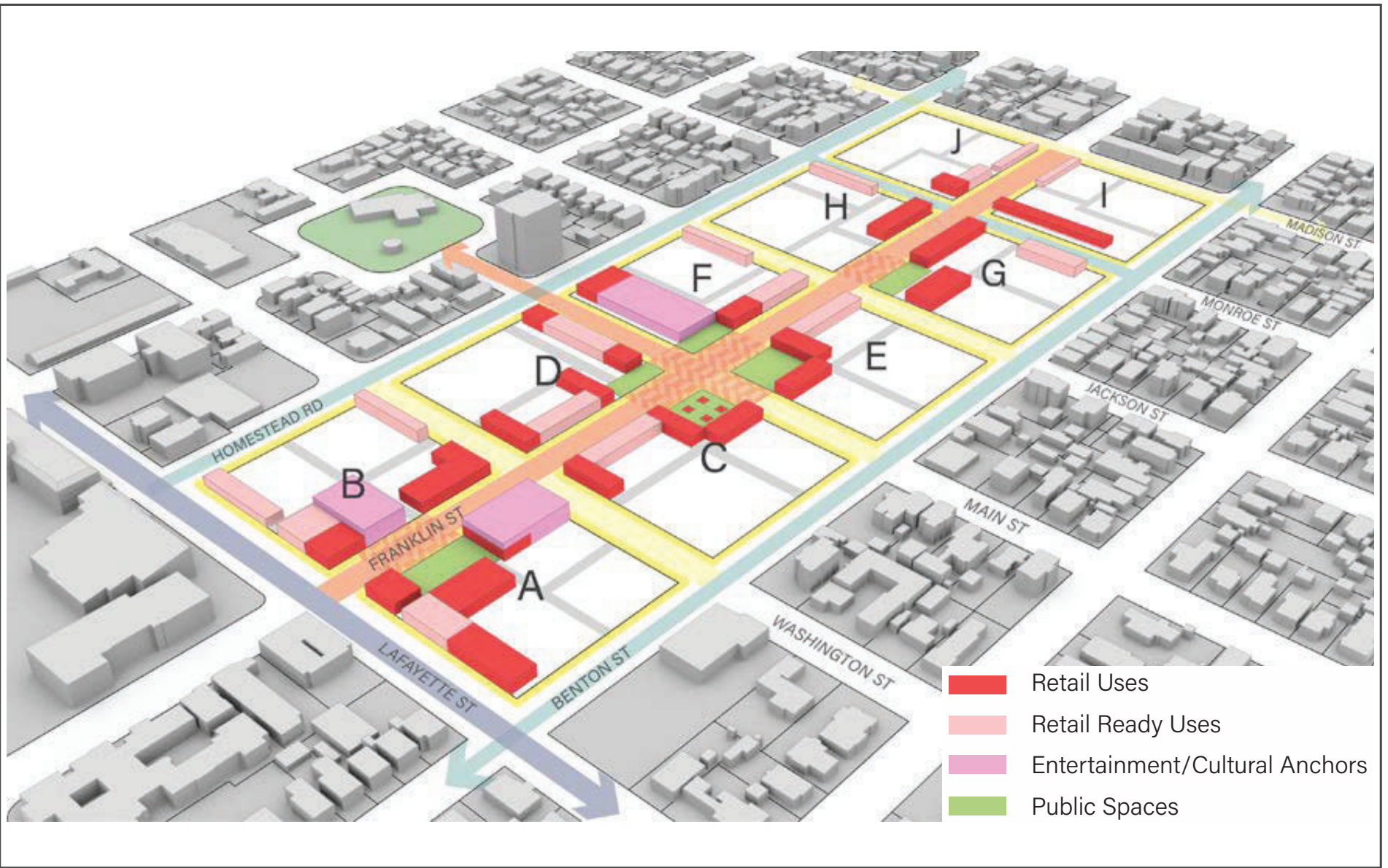
Per the General Plan, the Downtown Focus Area is envisioned as a unique Downtown destination with boutique shopping, restaurants, public gathering places, civic venues, and multi-family housing. While the SCDPP is consistent with this vision, the SCDPP provides more detail and direction on public streets and spaces, land use, urban form, and development capacity. As stated in the SCDPP, both the General Plan and zoning would be updated to reflect the SCDPP.

⁷ Arterial streets are defined high capacity roads that carry longer-distance flows between important centers of activity and collector streets are defined as public streets that carry traffic from minor streets to busy arterial roads.



FRAMEWORK FOR STREETS AND PUBLIC SPACES

FIGURE 2.3-1



FRAMEWORK FOR GROUND FLOOR LAND USES

FIGURE 2.3-2

The form-based code regulates land use and the physical form of development for the SCDPP area. The *Downtown Zone* would replace the existing zoning for all properties and uses, but would continue to rely on many of the land use and procedural requirements of the City Code. For existing structures and uses that do not conform to the standards discussed in the form-based code, they would be deemed to be legal conforming and the provisions stated in Chapter 18.94 of the City Code would apply.

New development proposed under the SCDPP would be further regulated by character overlays. The form-based code establishes four character overlays: Shopfront, Retail-Ready, General, and Neighborhood Edge which are discussed below. Refer to Figure 2.3-3 below for the Downtown Zone plan and character overlays.

Shopfront Overlay

The Shopfront Overlay determines the most active and urban areas of Downtown. This overlay would place active ground floor uses, such as restaurants or national retailers, in areas where they are desired.

Retail-Ready Overlay

The Retail-Ready Overlay would include a wider range of ground floor uses when compared to the Shopfront Overlay. The Retail-Ready Overlay must be able to support uses allowed in the Shopfront Overlay.

General Overlay

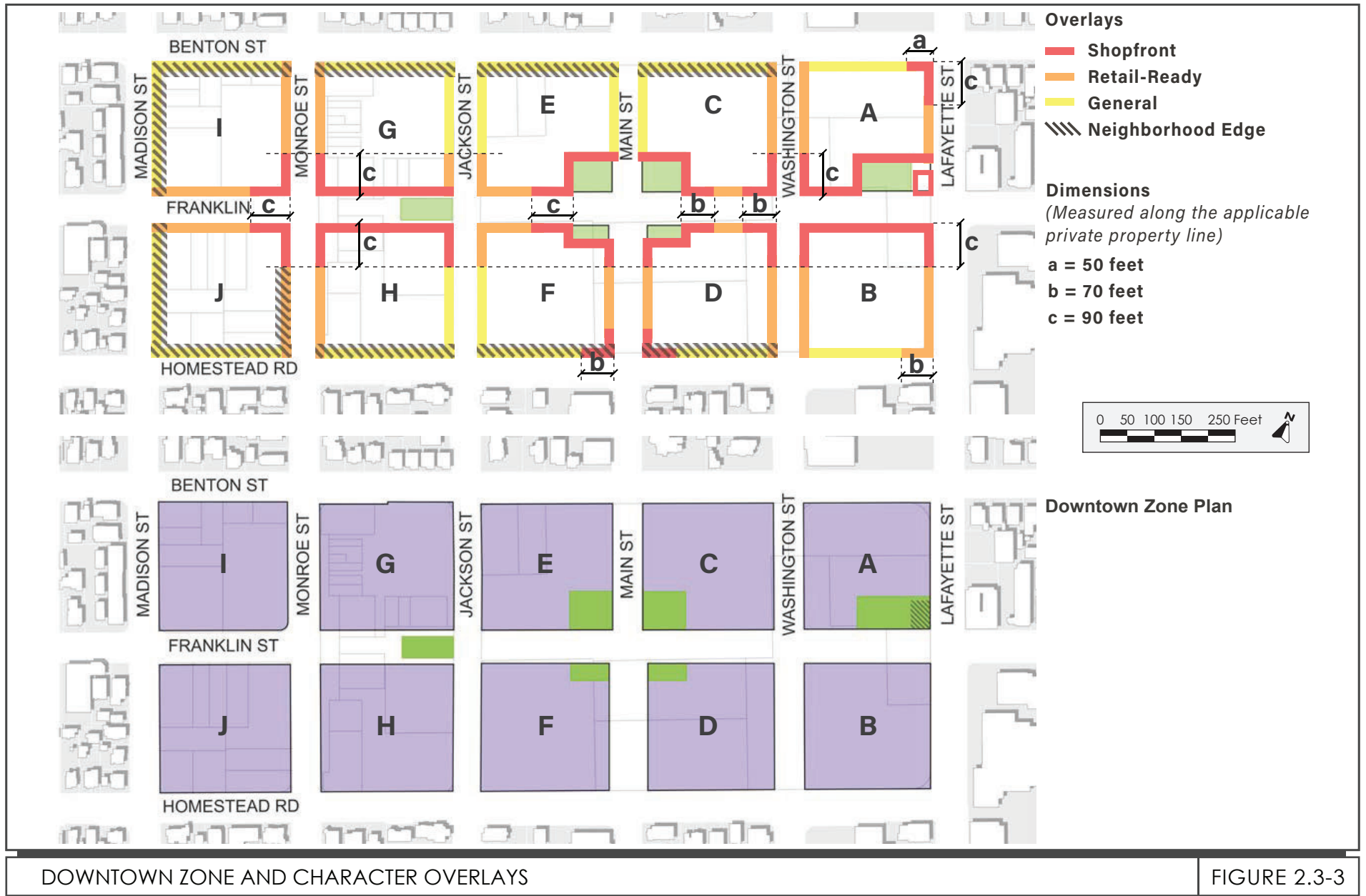
The General Overlay is the most flexible overlay and allows for ground floor residences and offices, as well as retail-ready frontages and shopfronts.

Neighborhood Edge Overlay

The Neighborhood Edge Overlay, located primarily along the north, west, and south boundaries of the plan area, would ensure that the scale of the buildings that interface with the existing residential neighborhood transition to the surrounding neighborhood scale. This overlay would extend from the right-of-way (ROW) into each designated lot to a depth of 20 feet beyond the primary façade.

2.3.2 Planned Uses

Two development scenarios were created which includes a residential maximum development and an office maximum development. The City's preferred scenario, which is analyzed in this EIR, is the maximum housing scenario which would consist of up to 1,071 residential units, 531,720 square feet of office space, 197,900 square feet of commercial/retail space, and 44,300 square feet of public space.



DOWNTOWN ZONE AND CHARACTER OVERLAYS

FIGURE 2.3-3

2.3.3 Maximum Building Heights

The SCDPP and form-based code includes maximum building heights allowed for future developments within the SCDPP. Taller buildings would be located at the eastern end of the Downtown area and building heights would be scaled down for compatibility along Benton, Madison, and Homestead Streets in the direction of the residential neighborhoods (refer to Policy 5.1C: Downtown Form from the SCDPP). Policy 5.1F: Maximum Building Heights and Community Benefits of the SCDPP allows for additional floor area and building heights for Arts Commons cultural destinations (e.g., Santa Clara Theater, the Cultural Arts Center, and the Market Hall). Floor area bonuses would be calculated based on the amount of floor area that could be achieved with maximum (base) building heights and massing limits established in the form-based code and SCDPP.

The maximum building heights allowed under the SCDPP (with and without the bonuses) are shown in Figure 2.3-4.

2.3.4 Multimodal Transportation Networks

Connected Street Grid

As mentioned previously, the SCDPP would maintain the existing roadway network and vehicular connections from the surrounding streets and re-establish the street grid within the plan area.

Complete Streets

The streets within the SCDPP area would be designed as “Complete Streets” which would ensure the streets are accessible for all modes of transportation (i.e., pedestrian, bicycles, and automobiles), as well as support local land uses. This would include widening sidewalks, reducing pedestrian crossing distances at crosswalks with bulb-outs, street trees and other green infrastructure, bike lanes, drop-off zones, service and delivery zones, and bike share stations.

Pedestrian Paths

As discussed under Policy 3.1C of the SCDPP, safe, direct, and continuous pedestrian paths throughout Downtown, to and from the surrounding areas, and to the Santa Clara Transit Station shall be provided. An uninterrupted path for pedestrian travel (at least eight feet in width) shall be maintained and curb cuts where vehicles cross pedestrian sidewalks shall be minimized by consolidating access points and usage of alleys.

Bike and Micromobility Improvements

The SCDPP would prioritize bike-friendly designs for new or modified Downtown streets and maintain bike lanes along Monroe Street, Benton Street, and Homestead Road. A new, continuous bicycle route on Washington Street would be created so that bikes and vehicles can share lanes. Street design elements shall be incorporated to encourage safe, mixed vehicle and bike movement. Bicycle use and other forms of mobility would be encouraged by creating mobility hubs that cluster combinations of bikeshare, scootershare, carshare, on-demand rideshare, and microtransit. Refer to Policy 3.1C of the SCDPP for more information.



MAXIMUM BUILDING HEIGHTS (WITH/WITHOUT BONUSES)

FIGURE 2.3-4

Transit Access

In coordination with the Santa Clara Valley Transportation Authority (VTA), the SCDPP would provide high-quality transit shelters where buses stop adjacent to Downtown. Transit connections from Downtown to regional destinations would be enhanced through pedestrian connections, integration of design features, and wayfinding.

2.3.5 Phasing

It is anticipated that development within the SCDPP would be phased. Phase 1 of the SCDPP would likely include redevelopment of City-owned land. This would include the majority of the easternmost two blocks (Blocks A and B), as well as a significant portion of Block C located south of the proposed Franklin Street alignment between Washington Street and Main Street. Phase 1 could also include interim development of the Franklin Street ROW.

Phase 2 of the SCDPP would likely include redevelopment of Blocks D and F, where the County Courthouse and University Plaza shopping center are located. Later phases could include redevelopment of the remaining portion of Block C, as well as Blocks E, F, G, and H. Development on the westernmost blocks will take the form of smaller infill projects which may take place over time at all phases. Refer to Figure 2.3-5 for the likely phasing of the SCDPP.

2.4 PROJECT OBJECTIVES

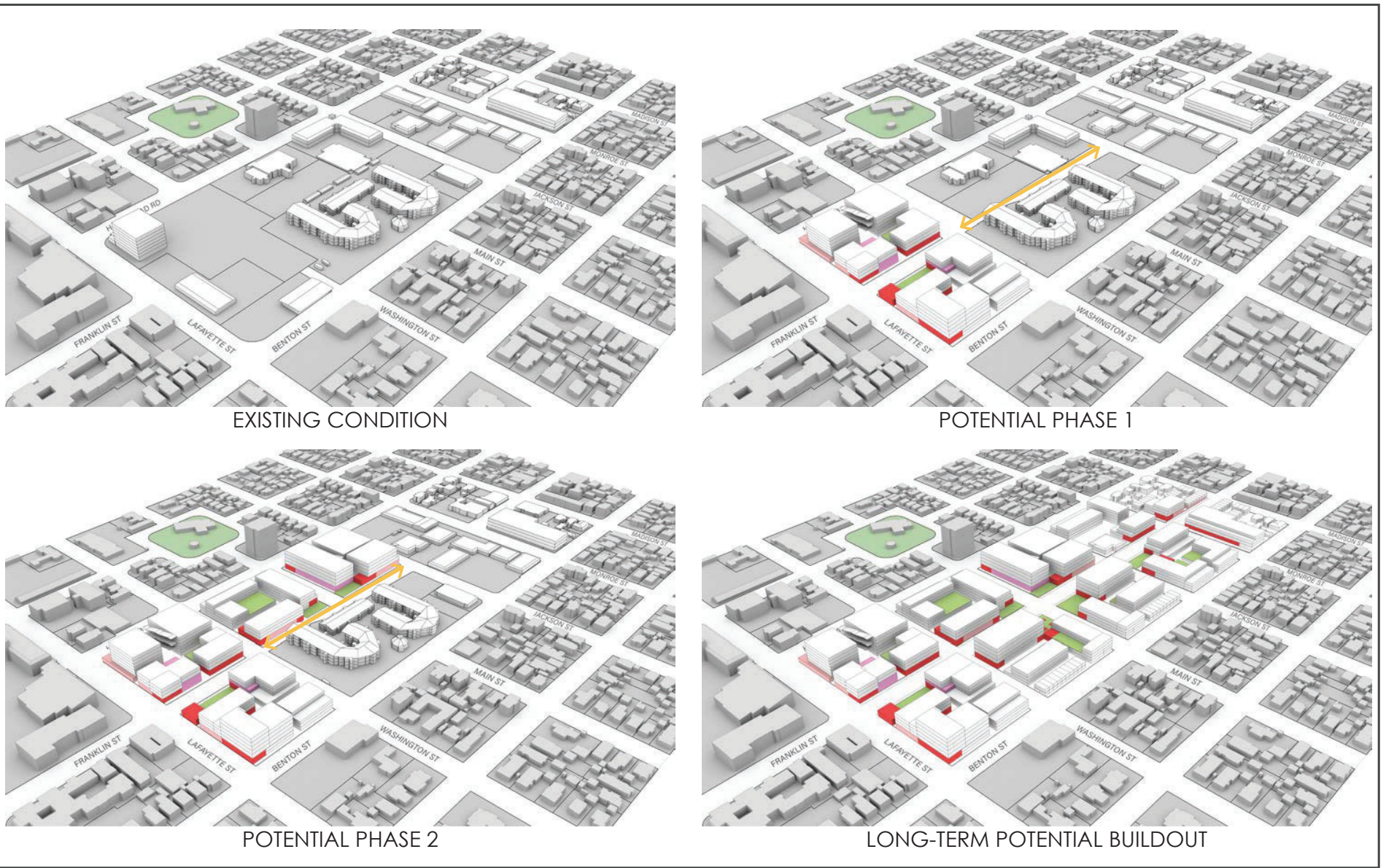
The City's objectives for redevelopment within the SCDPP are to provide a framework for new streets and public spaces, essential land uses, and urban form, and to create a Form-Based Zoning Code that would allow implementation of the SCDPP by providing development standards to guide new development. The City's objectives include the following:

Streets and Public Spaces Framework:

- Provide a framework for streets and public spaces, essential land uses, and urban form.
- Re-establish the street grid and create up to ten city blocks.
- Establish up to four types of streets within the SCDPP area, each with its own typical width, mobility emphasis, and frontage characteristics.
- Identify up to three public spaces, each of which are intended to have a distinct character, formed by the design of the space and by the contributing activities around it.

Essential Land Use:

- Identify where ground floor commercial spaces would be required, as well as the “retail-ready” spaces (i.e., commercial space enabled by design but not required by the SCDPP).



POTENTIAL PHASING

FIGURE 2.3-5

Urban Form:

- Provide a mix of land uses that include housing, commercial retail, restaurant, entertainment, offices, civic or cultural uses, and hotels within a general building envelope.
- Identify development standards that promote the stepping down of building massing along the SCDPP boundaries where the SCDPP area transitions into existing residential neighborhoods and/or adjacent historic structures.

Form-Based Zoning Code:

- Create a Form-Based Zoning Code that would implement the SCDPP by providing development standards for new development.

2.5 USES OF THE EIR

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

- Rezoning
- General Plan Amendment
- Adoption of the SCDPP and form-based code
- Streetscape Improvements
- Acquisition, redevelopment, and/or sale of property
- Disposition and Development Agreements
- Architectural Review
- Other Permits for Development Consistent with the SCDPP

SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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

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

The discussion for each environmental subject includes the following subsections:

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

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

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

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

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

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

Table 3.0-1 identifies the approved (but not yet constructed or occupied) and pending projects in the project vicinity, within 1,500 feet as of the date of the NOP (January 2022), and pending projects identified in the Transportation Analysis (Appendix D of this document) that are evaluated in the cumulative analysis.

Table 3.0-1: Cumulative Projects List		
Project Name	Location	Description
<i>Pending</i>		
Warmington Residential	2855 El Camino Real	Construction of 23 townhouses and 65 senior apartments in a five-story building with up to 3,912 square feet of commercial space.
906-950 Monroe Mixed Use Project	906-950 Monroe Street	Construction of 50 multi-family units, four detached townhouses and 2,000 square feet of retail/restaurant space.
Data Center	2825 Lafayette Street	Construction of a 591,200-square foot data center and office.
Kylli	3005 Democracy Way	Construction of up to three million square feet of office, 1,800 residential units, and 100,000 square feet of retail/community amenities.

Table 3.0-1: Cumulative Projects List		
Project Name	Location	Description
Gateway Crossings (Phase 1)	1205 Coleman Avenue	Construction of 406 multi-family units.
PDC Sacramento LPIV, LLC/Owens Corning	960 Central Expressway	Construction of three buildings totaling up to 890,700 square feet for warehousing and/or data center uses.
Bayview Development/Bowers Plaza GP	3155 El Camino Real	Construction of up to 60-unit, three-story townhouses.
Arc Tec, Inc./The Sobrato Organization	3000 Bowers Avenue	Construction of up to 330,000 square feet of office in two buildings.
City Place Remaining Phases	5155 Stars and Stripes Drive	Construction of 5.7 million square feet of office, 1.1 million square feet of retail, 1,360 residential units, 700 hotel rooms, 250,000 square feet restaurant space, and 190,000 square feet of entertainment space.
<i>Approved But Not Yet Constructed Or Occupied</i>		
Santa Clara University (SCU) Five-Year Master Plan ¹	500 El Camino Real	Construction of up to 449,524 square feet of net new classroom, office and student activity space, and new housing units for 600 students on the university campus.
1444 Madison Street Residential	1444 Madison Street	Construction of three new single-family dwellings.
Notes: ¹ Based on the City's website (https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/santa-clara-university-five-year-master-plan) and personal communication, construction of Charney Hall, Benson Center, STEM Complex, Athletic Excellence Center, and South Residence Hall have been completed. Demolition of the Daly Science Center and site development of open space are currently pending. Fernandez, Debby. City of Santa Clara. Personal Communication. February 10, 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. Table 3.0-2 provides a summary of the different geographic areas used to evaluate cumulative impacts.

Table 3.0-2: Geographic Considerations in Cumulative Analysis	
Resource Area	Geographic Area
Aesthetics	SCDPP area and adjacent parcels
Agriculture and Forestry Resources	Countywide
Air Quality	2017 Clean Air Plan and criteria pollutants – San Francisco Bay Air Basin Air pollutant emissions – within 1,000 feet of SCDPP area Odors – SCDPP area and adjacent parcels
Biological Resources	SCDPP area and adjacent parcels
Cultural Resources	SCDPP area and adjacent parcels in immediate area
Energy	State of California
Geology and Soils	SCDPP area and adjacent parcels
GHGs	Worldwide
Hazards and Hazardous Materials	SCDPP area and adjacent parcels
Hydrology and Water Quality	Guadalupe River and Saratoga Creek watersheds
Land Use and Planning	Citywide
Minerals	Identified mineral recovery or resource area
Noise and Vibration	SCDPP area and adjacent parcels
Population and Housing	Citywide
Public Services	Citywide
Recreation	Citywide
Transportation	Citywide
Tribal Cultural Resources	SCDPP area and adjacent parcels
Utilities and Service Systems	Citywide
Wildfire	Within or adjacent to the wildfire hazard zone

3.1 AESTHETICS

3.1.1 Environmental Setting

3.1.1.1 *Regulatory Framework*

State

Senate Bill 743

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

- The project is a residential or mixed-use residential project, or an employment center and
- The project is located on an infill site within a transit priority area.⁸

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

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in the immediate vicinity of the SCDPP area.

Local

City of Santa Clara 2010-2035 General Plan

The City of Santa Clara 2010-2035 General Plan includes seven Focus Areas and three Future Focus Areas, which represent locations having opportunities for more intense development with limited impact on existing neighborhoods. The Downtown area is listed as one of the Focus Areas. The General Plan goals associated with maintaining the City's aesthetic character and neighborhood compatibility for the Downtown Focus Area include those listed below.

⁸ An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "CEQA Review of Housing Projects Technical Advisory." Accessed January 4, 2023. https://opr.ca.gov/docs/20190208-TechAdvisory-Review_of_Housing_Exemptions.pdf.

Policies	Description
5.3.1-P1	Preserve the unique character and identity of neighborhoods through community-initiated neighborhood planning and design elements incorporated in new development.
5.3.1-P3	Support high quality design consistent with adopted design guidelines and the City's architectural review process.
5.3.2-P11	Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the scale, mass and setbacks of existing or planned adjacent development.
5.3.4-P7	Use design techniques, such as stepping down building heights, and siting incompatible activities, such as loading and unloading, away from residential uses.
5.4.2-P1	Establish Downtown as a destination, with a mix of entertainment and cultural activities, eating and drinking establishments, local-serving office and commercial uses, residential development, and public spaces.
5.4.2-P2	Consider relocating existing City offices to the Downtown Focus Area, and establishing a Civic Center with high density residential uses. Replace existing City offices with senior and affordable housing.
5.4.2-P3	Allow new development under the Community Mixed Use designation on properties of less than one-half acre for exclusive residential or commercial uses provided that it meets the minimum requirements for the Medium Density Residential or Community Commercial land use classifications.
5.4.2-P4	Allow a maximum combined residential and commercial Floor Area Ratio of 2.0 within the Downtown Core area as delineated on Figure 5.4-4 (of the General Plan).
5.4.2-P6	Apply the General Plan Transition and Historic Preservation policies for new development at the edges of Downtown in order to respect the scale and character of the adjacent historic Old Quad neighborhood.
5.4.2-P8	Integrate established and new uses through pedestrian connections, streetscape, and complementary architecture and site design.
5.4.2-P9	Consider transferring density from the western portion and edges of Downtown (to minimize impacts to existing residential uses) to the eastern portion of the Focus Area to take advantage of its proximity to the Caltrain station and future BART station.
5.4.2-P10	Integrate established and new uses through pedestrian connections, streetscape, and complementary architecture and site design.
5.4.2-P11	For new mixed-use development, locate medium- and high-density residential uses on upper floors with active retail uses at ground level and oriented to street frontages.
5.4.2-P12	Residential development should include front doors, windows, stoops, porches, bay windows or balconies along street frontages.
5.4.2-P14	Highly encourage the development of affordable housing and senior housing that is well designed and compatible with adjacent uses in the Downtown Focus Area.
5.4.2-P15	Encourage parking consolidation and alternate parking provisions within Downtown.
5.4.2-P16	Minimize surface parking and require parking below-grade or in structures that have active uses along street frontages.
5.4.2-P17	Promote pedestrian-friendly streetscapes with trees, benches, outdoor seating, kiosks, amenities, banners and signature signage, and landscaping that reflect the historic neighborhood character.
5.4.2-P18	Facilitate the implementation of streetscape improvements consistent with those illustrated in Figure 5.4-4 (of the General Plan).
5.4.2-P20	Work with Valley Transportation Authority (VTA) to implement a Downtown loop for transit access to Santa Clara Station.

Policies	Description
5.4.2-P21	Exclude auto-oriented uses, drive-through establishments and Specified Regulated Businesses from the Downtown Focus Area.
5.5.2-P1	Require that new development incorporate building articulation and architectural features, including front doors, windows, stoops, porches or bay windows along street frontages, to integrate new development into existing neighborhoods.
5.5.2-P2	Implement design review guidelines for setback, heights, materials, massing, articulation and other standards to support Transition Policies and promote neighborhood compatibility.
5.5.2-P3	Implement site design solutions, such as landscaping and increased building setbacks, to provide a buffer between non-residential and residential uses.
5.5.2-P4	Provide adequate separation between incompatible land uses in order to minimize negative effects on surrounding existing and planned development.
5.5.2-P5	Require that new development provide an appropriate transition to surrounding neighborhoods.
5.5.2-P6	Adjust new building height, scale and massing along the site perimeter abutting planned lower intensity uses.
5.5.2-P7	For buildings of three stories or greater, increase the setback of upper stories where they abut lower intensity residential uses.
5.5.2-P9	Improve pedestrian amenities, including sidewalks and bicycle paths, to promote neighborhood compatibility.
5.5.2-P12	Screen loading and trash areas to preclude visibility from off -site and public streets.
5.9.1-P17	Foster site design for new development so that building height and massing do not overshadow new parks and plazas.

City Code – Architectural Review

An Architectural Review Process has been established for new development/redevelopment by the City Council to encourage the orderly and harmonious appearance of structures and property; maintain the public health, safety and welfare; maintain the property and improvement values throughout the City and to encourage the physical development of the City as intended by the General Plan. Before action is taken on an application for the issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zoning district, plans and drawings of such sign, building or alteration must be submitted to the Community Development Director for approval. Additional details about the Architectural Review Process can be found in City Code Chapter 18.76.

3.1.1.2 *Existing Conditions*

Visual Character of the Santa Clara Downtown Precise Plan Area

The SCDPP is located between Lafayette Street (to the east) and Madison Street (to the west) and between Benton Street (to the north) and Homestead Road (to the south). The 25.0-acre project site includes 44 parcels and is currently developed with residential, office, and commercial/retail uses. The existing buildings range from one- to seven-stories and utilize stucco, brick, and concrete building materials. The buildings within the SCDPP are surrounded by surface parking lots and landscaping. Refer to Photos 1 to 10 for photos of the SCDPP and the surrounding area and Figure 3.1-1 for the photo location map.

Visual Character of the Surrounding Area

The SCDPP area is surrounded by SCU, residential, and commercial buildings. Buildings in the area range from one- to 11-stories. Located east of the SCDPP area is Lafayette Street, a two- to four-lane, north-south arterial. East of Lafayette Street are single-family and multi-family residences, a commercial building, and SCU. Immediately south of the SCDPP area is Homestead Road, a two-lane roadway. There are single-family and multi-family residences and commercial businesses located south of Homestead Road. Located west of the SCDPP area is Madison Street, a two-way roadway, and single-family and multi-family residences. Immediately north of the SCDPP area is Benton Street, a two- to four-lane roadway. North of Benton Street are one- to two-story, single-family residences and commercial businesses.

The single-family residences surrounding the plan area are a mix of architectural styles with varying setbacks, mature landscaping, and either stucco or wood clad exteriors. The multi-family residences are all small two-story apartments, except for an 11-story apartment building at the southwest corner of Homestead Road and Main Street. While the 11-story apartment building is prominent in the area due to its height and architectural details, including balconies fully covering the north and south facades, the other apartments buildings are two-story with no distinctive architectural features. The commercial buildings surrounding the plan area are all single-story with flat roofs and either stucco or brick exteriors with varying setbacks from the roadways. Several of the single-family residences present along Benton Street have been converted into commercial businesses.

The portion of SCU visible from the SCDPP area is the rear or side views of two- and three-story buildings with either stucco or stone exteriors and red tiles roofs. The buildings are partially obscured by mature street trees with minimal setbacks from Lafayette Street.

Scenic Vistas, Visual Resources, and Corridors

According to the General Plan FEIR, there are no scenic vistas within the City. Visual resources in the City of Santa Clara include the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Other visual resources in the City include San Tomas Aquino, Saratoga, and Calabazas Creeks, Guadalupe River, and the Ulistac Natural Area. The SCDPP area and the surrounding area are relatively flat and prominent viewpoints, other than the surrounding buildings, are limited. The plan area has minimal to no scenic views of the Santa Cruz Mountains and Diablo Range. Additionally, the General Plan FEIR considers Highway 101 (U.S. 101), State Route 237 (SR 237), Interstate 880 (I-880), and Interstate 280 (I-280) as scenic corridors. None of these freeways can be seen from the plan area.

Light and Glare

Sources of light and glare are abundant in the urban environment of the SCDPP and surrounding area, including but not limited to streetlights, parking lot lights, security lights, vehicular headlights, internal buildings lights, and reflective building surfaces and windows.



PHOTO LOCATION MAP

FIGURE 3.1-1



Photo 1: View of SCU and adjacent development looking east on Homestead Road.



Photo 2: View of existing multi-family residence looking south on Homestead Road.

PHOTOS 1 & 2



Photo 3: View of existing commercial building looking north from Homestead Road.



Photo 4: View of existing commercial building looking southeast from Jackson Street.

PHOTOS 3 & 4



Photo 5: View of existing office and commercial buildings looking southwest from Franklin Street.



Photo 6: View of existing mixed-use development looking west on Monroe Street.

PHOTOS 5 & 6



Photo 7: View of existing single-family residences looking north from parking lot.



Photo 8: View of existing commercial building looking west from parking lot.

PHOTOS 7 & 8



Photo 9: View of existing multi-family residence and commercial building looking southeast of Lafayette Street.



Photo 10: View of existing commercial building and apartment complex looking southeast from Benton Street.

PHOTOS 9 & 10

3.1.2 Impact Discussion

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

- 1) Have a substantial adverse effect on a scenic vista?
- 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?⁹ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

3.1.2.1 *Project Impacts*

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista.
(Less than Significant Impact)

As mentioned in *Section 3.1.1.2*, there are no designated scenic vistas within the SCDPP area or the City. The SCDPP area would not be visible from the Ulistac Natural Area. The plan area and surrounding areas are relatively flat and views, other than the surrounding buildings, are limited. In addition, the plan area has minimal to no scenic views of the Santa Cruz Mountains and Diablo Range. While the proposed project could result in the development of buildings of up to 124 feet in height (includes the maximum height bonus) and would block views from existing adjacent residences and businesses, private views are not protected scenic resources under CEQA. As a result, the SCDPP would not result in a substantial impact on any scenic vistas or resources. **(Less Than Significant Impact)**

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

The plan area is not located along a state-designated scenic highway nor would the project damage any scenic resources within a state scenic highway. The nearest designated state scenic highway, SR 9, is located over seven miles from the SCDPP area. Therefore, implementation of the SCDPP would not damage scenic resources within any scenic highways. **(Less than Significant Impact)**

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

⁹ Public views are those that are experienced from publicly accessible vantage points.

The SCDPP area is currently developed with residential, office, and commercial/retail uses. While redevelopment of the plan area would result in a change in the visual character of the area with the new buildings being of greater height and massing than the existing structures in the area, build out of the SCDPP could consist of housing, offices, commercial/retail space, or a mix of these uses which would be compatible with the mixed visual character of the area. As mentioned in *Section 2.0*, a form-based code has been developed and will be used to evaluate and approve future developments proposed under the SCDPP to ensure compatibility with the existing development. In addition, future developments proposed under the SCDPP would be subject to the City's Architectural Review process. For these reasons, future developments under the SCDPP would not substantially degrade the existing visual character or quality of public views of the site or its surroundings. **(Less than Significant Impact)**

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

Redevelopment of the SCDPP area would create additional light or glare in the area. Sources of light and glare could include external and internal building lights, security lights, light poles, streetlights, and reflective building surfaces and windows. Prior to the issuance of building permits for private development projects within the plan area, the proposed lighting would be evaluated during the Architectural Review Process to ensure that new buildings would not introduce new substantial light sources that would adversely affect nighttime views or spillover onto adjacent properties. In addition, the form-based code includes site standards and guidelines specific to lighting. Specifically:

- Site lighting shall be shielded by permanent attachments to light fixtures.
- Wall-pack types of lighting are not recommended. If proposed, it shall be provided with full cutoff shields.
- For residences proposed on the ground floors, site and building-mounted luminaires shall produce initial illuminance value no greater than 0.04 horizontal and vertical footcandles.
- For non-residential uses proposed on the ground floors, site and building-mounted luminaires shall produce maximum initial illuminance value no greater than 0.1 horizontal and vertical footcandles at the boundaries with adjoining residential properties, and no greater than 0.01 horizontal footcandles 10 feet beyond those boundaries.

Future development proposed would be reviewed for consistency with the City's Design Guidelines and the form-based code. Street lighting would be required to comply with the Silicon Valley Power (SVP) standard lighting and installed per industry standards. Therefore, implementation of the SCDPP would not adversely affect day or nighttime views in the area due to light or glare. **(Less than Significant Impact)**

3.1.2.2 *Cumulative Impacts*

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

The geographic area for cumulative aesthetic impacts is limited to the SCDPP area and adjacent parcels in which the plan area would be visible. Build out of the SCDPP area would result in the construction of buildings ranging from two to seven stories in height, which would be visible from the existing land uses and surrounding roadways. As mentioned previously, the plan area is not located along or visible from a state-designated scenic highway or a scenic vista. Although full build out of the SCDPP would alter the visual character of the area, future development proposed under the SCDPP would be compatible with the existing land uses in the area due to compliance with the architectural review findings, the City's Design Guidelines, and development standards of the SCDPP and form-based code, including standards to prevent light and glare impacts. For these reasons, the SCDPP would not result in a cumulatively considerable contribution to a cumulative aesthetic impact. **(Less than Significant Cumulative Impact)**

3.2 AGRICULTURE AND FORESTRY RESOURCES

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.¹⁰

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.¹¹

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.¹² Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.¹³

¹⁰ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed August 2, 2022. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

¹¹ California Department of Conservation. "Williamson Act." Accessed August 2, 2022. <http://www.conservation.ca.gov/dlrp/lca>.

¹² Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

¹³ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed August 2, 2022. <http://frap.fire.ca.gov/>.

3.2.1.2 *Existing Conditions*

According to the Santa Clara County Important Farmlands 2018 Map, the plan area is designated as *Urban and Built-Up Land*.^{14,15} The plan area is not designated as farmland or the subject of a Williamson Act contract.¹⁶ There are no agricultural or forest lands in the vicinity of the SCDPP area.

3.2.2 Impact Discussion

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

- 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
- 4) Result in a loss of forest land or conversion of forest land to non-forest use?
- 5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

3.2.2.1 *Project Impacts*

Impact AG-1:	The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (No Impact)
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The SCDPP area is currently developed and not located within any land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, future development proposed under the SCDPP would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. **(No Impact)**

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. (No Impact)
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¹⁴ California Department of Conservation. "California Important Farmland Finder." Accessed August 2, 2022. <https://maps.conservation.ca.gov/DLRP/CIFF/>.

¹⁵ Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures per 10 acres. Common examples include residential, institutional, industrial, commercial, landfill, golf course, and other urban-related purposes.

¹⁶ ArcGIS. "Williamson Act Properties." Accessed August 2, 2022. <https://www.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce>.

As mentioned above under Impact AG-1, the SCDPP area is currently developed. There are no properties located within the plan area that are zoned for agricultural use or a Williamson Act contract. Therefore, implementation of the SCDPP would not conflict with existing zoning for agricultural operations or conflict with a Williamson Act contract. **(No Impact)**

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

The SCDPP area does not contain any land zoned for forest land, timberland, or timberland zoned Timberland Production. For this reason, implementation of the SCDPP would not conflict with existing zoning or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

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

As mentioned previously, the SCDPP area contains no forest land; therefore, implementation of the SCDPP would not result in any loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

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

The SCDPP area is located within an urbanized area and would not result in a loss of forest land or convert forest land to non-forest use. **(No Impact)**

3.2.2.2 Cumulative Impacts

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

The geographic area for cumulative agricultural and forestry resource impacts is the County of Santa Clara. As discussed above, the SCDPP would have no impact on agricultural or forest resources; therefore, the SCDPP would not result in a cumulatively considerable contribution to agricultural and forest resources impact. **(No Cumulative Impact)**

3.3 AIR QUALITY

The following discussion is based upon CalEEMod Version 2020.4.0 modeling. The modeling outputs are provided in Appendix B of this document.

3.3.1 Environmental Setting

3.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹⁷ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 3.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 3.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High 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

¹⁷ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

reduce 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).¹⁸ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

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

3.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the U.S. 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.

¹⁸ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed December 20, 2022. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

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

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in 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 Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁹

CEQA Air Quality Guidelines

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

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

Local

City of Santa Clara 2010-2035 General Plan

The General Plan policies related to air quality that are applicable to the project are listed below.

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.
5.10.2-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.

3.3.1.3 *Existing Conditions*

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin

BAAQMD is responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: CO, O₃, NO₂, and PM₁₀ and PM_{2.5}. These pollutants are considered criteria pollutants by the U.S. Environmental Protection Agency (U.S. EPA) and CARB as they can result in health effects such as respiratory impairment and heart/lung disease symptoms. Table 3.3-2 shows violations of state and federal standards at the monitoring station in San José at 158 East Jackson Street (the nearest monitoring station to the plan area) during the 2017-2019 period (the most recent years for which data is available).²⁰

Table 3.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	Standard	Days Exceeding Standard		
		2017	2018	2019
SAN JOSÉ STATION				
Ozone	State 1-hour	3	0	1
	Federal 8-hour	4	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0

²⁰ PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.

Table 3.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	Standard	Days Exceeding Standard		
		2017	2018	2019
Nitrogen Dioxide	State 1-hour	0	0	0
PM ₁₀	Federal 24-hour	0	0	0
	State 24-hour	6	4	4
PM _{2.5}	Federal 24-hour	6	15	0
Source: Bay Area Air Quality Management District. “Annual Bay Area Air Quality Summaries.” Accessed February 9, 2023. http://www.baaqmd.gov/about-air-quality/air-quality-summaries .				

The Bay Area is considered non-attainment for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered non-attainment for PM₁₀ under the state act, but not the federal act. The Bay Area is considered in attainment or unclassified for all other pollutants.

There are sensitive receptors (e.g., residences) located adjacent, within 65 to 100 feet, to the SCDPP area on all sides.

3.3.2 **Impact Discussion**

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

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

3.3.2.1 ***Thresholds of Significance***

Impacts from the Project

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

The applicable BAAQMD CEQA thresholds for a plan-level document is summarized in Table 3.3-3. There are no construction thresholds for a plan-level document since construction activity and intensity are determined on a project-by-project basis.

Table 3.3-3: BAAQMD Thresholds of Significance for Plan-Level Analysis	
Criteria Air Pollutants and Precursors	Construction: None Operation: Consistency with current Clean Air Plan and project VMT or vehicle trips is less than or equal to projected population increase
Local Community Risk and Hazards	Land use diagram identifying special overlay zones around existing and planned sources of Toxic Air Contaminants and PM _{2.5} , including special overlay zones of at least 500 feet (or Air District-approved modeled distance) on each side of all freeways and high-volume roadways, and plan identifies goals, policies, and objectives to minimize potentially adverse impacts
Odors	Identify locations of odor sources in plan; identify goals, policies, and objectives to minimize potentially adverse impacts.

The BAAQMD CEQA Air Quality thresholds used for project-level analysis are identified in Table 3.3-4 below.

Table 3.3-4: BAAQMD Thresholds of Significance for Project-Level Analysis			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	

3.3.2.2 *Project Impacts*

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

Consistency with 2017 Clean Air Plan Control Measures

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if it: a) supports the primary goals of the 2017 CAP; b) includes relevant control measures; and c) does not interfere with implementation of 2017 CAP control measures.

Table 3.3-5: Applicable Control Measures	
Control Measures	Project Consistency with Measure Intent
Transportation Measures	
TR1 – Clean Air Teleworking Initiative: Develop teleworking best practices for employers and develop additional strategies to promote telecommuting. Promote teleworking on Spare the Air Days.	In compliance with the City’s latest update to the Climate Action Plan (2022 CAP), all future development under the SCDPP would be required to implement a Transportation Demand Management (TDM) Program as a Condition of Approval, which would include measures such as increased support for telecommuting. The 2022 CAP also includes Action T-3-4 to increase telecommuting options within the City of Santa Clara. Therefore, the SCDPP is consistent with this measure.
TR2 – Trip Reduction Programs: Implement the regional Commuter Benefits Program (Rule 14-1) that requires employers with 50 or more Bay Area employees to provide commuter benefits. Encourage trip reduction policies and programs in local plans, e.g., general and specific plans while providing grants to support trip reduction efforts. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to adopt transit benefits ordinances in order to reduce transit costs to employees, and to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. Fund various employer-based trip reduction programs.	As stated above, all future development within the SCDPP would be required to implement a TDM program consistent with the 2022 CAP as a Condition of Approval. Possible TDM measures could include measures such as transit subsidies, carpool incentives, bicycling incentives, carshare memberships, and/or vanpools. Therefore, the SCDPP is consistent with this measure.
TR8 – Ridesharing, Last-Mile Connection: Promote carpooling and vanpooling by providing funding to continue regional and local ridesharing programs, and support the expansion of carsharing programs. Provide incentive funding for pilot projects to evaluate the feasibility and cost-effectiveness of innovative ridesharing and other last-mile solution trip reduction strategies. Encourage employers to	The SCDPP would require the implementation of TDM programs for all future projects through compliance with the 2022 CAP as a Condition of Approval. Possible TDM measures consistent with this control measure include carsharing and vanpool spaces. Therefore, the SCDPP is consistent with this measure.

Table 3.3-5: Applicable Control Measures	
Control Measures	Project Consistency with Measure Intent
promote ridesharing and carsharing to their employees.	
TR9 – Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The SCDPP would result in a dense, walkable environment and ensure safe and accessible pedestrian and bicycle circulation. Specifically, Policy 3.1A of the SCDPP would re-establish the Downtown street grid to establish an interconnected roadway network to improve connectivity and Policy 3.1B of the SCDPP would result in complete multimodal streets to maintain ease of flow for all modes of transportation (e.g., vehicles, walking, and bicycles). Therefore, the SCDPP is consistent with this measure.
TR13 – Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.	Policy 3.1D of the SCDPP would facilitate the directing of motorists to parking garages and moderate on-street parking demand with available supply (e.g., wayfinding to parking garages, sensors and “smart parking” apps communicating parking availability, and adjusting the price of parking). Therefore, the SCDPP is consistent with this measure.
Energy Measures	
EN2 – Decrease Electricity Demand: Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	Future development under the SCDPP would be automatically enrolled into SVP. The community choice aggregation program provides 100 percent carbon-free and renewable energy-sourced electricity to residences. Approximately 27 percent of the non-residential electricity mix is sourced from eligible renewable resources and the non-residential electricity mix will continue to be sourced from a higher percentage of renewable resources pursuant with SB 100 (e.g., 60 percent by 2030). Therefore, the SCDPP is consistent with this measure.
Building Measures	
BL1 – Green Buildings: Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen;	New construction allowed under the SCDPP would be required to comply with Title 24 and CALGreen requirements. Electricity for development within the SCDPP would be provided by SVP, which strives to source carbon-free power as its default supply, and already utilizes 100 percent carbon-free power for residential uses. For these reasons, the SCDPP is consistent with this measure.

Table 3.3-5: Applicable Control Measures	
Control Measures	Project Consistency with Measure Intent
Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with Association of Bay Area Governments (ABAG's) BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	
BL2 – Decarbonize Buildings: Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	New construction allowed under the SCDPP would be required to be all-electric with no natural gas infrastructure pursuant with the recently adopted City of Santa Clara Reach Code. In addition, the SCDPP supports the goal of net zero energy use on-site over time as the electricity provider, SVP, would provide carbon free generated electricity to all Santa Clara customers (not just residential users) as well as the purchase of renewable energy credits. For these reasons, the SCDPP is consistent with this measure.
BL4 – Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multi-family housing.	While on-street parking is proposed, parking lots are not. Policy 4.G of the SCDPP requires placement of parking below buildings, behind buildings, or as podium parking. Additionally, the 2022 CAP includes a strategy to increase tree planting and cover to increase cooling and maximize shading. Therefore, the SCDPP is consistent with this measure.
<i>Natural and Working Lands Measures</i>	
NW2 – Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, BAAQMD's technical guidance, best management practices for local plans, and CEQA review.	The SCDPP would encourage the planting of trees by designing sidewalks and roadways (e.g., Lafayette Street, Monroe Street, Benton Street, Homestead Road, and Franklin Street, Main Street, and Washington Street) to include linear planting plans. A variety of trees are also contemplated within the plan area as part of Policy 3.3A, which works to establish a recognizable and memorable Downtown with high-quality attractive features. For these reasons, the SCDPP is consistent with this measure.

Table 3.3-5: Applicable Control Measures	
Control Measures	Project Consistency with Measure Intent
Waste Management Measures	
WA4 – Recycling and Waste Reduction: Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	Future development under the proposed SCDPP would be required to include on-site recycling facilities, comply with the City’s Construction and Demolition Debris Recycling Program, comply with the City’s development guidelines for solid waste services ²¹ , and meet the waste diversion goals outlined in the California Integrated Waste Management Act (CIWMA) and Assembly Bill (AB) 935. Therefore, the SCDPP is consistent with this measure.
Water Measures	
WR2 – Support Water Conservation: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The SCDPP supports General Plan Policies 5.3.1-P11, 5.10.4-P3, and 5.10.4-P8 which encourage new development to utilize recycled water for landscape irrigation, and promoting water conservation. Therefore, the SCDPP is consistent with this measure.

As shown in Table 3.3-5 above, future development proposed under the SCDPP would be consistent with the applicable 2017 CAP measures intended to reduce automobile trips, as well as reduce energy and water use. Therefore, the SCDPP and all future development under the SCDPP would not conflict with or obstruct the implementation of an applicable air quality plan. **(Less than Significant Impact)**

Operational Period Emissions

Projected VMT/Vehicle Trip and Population Increase

In formulating compliance strategies to protect public health and climate, BAAQMD relies on planned land uses established by local general plans. Land use planning affects vehicle travel which in turn affects region-wide air pollutant and GHG emissions. As part of the consistency determination of a plan with the 2017 CAP, the plan’s projected VMT or vehicle trip increase should be less than or equal to the projected population increase. Table 3.3-6 below provides a comparison of the population and vehicle trips for existing land uses versus build out of the SCDPP. The population assumptions for the existing and proposed developments are based on a rate of 2.61 persons per household.²²

²¹ City of Santa Clara. “City of Santa Clara Development Guidelines for Solid Waste Services.” Accessed February 28, 2023. <https://www.santaclaraca.gov/home/showpublisheddocument/71716/637750066895870000>.

²² State of California, Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022.” Accessed August 1, 2022. <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2021/>.

Table 3.3-6: SCDPP Vehicle Trips vs. Population Increase				
Scenario	Existing	Proposed	Net Increase	Percentage Increase
Population	595	2,795	2,200	370%
Vehicle Trips	6,768	10,977	4,209	62%

As shown in Table 3.3-6, the projected population growth is greater than the projected vehicle trip growth. This demonstrates that while the SCDPP would increase the population within the plan area, the projected population growth would not linearly increase vehicle usage or travel. The SCDPP would place residences near services and goods, transit, and employment opportunities.

Additionally, since future development proposed under the SCDPP would not conflict with the 2017 CAP and the projected plan population growth is greater than the plan vehicle trip growth, the SCDPP would have less than significant impact on operational criteria air pollutants and precursor pollutant emissions. **(Less than Significant Impact).**

Construction Period Emissions

The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds for construction emissions and site-specific construction schedules and equipment are not known at this time. Therefore, air pollutant emissions have not been quantified at the project-level. Nevertheless, future developments proposed under the SCDPP would be required to implement Mitigation Measures AIR-3.1 and AIR-3.2 (refer to discussion under Impact AIR-3). Therefore, as mitigated, the SCDPP would not result in a significant impact from construction criteria pollutant emissions. **(Less Than Significant Impact with Mitigation Incorporated)**

Project-Level Operational Emissions

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. However, to better understand the extent of future operational criteria air pollutant emissions generated from build out of the SCDPP, operational emissions were modeled.

Operational air emissions from the build out of the SCDPP would be generated primarily from vehicles driven by future residents, employees, customers, and vendors. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are additional emissions from residential and commercial land uses. The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate operational period emissions.

Sources of operational period emissions include mobile source emissions (e.g., vehicles), energy emissions (e.g., electricity and natural gas), and area source emissions (e.g., architectural coating, landscaping, hearths and consumer products). While full build out of the SCDPP would be in 2048, an operational year of 2050 was used since CalEEMod does not include individual years past 2040.

The full build out of the SCDPP and the existing land uses were both modeled separately in 2050.²³ Daily trip generation rates for both modeled scenarios were sourced from the SCDPP trip generation estimates provided by Hexagon Transportation Consultants, Inc. In the SCDPP model, it was assumed all future developments would be 100 percent electric with no natural gas infrastructure per the City's Reach Code (refer to Chapter 15.36 of the City Code). Existing land uses were assumed to include natural gas infrastructure since existing developments are not subject to the current Reach Code. For area source emissions, hearths/fireplaces were not assumed in the SCDPP nor in the existing land use models. In addition, CalEEMod default assumptions were used for architectural coating, landscaping, water usage, and solid waste generation. Refer to Appendix B for the model inputs.

The CalEEMod results are listed and compared to the BAAQMD project-level thresholds in Table 3.3-7 below.

Table 3.3-7: SCDPP Operational Period Emissions				
Scenario (Year 2050)	ROG	NO_x	PM₁₀	PM_{2.5}
SCDPP (tons/year)	10.58	2.82	8.75	2.38
Existing Conditions (tons/year)	4.19	1.84	4.87	1.33
Annual Net Operational Emissions (tons/year)	6.39	0.97	3.88	1.05
BAAQMD Threshold	10	10	15	15
Exceed Thresholds?	No	No	No	No
Average Daily Net Operational Emissions ¹ (pounds/day)	35.03	5.34	21.27	5.78
BAAQMD Threshold	54	54	82	54
Exceed Thresholds?	No	No	No	No
Note: ¹ Assumes 365-day operation.				

As shown above, the net operational criteria pollutant emissions from build out of the SCDPP would not exceed BAAQMD's project-level significance threshold for ROG, NO_x, PM₁₀, or PM_{2.5}. **(Less Than Significant Impact)**

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

As discussed in *Section 3.3.1.3*, the Bay Area is considered non-attainment for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM₁₀ under the state act, but not the federal act. Per the BAAQMD CEQA Air

²³ The existing land uses were modeled for the year 2050 as it would provide a more conservative analysis. The inputs would be similar under both scenarios (existing land uses and full build out of the SCDPP) and emission factors would be the same.

Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in non-attainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As shown in the analysis above, build out of the SCDPP would not result in any operational air pollutant emissions exceeding BAAQMD significance thresholds (refer to discussion under Impact AIR-1). Future development proposed under the SCDPP would, however, result in significant construction air pollutant emissions. With implementation of Mitigation Measures AIR-3.1 and AIR-3.2 listed under Impact AIR-3, construction criteria pollutant emissions would be reduced to a less than significant level. As a result, future developments proposed under the SCDPP would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact with Mitigation Incorporated)**

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

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. 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. Construction exhaust emissions may 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}.

Implementation of the SCDPP 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 sites and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the sites would deposit dirt/mud on local streets, which could be an additional source of airborne dust after it dries.

As mentioned previously, the BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds for construction emissions and site-specific construction schedules and equipment are not known at this time. Therefore, air pollutant emissions have not been quantified at the project-level.

Impact AIR-3:	Development proposed under the Santa Clara Downtown Precise Plan (SCDPP) would result in significant construction air pollutant emissions due to dust generation, and emissions of toxic air contaminants (TACs) and criteria pollutants during construction. (Significant Impact)
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Mitigation Measures: The following mitigation measures shall be implemented for all future projects within the SCDPP to control dust and reduce construction TAC and criteria pollutant emissions.

MM AIR-3.1: During any construction ground disturbance, the project applicant shall ensure that the project contractor implements the following Bay Area Air Quality Management District (BAAQMD) Construction Best Management Practices:

- 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 the 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 AIR-3.2: Prior to receiving demolition, grading, and building permits, a qualified air quality consultant shall prepare a project-level air quality assessment that quantifies construction criteria pollutant and TAC emissions for each individual project proposed within the SCDPP once construction details are

available. The air quality assessments shall model construction impacts and, if necessary, include measures to reduce emissions. Criteria pollutant emissions shall not exceed BAAQMD construction criteria pollutant emissions thresholds. Health risks from construction TACs shall be reduced below 10 in one million excess cancer cases, a hazard index (HI) of 1.0, and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) concentration of 0.3 micrograms per cubic meter (µg/m³). The air quality assessment shall be submitted for review and approval by the Director of Community Development or the Director's designee, once complete.

Reduction in emissions can be accomplished through, but 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 compounds (VOC) paints;
- Modify construction schedule; and
- Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

With implementation of Mitigation Measures AIR-3.1 and AIR-3.2, the construction emissions impacts from individual projects proposed under the SCDPP would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Operational Toxic Air Contaminants

Operation of future developments under the SCDPP could result in long-term emissions from possible stationary sources (e.g., generators) and mobile sources (e.g., traffic).

Emergency Generators

Future development under the SCDPP may include backup emergency generators that would be powered by diesel engines. Operation of diesel generators would be a source of TAC emissions in the form of DPM. Details of the engine size and horsepower would only be available on a project-by-project basis. No generators or other stationary sources are proposed at this time.

Diesel engines would be subject to CARB's Stationary Diesel Airborne Toxics Control Measure (ATCM) and require permits from BAAQMD, since they would be equipped with engines larger than 25 horsepower. Best Available Control Technology for Toxics (BACT) requirements would apply to these generators which would limit DPM emissions. As part of the BAAQMD permit requirements for toxics screening analysis, the engine emissions have to meet BACT requirements and pass the toxic risk screening level of less than 10 in a million. The risk assessment would be prepared by BAAQMD. Depending on results, BAAQMD could set limits for DPM emissions (e.g., more restricted engine operation periods). Future development under the SCDPP that include emergency generators would be required to comply with all applicable BAAQMD regulations. Furthermore, future projects under the SCDPP would be required to comply with Mitigation Measure AIR-3.3 below to reduce operational TAC impacts. Therefore, with implementation of Mitigation

Measure AIR-3.3, future projects proposed under the SCDPP would have a less than significant air quality community risk impact from emergency generators. **(Less Than Significant Impact with Mitigation Incorporated)**

Traffic Emissions

Future developments under the SCDPP would increase traffic on local roadways. The average daily traffic (ADT) for 10 intersections within the vicinity of the SCDPP area was calculated²⁴ under the cumulative plus plan traffic scenario. Table 3.3-8 lists the ADT and the SCDPP's ADT contribution.

Table 3.3-8: Cumulative + Santa Clara Downtown Precise Plan Average Daily Traffic					
Intersection No.	Intersection	South ADT	West ADT	North ADT	East ADT
1	San Tomas Expressway and El Camino Real	53,035	26,050	53,655	29,460
	Plan Trips	125	455	140	380
2	Scott Boulevard and El Camino Real	16,675	19,505	16,830	18,655
	Plan Trips	80	530	90	545
3	San Tomas Expressway and El Camino Real	9,580	19,970	9,175	19,370
	Plan Trips	150	125	175	365
4	Lafayette Street and El Camino Real	20,345	20,885	22,340	21,320
	Plan Trips	445	-10	475	140
5	Lafayette Street and Lewis Street	20,725	8,265	19,535	2,795
	Plan Trips	760	220	540	0
6	Lafayette Street and Benton Street	20,130	6,580	19,985	5,850
	Plan Trips	600	585	480	705
7	Lafayette Street and Homestead Road	21,625	1,395	21,510	6,595
	Plan Trips	930	65	860	1,430
8	Washington St and Newhall St	22,600	5,880	21,565	12,125
	Plan Trips	950	0	950	0
9	Monroe St and Benton St	10,170	5,635	10,355	5,120
	Plan Trips	115	470	125	305
10	Monroe St and Homestead Rd	9,900	5,140	9,825	5,370
	Plan Trips	-45	770	-105	765

The following roadways have an ADT that exceeds 10,000 without the plan trips: San Tomas Expressway, El Camino Real, Lafayette Street, Washington Street, Newhall Street, and Monroe Street. While the build out of the SCDPP would generate traffic on the existing roadway network, the contribution from the plan ranges from approximately one to five percent, which is a small contribution. For some intersections, trips are reduced with build out of the SCDPP. Additionally, the new vehicle trips generated from the SCDPP would be primarily from light-duty, gasoline-powered vehicles (e.g., passenger cars) that travel to and from the plan area. Mobile source emissions would not be solely localized to the SCDPP area, however, it cannot be guaranteed that the increase in traffic from the SCDPP would not be substantial source of TAC or PM_{2.5}.

²⁴ Average daily traffic was calculated as the average of the AM and PM peak hour traffic volumes multiplied by 10.

Impact AIR-3: Future development proposed under the Santa Clara Downtown Precise Plan (SCDPP) would result in significant operational toxic air contaminant (TAC) impacts from stationary sources. **(Significant Impact)**

Mitigation Measure: The following mitigation measure shall be implemented for all future projects within the SCDPP to reduce operational TAC impacts.

MM AIR-3.3: Prior to receiving demolition, grading, and building permits, a qualified air quality consultant shall prepare a project-level health risk assessment that analyzes project operational TAC sources and identifies sources of TACs within 1,000 feet of the project site boundaries. The qualified air quality consultant shall use the latest Bay Area Air Quality Management District (BAAQMD) guidance to determine which sources of TACs shall be included in the risk assessment. Screening tools approved by BAAQMD may be used in lieu of dispersion modeling; however, if no screening tool is available then an in-depth health risk assessment with dispersion modeling shall be required. The community risk assessment shall model the project's operational TAC impacts and compare the health risk values against the latest BAAQMD single-source thresholds. If necessary, the risk assessment shall include measures to reduce project health risk impacts. Health risks associated with project TAC sources shall be reduced below 10 in one million excess cancer cases, a hazard index (HI) of 1.0, and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) concentration of 0.3 micrograms per cubic meter (µg/m³). The project-level health risk assessment shall be submitted for review and approval by the Director of Community Development or the Director's designee, once complete.

Implementation of Mitigation Measure AIR-3.3 would require that all future sources of operational TAC associated with the SCDPP be analyzed through project-level review and ensure that health risks are below the BAAQMD single-source thresholds. The project-level health risk assessment shall identify the specific project-level mitigation measures needed to reduce potential impacts below the BAAQMD single-source thresholds. Therefore, with implementation of Mitigation Measure AIR-3.3, the operational TAC impacts from individual development projects under the SCDPP would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Criteria Air 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. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively

significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

As discussed under Impact AIR-1, future developments would have potentially significant construction criteria air pollutant impacts, but less than significant operational criteria air pollutant impacts. Future developments proposed under the SCDPP would be required to complete a construction air quality and health risk assessment (refer to Mitigation Measure AIR-3.2) to ensure that construction emissions do not exceed BAAQMD thresholds. Appropriate mitigation measures would be identified to reduce construction-related project impacts. Since the projected vehicle trip growth is lower than the population growth and the operational emissions are below the BAAQMD project-level thresholds, operational criteria air pollutant emissions would be less than significant. Therefore, future developments proposed under the SCDPP would not expose sensitive receptors to substantial criteria air pollutant concentrations and would not result in adverse health effects. **(Less than Significant Impact with Mitigation Incorporated)**

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

The SCDPP would generate localized emissions of diesel exhaust during construction equipment operation and from truck activity. While these emissions may be noticeable from time to time by adjacent receptors, they would be localized and temporary.

Operation of individual projects under the SCDPP would result in the use of cleaning supplies and maintenance chemicals. These intermittent odors would not affect a substantial number of people off-site. Additionally, the BAAQMD 2017 CEQA Air Quality Guidelines lists screening distance for land uses that generate substantial odors with typical land uses being landfills, food manufacturing, composting facilities, and chemical plants. The SCDPP does not allow for any of those uses; therefore, the SCDPP would not include any sources of significant odors that would affect a substantial number of people. **(Less Than Significant Impact)**

3.3.2.3 *Cumulative Impacts*

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

The geographic area for consistency with the 2017 CAP and criteria air pollutants is the San Francisco Bay Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to result in the region being in non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to

existing cumulatively significant adverse air quality impacts.

Consistency with the Clean Air Plan

Plan-Level Consistency

As discussed under Impact AIR-1, implementation of the SCDPP would be consistent with the 2017 CAP based on BAAQMD plan-level thresholds; therefore, the SCDPP would not result in a significant cumulative impact with the 2017 CAP. **(Less than Significant Cumulative Impact)**

Project-Level Consistency

The SCDPP would be consistent with the 2017 CAP because future development would result in operational criteria air pollutant emissions below BAAQMD's project-level thresholds for ROG, NO_x, PM₁₀, and PM_{2.5} (refer to discussion under Impact AIR-1). Therefore, future development under the SCDPP would have a less than significant cumulative impact with the 2017 CAP. **(Less than Significant Cumulative Impact)**

Criteria Air Pollutant Emissions

Construction Emissions

As discussed under Impact AIR-1 and Impact AIR-3, the construction emissions associated with future development under the SCDPP would be reduced to a less than significant level with implementation of Mitigation Measures AIR-3.1 and AIR-3.2. Therefore, construction emissions from future development would not result in a significant cumulative impact after mitigation. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Operational Emissions

As discussed under Impact AIR-1, the SCDPP complies with the 2017 CAP and the projected population growth is greater than the projected vehicle trip growth. Therefore, future development under the SCDPP would have a less than significant cumulative operational criteria air pollutant emissions impact. **(Less than Significant Cumulative Impact)**

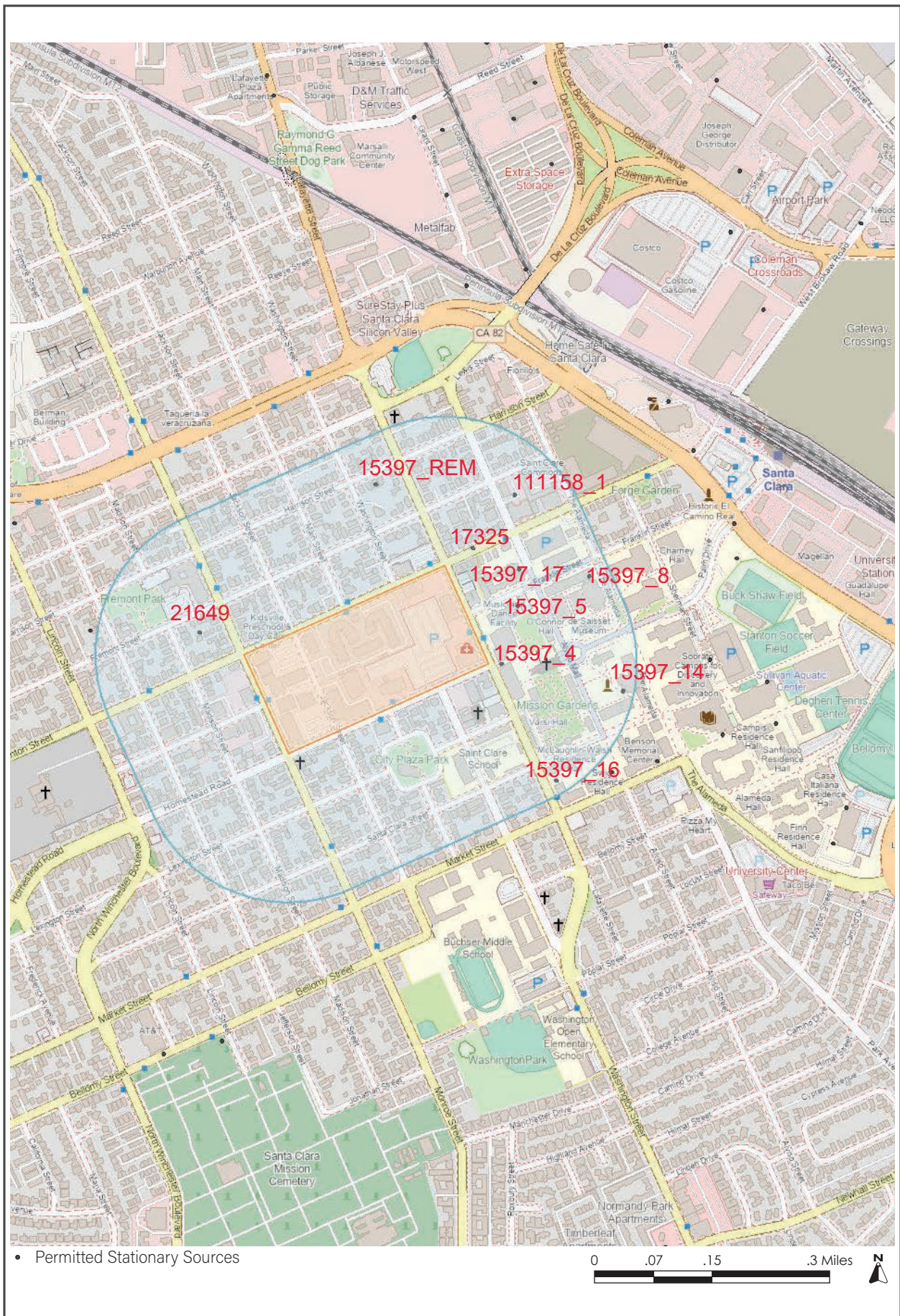
Exposure of Sensitive Receptors

The geographic area for cumulative impacts of air pollutant emissions on sensitive receptors is within 1,000 feet of the SCDPP area. This distance is recommended by BAAQMD because adverse effects are the greatest within this distance. The primary community risk impact issues associated with construction and operational TAC emissions are cancer risk and exposure to PM_{2.5}.

Within 1,000 feet of the SCDPP area, there are 10 BAAQMD permitted stationary sources: eight backup diesel-powered generators, one gasoline dispensing facility, and one source with no data. No permitted stationary sources are within the SCDPP area. Table 3.3-9 lists the permitted stationary sources within 1,000 feet of the SCDPP area and Figure 3.3-1 shows the locations of the permitted stationary sources.

Table 3.3-9: Permitted Stationary Sources within 1,000 feet of the SCDPP					
Facility ID	Facility Name	Source Type	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
17325	City of Santa Clara Fire Station #1	Generator	1.37	<0.01	<0.01
21649	City of Santa Clara – Senior Center	Generator	0.55	<0.01	<0.01
15397_14	Santa Clara University	Generator	2.44	<0.01	<0.01
15397_16	Santa Clara University	Generator	6.48	0.01	<0.01
15397_17	Santa Clara University	Generator	1.59	<0.01	<0.01
15397_4	Santa Clara University	Generator	0.62	<0.01	<0.01
15397_5	Santa Clara University	Generator	0.31	<0.01	<0.01
15397_8	Santa Clara University	Generator	3.16	<0.01	<0.01
15397_REM	Santa Clara University	No Data	1.69	0.52	<0.01
111158_1	City of Santa Clara	Gas Dispensing Facility	0.05	0	<0.01
<i>BAAQMD Single Source Threshold</i>			<i>10</i>	<i>0.3</i>	<i><1.0</i>
Exceed Single Source Threshold?			No	No	No
Combined Sources			18.26	0.6	<0.1
<i>BAAQMD Cumulative Source Threshold</i>			<i>100</i>	<i>0.8</i>	<i>10.0</i>
Exceed Cumulative Threshold?			No	No	No

As shown in the table above, the permitted sources within 1,000 feet of the SCDPP do not exceed BAAQMD cumulative-source thresholds. However, without a quantitative analysis, it cannot be guaranteed that individual projects proposed under the SCDPP would not contribute to a cumulative source exceedance if the individual project includes new long-term sources of operational TACs.



LOCATIONS OF PERMITTED STATIONARY SOURCES

FIGURE 3.3-1

Impact AIR-C: Future development proposed under the Santa Clara Downtown Precise Plan (SCDPP) could contribute to cumulative toxic air contaminant (TAC) impacts. **(Significant Impact)**

Mitigation Measure: The following mitigation measure shall be implemented for all future projects within the SCDPP to reduce cumulative TAC impacts.

MM AIR-C.1: Prior to receiving demolition, grading, and building permits, a qualified air quality consultant shall prepare a cumulative community risk assessment that analyzes project operational TAC sources and identifies sources of TACs within 1,000 feet of the project site boundaries. The qualified air quality consultant shall use the latest Bay Area Air Quality Management District (BAAQMD) guidance to determine which sources of TACs shall be included in the risk assessment. Screening tools approved by BAAQMD may be used in lieu of dispersion modeling; however, if no screening tool is available then an in-depth health risk assessment with dispersion modeling shall be required. The community risk assessment shall model the project's operational TAC impacts and compare the health risk values against the latest BAAQMD single-source thresholds. The combined health risk impacts shall be compared against the latest BAAQMD cumulative-source thresholds. If necessary, the risk assessment shall include measures to reduce project health risk impacts. The combined health risks from TAC sources shall be reduced below the cumulative source thresholds of 100 in one million excess cancer cases, a hazard index (HI) of 10.0, and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) concentration of 0.8 micrograms per cubic meter (µg/m³). The cumulative community risk assessment shall be submitted for review and approval by the Director of Community Development or the Director's designee, once complete.

As described in Impact AIR-3, future projects associated with the SCDPP would be required to comply with Mitigation Measures AIR-3.1 and AIR-3.2. With implementation of Mitigation Measures AIR-3.1 and AIR-3.2, the health risks associated with construction TAC emissions from individual development projects under the SCDPP would be reduced to a less than significant level. The health risks related to operational sources of TACs and to cumulative sources of TACs would be reduced to a less than significant level with implementation of Mitigation Measure AIR-3.3 (refer to discussion under Impact AIR-3). Mitigation Measure AIR-C.1 would require a cumulative community risk assessment be prepared to quantify health risks and ensure health risks are below the BAAQMD cumulative source thresholds. Therefore, TAC emissions from future development would not result in a significant cumulative impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Odors

The geographic area for cumulative odor impacts is within 1,000 feet of SCDPP. Future development within the SCDPP would include residential, office, and commercial/retail land uses, which are not typical sources of odors that would result in odor complaints. Therefore, the SCDPP would not have

a considerable contribution to a significant cumulative odor impact. **(Less than Significant Cumulative Impact)**

3.3.3 Non-CEQA Effects

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

Operational Community Risk Impacts – New Residences

Future residences of the SCDPP would be located in proximity to existing TAC sources. The following Condition of Approval would be required for all new development within the SCDPP to reduce future sensitive receptors' exposure to TAC and PM_{2.5} sources.

Condition of Approval:

- Prior to receiving demolition, grading, and building permits, a qualified air quality consultant shall prepare a project-level community risk assessment that identifies sources of toxic air contaminants (TACs) within 1,000 feet of the project site boundaries and analyzes the impacts on future project sensitive receptors. Common sources include roadways with an average daily traffic (ADT) over 10,000 vehicles and permitted Bay Area Air Quality Management District (BAAQMD) stationary sources. The qualified air quality consultant shall use the latest BAAQMD guidance to determine which sources of TACs shall be included in the risk assessment. Screening tools approved by BAAQMD may be used in lieu of dispersion modeling; however, if no screening tool is available then an in-depth health risk assessment with dispersion modeling shall be required. The community risk assessment shall model TAC impacts and compare the health risk values against the latest BAAQMD thresholds, and, if necessary, include measures to reduce health risk impacts. Health risks from existing TACs shall be reduced below 10 in one million excess cancer cases, a hazard index of 1.0, and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) concentration of 0.3 micrograms per cubic meter (µg/m³). The combined health risks from TAC sources shall be reduced below the cumulative source thresholds of 100 in one million excess cancer cases, a hazard index of 10.0, and a PM_{2.5} concentration of 0.8 µg/m³. The community risk assessment shall be submitted for review and approval by the Director of Community Development or the Director's designee, once complete.

Reduction in emissions can be accomplished through, but is not limited to, the following measures:

- Redesign the project to increase distance between the sensitive land use and TAC source(s); and
- Install air filtration devices rated MERV13 or higher; or
- Equivalent control technology if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce health risks to below BAAQMD significance thresholds.

3.4 BIOLOGICAL RESOURCES

3.4.1 Environmental Setting

3.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. 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 and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

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

Fish and Game Code Section 1602

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

Regional and 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 in City property rights-of-way, easements, and streets (“City trees”), 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 to help increase the urban forest and minimize the heat island effect.

City of Santa Clara 2010-2035 General Plan

The General Plan policies related to biological resources that are applicable to the project are listed below.

Policies	Description
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.10.1-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-P11	Require use of native plants and wildlife-compatible nonnative plants, when feasible, for landscaping on City property.

3.4.1.2 *Existing Conditions*

The SCDPP area is currently developed with residential, office, and commercial/retail uses. Vegetation within the SCDPP area includes landscaping consisting of grass, shrubs, and street trees. Habitats in developed areas such as the plan area include predominantly urban adapted birds and animals.

Special-Status Species

Developed urban areas, such as the plan area, are typically low in species diversity. Most special-status species occurring in the Bay Area use habitats that are not present in the plan area, such as salt

marsh, freshwater marsh, and serpentine grassland habitats. No sensitive habitats or wetlands are located on or adjacent to the site. The nearest waterways to the site (Saratoga Creek and Guadalupe River) are located over 1.3 miles from the site.

Trees

Mature trees (both native and non-native) are valuable to the human environment for the benefits they provide for resisting global climate change (i.e., carbon dioxide absorption), because they provide nesting and foraging habitat for raptors and other migratory birds, and because they are a visual enhancement. Existing trees within the SCDPP area are a mixture of mainly non-native or not naturally-occurring, planted, ornamental species. 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.

3.4.2 Impact Discussion

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

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

3.4.2.1 *Project Impacts*

Impact BIO-1:	As mitigated, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. (Less than Significant Impact with Mitigation Incorporated)
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As mentioned in the City's General Plan FEIR, there is very little undeveloped land within the City of Santa Clara and none within the following focus areas and future focus areas: Stevens Creek Boulevard, Downtown, De La Cruz Boulevard, Great America Parkway, Central Expressway, and Lawrence Station.²⁵ Per the City's General Plan FEIR, the species with the highest potential to occur in the City include the Congdon's tarplant and western burrowing owl. The tarplant and western burrowing owl could become established at any time on a vacant parcel containing ruderal grasslands.²⁶ There are no vacant parcels that contain ruderal grasslands within the SCDPP area; therefore, no federally listed or candidate plant or animal species are present in the SCDPP area or in adjacent areas that could be impacted by proposed activities from build out of the SCDPP.

The existing trees within the SCDPP area and adjacent to the site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Impact BIO-1: Construction activities associated with future development within the Santa Clara Downtown Precise Plan (SCDPP) area could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.
(Significant Impact)

Mitigation Measures: The following mitigation measures shall be implemented during all demolition and construction activities to avoid abandonment of raptor and other protected migratory bird nests.

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

MM BIO-1.2: If it is not possible to schedule construction and tree removal between September 1st and January 31st, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st).

During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed

²⁵ City of Santa Clara. 2010-2035 *General Plan Integrated Final Environmental Impact Report*. SCH# 2008092005. January 2011.

²⁶ Ibid.

by construction, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the Migratory Bird Treaty Agreement (MBTA) or Fish and Game Code shall not be disturbed during project construction.

The proposed SCDPP, with implementation of Mitigation Measures BIO-1.1 and BIO-1.2, would reduce impacts to nesting birds by avoiding construction of future projects during nesting bird season or completing pre-construction nesting bird surveys to minimize and/or avoid impacts to nesting birds. **(Less than Significant with Mitigation Incorporated)**

Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

The plan area is fully developed with no riparian habitats or other sensitive natural communities located on or adjacent to the site. Future development under the SCDPP would have a less than significant impact on riparian habitats or other sensitive natural communities. **(Less than Significant Impact)**

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact)**

The SCDPP area is fully developed and does not contain state or federally protected wetland areas. Therefore, future development under the SCDPP would not impact state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less Than Significant Impact)**

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

Per the City's General Plan FEIR, the creeks that flow through the City provide the primary wildlife movement corridors; therefore, future development proposed near any creeks would have the potential to disrupt or disturb wildlife movements along the creek corridors. The SCDPP area is not located in proximity to any creeks; therefore, future developments proposed under the SCDPP would have a less than significant impact on native resident or migratory fish and/or wildlife movement. **(Less than Significant Impact)**

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

General Plan Policy 5.3.1-P10 requires new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed. Additionally, Chapter 12.35 of the City Code protects all trees (native and non-native) planted or growing along the streets or public places of the City from removal without a permit from the City and prohibits the attaching of anything to a tree in the City, unless it is necessary and proper to the growth and care of the tree. On private property, Chapter 12.35 also protects 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. Future development under the SCDPP could result in the removal of existing trees on individual development parcels which would result in a significant impact.

Impact BIO-5: Tree removal from redevelopment of individual parcels under the Santa Clara Downtown Precise Plan (SCDPP) could result in a significant impact to trees.
(Significant Impact)

Mitigation Measures: The following mitigation measures would minimize impacts from tree removals to a less than significant level.

MM BIO-5.1: Projects proposing or required to retain trees on-site shall implement precautionary measures during site construction to limit adverse environmental effects on trees protected under General Plan Policies 5.10.1-P3 and 5.10.1-P4 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. Proof of tree protection measures shall be provided to the Director of Community Development or the Director's designee prior to issuance of any demolition or grading permits.

MM BIO-5.2: Project applicants under the SCDPP shall be required to comply with the City Code and submit permit applications for removal of all trees covered by the City's tree ordinance. Any 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 shall be planted on-site and the project applicant shall comply with all other tree removal requirements imposed by the City. The minimum tree replacement size shall be a 24-inch box for all on-site plantings, with all street trees to be a minimum 36-inch box. Street tree selection shall be per City specifications; spacing, and species shall be approved by City Arborist. Tree removal permits shall be obtained prior to the issuance of any demolition or grading permits.

With implementation of Mitigation Measures BIO-5.1 and BIO-5.2, impacts to trees from individual projects under the SCDPP would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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

The City of Santa Clara, including the SCDPP area, is outside the boundary of an adopted HCP, NCCP or other approved local, regional, or state habitat conservation plan. Therefore, the SCDPP would not conflict with any adopted habitat conservation plan. **(No Impact)**

3.4.2.2 *Cumulative Impacts*

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

The geographic area for cumulative biological resources impacts includes the SCDPP area and adjacent parcels. As mentioned above, the plan area does not contain sensitive, wetland, or riparian habitat. In addition, all individual projects would be required to comply with the City Code, existing regulations, and Mitigation Measures BIO-1.1, BIO-1.2, BIO-5.1, and BIO-5.2 to protect migratory and nesting birds and minimize the loss of trees; therefore, individual projects proposed under the SCDPP would not result in a cumulatively considerable contribution to biological resources impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.5 CULTURAL RESOURCES

The following discussion is based in part on an Archaeological Literature Search completed by PaleoWest in July 2022. A copy of this report on file at the City of Santa Clara.

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

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

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.²⁷

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

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

²⁷ California Office of Historic Preservation. “California Office of Historic Preservation Technical Assistance Series #6 California Register and National Register: A Comparison.” Accessed December 21, 2022.
<https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf>.

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

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

Local

Santa Clara County Code

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 Native American Heritage Commission and a “most likely descendant” must also be notified.

City of Santa Clara 2010-2035 General Plan

The City’s General Plan includes policies and programs to protect cultural resources. Applicable General Plan policies include, but are not limited to, the following listed below.

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

Santa Clara Criteria for Local Significance

The Criteria for Local Significance were adopted on April 20, 2004, by the Santa Clara City Council. Any building, site, or property in the City that is 50 years old or older and meets certain criteria of architectural, cultural, historical, geographical or archeological significance is potentially eligible.

3.5.1.2 *Existing Conditions*

Archaeological Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

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

Within the City boundary, flood basin deposits and natural levee deposits that flank Saratoga Creek and Guadalupe River contain the highest number of prehistoric sites.²⁸ The SCDPP area is located over 1.3 miles from Saratoga Creek and Guadalupe River. Paleowest completed a records search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) which found no cultural resources within the SCDPP area. Thirteen cultural resources were, however, identified within a 0.25-mile radius of the site.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California led to the establishment of the California Missions. The founding of the Missions began the attempted assimilation of the area's indigenous inhabitants into the culture of the new European settlers.

The first Mission Santa Clara was founded in 1777 near what is today the Kifer Road/De La Cruz Boulevard intersection. The first Mission was destroyed by flooding of the Guadalupe River in 1779 and a temporary second Mission Santa Clara was constructed near the present day Martin Avenue/De La Cruz Boulevard intersection while a new permanent location for the Mission was sought.

²⁸ City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. SCH# 2008092005. January 2011.

The third Mission Santa Clara was constructed in 1781 on what is now the SCU campus. The third site proved to be a suitable location and the Mission remained at this site until it was damaged by an earthquake in 1818. A temporary church (the fourth Mission) was constructed near the present day Kenna Hall. In 1822, the fifth and final Mission church was constructed. With construction of the third Mission, the Mission settlement at SCU continually expanded until 1834, when the new Mexican government began to secularize the mission lands.

Post-Mission Period to Mid-20th Century

In 1836, Mission Santa Clara was turned into a parish church and much of its land reverted to the public domain. At this time, the lands around the Mission began to be transformed into residential lands with some small farms. American settlers began arriving in Santa Clara as early as 1841 and the Native Americans were forced to adapt or relocate. By 1850 (the year California officially achieved statehood), settlers dominated the project area and the remaining Native American population was, for the most part, living and working on nearby rancherias or at the Inigo reservation. The Jesuit College of Santa Clara was established within the fifth Mission church and quadrangle in 1851 and the Town of Santa Clara was officially incorporated in 1852.

Based on a review of historical maps of the SCDPP area, the area lies within the historical El Portero de Santa Clara land grant, located between the Pueblo of San José and Mission Santa Clara. An 1876 map shows the SCDPP area developed with a neighborhood which consisted of 56 lots of varying sizes. By 1948, the SCDPP area was developed with single-family residences and commercial buildings and remained mostly unchanged until 1960. In 1963, the City Council voted to demolish eight City blocks in the Downtown core as part of urban renewal. By 1968, the structures within the SCDPP area were demolished and the area consisted of vacant lots, parking lots, and a few buildings on the east and west sides of Monroe Street. By 1980, five structures and a parking lot were constructed within the area and by 1993, the rest of the area was redeveloped with what is currently present on-site today.

Historic Resources

As mentioned above, a large portion of the SCDPP area was demolished in 1968. Any buildings constructed after 1973 would not be historic in age. The buildings located at 906 Monroe Street, 930 Monroe Street, 945 Madison Street, 1059 Madison Street, and 1075 Madison Street are listed in the City's HRI.²⁹

²⁹ City of Santa Clara. "8.9 Historic Preservation and Resource Inventory." Accessed January 4, 2023. <https://www.santaclaraca.gov/home/showpublisheddocument/12893/635713044859030000>.

3.5.2 Impact Discussion

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

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

3.5.2.1 *Project Impacts*

Impact CUL-1:	The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 through implementation of the Condition of Approval. (Less than Significant Impact)
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As mentioned previously, the buildings located at 906 Monroe Street, 930 Monroe Street, 945 Madison Street, 1059 Madison Street, and 1075 Madison Street are listed in the City's HRI.³⁰ As mentioned in the SCDPP, further study is needed for the USPS post office at 1200 Franklin Mall to determine if the building is of historic significance. Any structure proposed for demolition from the individual projects proposed under the SCDPP that are not currently designated as historic, but could meet the criteria for listing on a historic register upon reaching 50 years of age, could result in a significant impact to historical resources. Policy 5.2A of the SCDPP requires preservation of the Downtown's historic buildings and sites as identified in the City's HRI and encourages the assessment of buildings and sites with potential, but undetermined historic significance. Consistent with Policy 5.2A, the following Condition of Approval would be required for all future developments proposed under the SCDPP to reduce potential historical resources impacts to a less than significant level.

Condition of Approval:

- For any future project proposed within the Santa Clara Downtown Precise Plan (SCDPP), the project applicant shall prepare the appropriate California Department of Parks and Recreation 523 Forms (DPR Forms) for any building or structure that is 50 years of age or older to determine whether or not the building or structure is eligible as a historical resource under the federal, state, or local criteria.

Structures that are determined to be historic through this process would be subject to SCDPP Policy 5.2A and the City's historic preservation ordinance, City Code Chapter 18.06. With implementation of the identified Condition of Approval, impacts to potential historic resources within the SCDPP area would be less than significant. **(Less than Significant Impact)**

³⁰ City of Santa Clara. "8.9 Historic Preservation and Resource Inventory." Accessed January 4, 2023. <https://www.santaclaraca.gov/home/showpublisheddocument/12893/635713044859030000>.

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

The SCDPP area has moderate to high sensitivity to contain prehistoric archaeological resources. Based on the Archaeological Literature Search, only one cultural resources investigation was completed within the plan area in the year 2000 which included a linear survey of an urban surface. The investigation did not include an analysis of buried cultural resources or the potential for cultural resources. Due to the size of the plan area, the lack of extensive subsurface studies, recorded subsurface artifacts in the surrounding project area, and unknown project impacts, redevelopment of the SCDPP area could result in a substantial adverse change in the significance of as yet unidentified archaeological resources.

Impact CUL-2: Future projects proposed under the Santa Clara Downtown Precise Plan (SCDPP) could result in impacts to as yet unidentified buried archaeological resources. **(Significant Impact)**

Mitigation Measures: The following mitigation measures would reduce impacts to subsurface cultural resources from construction activities associated with individual projects proposed under the SCDPP.

MM CUL-2.1: Prior to grading of the project site, a qualified archaeological consultant shall conduct subsurface sampling to determine if historic archaeological resources are present.

Testing for historic-era resources shall extend to a depth of four feet below the current ground surface. Testing for prehistoric resources shall extend to a depth of eight feet below the current ground surface to account for rapid alluviation during the Holocene era. In the event that resources are discovered on-site, a site-specific cultural resources treatment plan shall be prepared and approved by the Director of Community Development or Director's designee prior to issuance of any of grading permits in conformance with the steps outlined below.

Investigation – Resource Identification

Archaeologists shall investigate features to determine their potential significance. Decisions shall be made about which features shall be subject to archaeological data recovery.

- The determination of significance of historic archaeological property types is tied directly to their historical context and relevance to research themes further discussed below. Usefulness of a property type (feature) with regard to relevant research themes determines the legal importance of that resource. Also germane to the importance of property types are assessments of integrity, land use history, and comparison with other

known similar property types. Especially relevant here are issues that cannot be addressed using data from other sources. The purpose of identifying relevant research themes is to help predict areas of special concern, given expected property types. Determination of relevance to research themes is critical to the identification of significant features in the field.

- If data recovery is determined to be appropriate, excavation shall target recovery of an appropriate amount of information from archaeological deposits to determine potential of the resource to address specific research questions. If it occurs, data recovery shall emphasize understanding of the archaeological deposit's structure, including features and stratification, horizontal and vertical extent, and content including the nature and quantity of artifacts.

Reporting

The findings reports shall follow the outline below and shall focus on particular finds encountered during the excavation. All reports shall, at a minimum, meet the Secretary of the Interior's Standards for Archaeological Documentation. The report shall be submitted to the project applicant and all reviewing agencies, and shall ultimately be filed with the Northwest Information Center at Sonoma State University.

The technical report on project results may address the following elements:

- executive summary;
- statement of scope, including project location and setting;
- background contexts or summaries;
- summary of previous research, historical and archaeological;
- research goals and themes;
- field and laboratory methodologies;
- descriptions of recovered materials;
- findings and interpretations, referencing research goals;
- conclusions;
- references cited; and
- appendices such as artifact catalogs, special studies, and other information relevant to the project and findings.

MM CUL-2.2:

Upon completion of all field work, but before completion of the Findings Report (outlined in MM CUL-2.1), a preliminary report outlining the data recovery work on the site(s) shall be submitted to the Director of Community Development or Director's designee for review and approval prior to issuance of building permits.

MM CUL-2.3: 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. The archaeologist, in consultation with the project applicant, shall make the necessary plans for treatment of the find(s) if the resource is eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). Construction and potential impacts to the area within a radius determined by the archaeologist shall not recommence until the assessment is complete.

With implementation of Mitigation Measures CUL-2.1 to CUL-2.3, impacts to unknown buried archaeological resources would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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

Redevelopment of the SCDPP area would include demolition, grading, and excavation activities which could result in the accidental discovery of human remains.

Impact CUL-3: Future projects proposed under the Santa Clara Downtown Precise Plan (SCDPP) could result in impacts to human remains. **(Significant Impact)**

Mitigation Measure: The following mitigation measure shall be implemented for all future projects within the SCDPP during construction activities to reduce or avoid impacts to human remains.

MM CUL-3.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find 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 shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines.

With implementation of Mitigation Measure CUL-3.1, impacts to human remains would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

3.5.2.2 Cumulative Impacts

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

The geographic area for cumulative impacts to cultural resources is the SCDPP area and adjacent parcels in the immediate area. The development of cumulative projects in proximity to the SCDPP area, along with the implementation of the SCDPP, could impact unknown buried archaeological resources. Implementation of the Condition of Approval identified above (refer to Impact CUL-1) and Mitigation Measures CUL-2.1 to CUL-2.3 and CUL-3.1 would ensure impacts to cultural resources and human remains (if encountered) would be reduced to a less than significant level. The cumulative projects are all subject to CEQA and are required to comply with the federal, state, and local regulations put in place to protect cultural resources (refer to *Section 3.5.1.1, Regulatory Framework*). For these reasons, implementation of the SCDPP would not result in a cumulatively considerable impact to cultural resources. **(Less than Significant Impact with Mitigation Incorporated)**

3.6 ENERGY

3.6.1 Environmental Setting

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Non-residential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.³¹ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.³²

³¹ California Building Standards Commission. "California Building Standards Code." Accessed May 13, 2022. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

³² California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed May 13, 2022. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025.

Regional and Local

City of Santa Clara 2010-2035 General Plan

The General Plan policies related to energy that are applicable to the project are shown in the following table.

Policy	Description
5.10.3-P3	Reduce energy consumption through sustainable construction practices, materials, and recycling.
5.10.3-P7	Incorporate criteria for sustainable building and solar access into the City's ordinances and regulations.
5.10.3-P10	Work with Silicon Valley Power to implement adequate energy distribution facilities to meet the demand generated by new development.

Construction and Demolition Debris Recycling Program

The City of Santa Clara requires project applicants seeking building and/or demolition permits for projects greater than 5,000 square feet to recycle at least 65 percent of discards.

2022 Reach Code

In November 2021, the Santa Clara City Council approved Ordinance No. 2034, the City's "Reach Code" ordinance, which amended Chapters 15.36 and 15.38 of the City Code to adopt provisions of the 2019 California Energy Code and the 2019 CALGreen with certain exceptions, modifications, and additions to increase building efficiency and increase requirements related to electric vehicle (EV) charging stations. In November 2022, the Santa Clara City Council adopted Ordinance No. 2056 to update the Reach Code to utilize the 2022 versions of Energy Code and CALGreen. By adopting the 2022 Reach Code, the City of Santa Clara is reducing GHG emissions consistent with local climate action goals.

The 2022 Reach Code applies to newly constructed buildings, and any additions/alterations changing more than 50 percent of an existing building. It requires new all newly constructed buildings to be all-electric meaning a building or building design with no natural gas or propane plumbing installed.³³ Additionally, the City’s Reach Code mandates minimum size solar photovoltaic installations on all new non-residential and high-rise residential constructions.

3.6.1.1 *Existing Conditions*

Total energy usage in California was approximately 6,923 trillion British thermal units (Btu) in the year 2020, the most recent year for which this data was available.³⁴ Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 21.8 percent (1,507.7 trillion Btu) for residential uses, 19.6 percent (1,358.3 trillion Btu) for commercial uses, 24.6 percent (1,701.2 trillion Btu) for industrial uses, and 34 percent (2,356.1 trillion Btu) for transportation.³⁵ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2021 was consumed primarily by the non-residential sector (75 percent), followed by the residential sector consuming 25 percent. In 2021, a total of approximately 16,905 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.³⁶

SVP is the City of Santa Clara’s energy utility and would provide electricity service to the SCDPP area. SVP provides residential customers with carbon-free power as their standard, default power supply. This means the power generation produces no net carbon emissions. For commercial customers, SVP offers several options for participation in green energy programs, including a carbon-free energy option.³⁷

Natural Gas

PG&E provides natural gas services within the City of Santa Clara. In 2021, residential and commercial customers in California used 34 percent of the state’s natural gas, power plants used 31 percent, the industrial sector used 34 percent, and transportation accounted for one percent of natural gas use.³⁸ In 2021, Santa Clara County used less than one percent of the state’s total consumption of natural gas.³⁹

³³ City of Santa Clara. “2022 Reach Code.” Accessed February 9, 2023. <https://www.santaclaraca.gov/our-city/departments-a-f/community-development/building-division/2022-reach-code>.

³⁴ United States Energy Information Administration. “State Profile and Energy Estimates, 2020.” Accessed November 14, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁵ United States Energy Information Administration. “State Profile and Energy Estimates, 2020.” Accessed November 14, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁶ California Energy Commission. “Electricity Consumption by County.” Accessed November 14, 2022. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

³⁷ Silicon Valley Power. “FAQs” Accessed November 14, 2022. <https://www.siliconvalleypower.com/svp-and-community/about-svp/faqs>.

³⁸ United States Energy Information Administration. “Natural Gas.” Accessed November 14, 2022. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcua_sca_a.htm.

³⁹ California Energy Commission. “Natural Gas Consumption by County.” Accessed November 14, 2022. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.⁴⁰ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the U.S. has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2021.⁴¹ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.^{42,43}

It is estimated that the existing land uses on-site use approximately 4,923,453 kWh of electricity per year and 4,962,012 kBtu of natural gas per year. Using the U.S. EPA fuel economy estimates for 2021, the existing land uses on-site would consume approximately 514,548 gallons of gasoline.⁴⁴

3.6.2 Impact Discussion

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

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

3.6.2.1 *Project Impacts*

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

Build out of the SCDPP would allow for the development of up to 1,071 dwelling units, 531,720 square feet of office space, 197,900 square feet of commercial/retail space, and 44,300 square feet of public space. Construction of these uses would require energy to manufacture and transport building materials, fuel for worker travel and construction equipment, and the actual construction of individual projects. Construction details of each individual development site are not currently known;

⁴⁰ California Department of Tax and Fee Administration. "Motor Vehicle Fuel Distribution." Accessed November 14, 2022. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

⁴¹ United States Environmental Protection Agency. "The 2022 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2022. Accessed February 1, 2023. <https://www.epa.gov/system/files/documents/2022-12/420r22029.pdf>.

⁴² United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed November 14, 2022. <http://www.afdc.energy.gov/laws/eisa>.

⁴³ United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed November 14, 2022. <https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026>.

⁴⁴ The electricity and natural gas usage and VMT were estimated using default assumptions for the land uses using CalEEMod Version 2020.4.0. To calculate the gallons of gasoline consumed, the annual VMT was divided by the U.S. EPA fuel economy for 2021.

Existing Uses Annual VMT 13,069,509 / 25.4 mpg = 514,548 gallons of gasoline.

however, it is anticipated that full build out of the SCDPP would occur in 2048.

Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully because of the added expense associated with renting the equipment, as well as maintaining and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. As discussed in *Section 3.3 Air Quality*, all future development proposed under the SCDPP would be required to comply with Mitigation Measure AIR-3.1 which would restrict idling times to five minutes or less and would require the project applicant(s) to properly maintain construction equipment which would reduce the potential for energy waste. In addition, future development under the proposed SCDPP would be required to comply with the City’s Construction and Demolition Debris Recycling Program. Future development under the SCDPP would also be required to adhere to the City of Santa Clara Climate Action Plan 2022 (2022 CAP) which includes energy efficiency strategies and actions to reduce GHG emissions.

For these reasons, future development within the SCDPP would not use energy in a wasteful, inefficient, or unnecessary manner during project construction. **(Less Than Significant Impact)**

Operation

Operation of each development under the SCDPP would consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics. Energy would also be consumed during each vehicle trip generated by future residents, employees, customers, and vendors. Future development under the SCDPP would be required to be built in accordance with the latest CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption, and meet Title 24 building energy efficiency standards. Table 3.6-1 provides a summary of the estimated energy use from build out of the SCDPP.

Table 3.6-1: Estimated Annual Energy of SCDPP¹			
Development	Electricity Use (kWh)	Natural Gas Use² (kBtu)	Gasoline³ (gallons per year)
Apartments – Mid Rise	4,140,950	0	291,600
General Office Building	9,129,630	0	256,423
Regional Shopping Center	2,056,180	0	377,384
Total:	15,326,760	0	925,407
Notes: ¹ The electricity usage and VMT were estimated using default assumptions for the given development land uses using CalEEMod Version 2020.4.0. ² Per the City’s Reach Code (Chapter 15.36 of the City Code), all newly constructed buildings shall be all-electric buildings. An all-electric building is defined as a building or building design that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. The Reach Code also applies to any additions/alterations changing more than 50 percent of the existing building. ³ Apartments – Mid-Rise Annual VMT 7,406,633 / 25.4 mpg = 291,600 gallons of gasoline. General Office Building Annual VMT 6,513,139 / 25.4 mpg = 256,423 gallons of gasoline. Regional Shopping Center Annual VMT 9,585,543 / 25.4 mpg = 377,384 gallons of gasoline.			

Compared to current conditions, the SCDPP would result in a net increase in electricity usage of approximately 10,403,307 kWh and a net decrease in natural gas usage of approximately 4,962,012 kBtu. Annual gasoline consumption as a result of the SCDPP would have a net increase of approximately 410,859 gallons of gasoline.

The proposed SCDPP area is located in an infill area of the City that is located in proximity (0.4 miles) to the Santa Clara Transit Station, which is served by Caltrain, Amtrak, Altamont Commuter Express (ACE), and several VTA bus stops. Gasoline use from the individual projects proposed under the SCDPP would be reduced given the project's proximity to existing transit, the proposed mix of uses (e.g., residential, retail, and office), and placement of residential development near jobs. The SCDPP would not use fuel or energy in a wasteful manner, given the project features that reduce energy use, including the following:

- Developing an infill site,
- Proposing a mix of uses,
- Proposing residential uses near existing transit,
- Improving sidewalks to create more walkable neighborhoods and ease non-vehicular traffic,
- Providing a network of bicycle-friendly streets,
- Providing high-quality transit shelters at bus stops and enhance transit connects from the Downtown to regional destinations,
- Planting trees and use of green infrastructure elements,
- Use of recycled water for landscape irrigation, and
- Providing electric vehicle charging spaces.

For these reasons, implementation of the SCDPP would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (Less than Significant Impact)
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Future development under the SCDPP would be required to participate in the City's Construction and Demolition Debris Recycling Program, the most recent CALGreen and California Building Code (CBC) requirements, and Title 24 Part 26 of the California Code of Regulations. Per the City's 2022 CAP, future projects in the SCDPP would be required to implement all-electric reach codes (refer to the City's Reach Code), propose site-specific TDM measures, comply with state solid waste laws (e.g., AB 1826, AB 341, and SB 1383), and connect to the recycled water distribution system to provide recycled water (where applicable).

Therefore, implementation of the SCDPP would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources. **(Less than Significant Impact)**

3.6.2.2 *Cumulative Impacts*

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

The geographic area for cumulative energy impacts is the State of California. Past, present, and future development projects contribute to the state's energy impacts. If the SCDPP is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. The City of Santa Clara has an adopted 2022 CAP which ensures individual projects incorporate measures to reduce energy usage. Furthermore, future development under the SCDPP would be required to participate in the City's Construction and Demolition Debris Recycling Program, the most recent CALGreen and CBC requirements, Title 24 Part 26 of the California Code of Regulations. Therefore, the SCDPP would not contribute towards any significant cumulative energy impact. **(Less than Significant Cumulative Impact)**

3.7 GEOLOGY AND SOILS

3.7.1 Environmental Setting

3.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

City of Santa Clara 2010-2035 General Plan

The General Plan policies related to geology and soils that are applicable to the project are listed below.

Policies	Description
5.6.3-P1	Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources
5.6.3-P5	In the event that 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.
5.10.5-P5	Regulate development, including remodeling or structural rehabilitation, to ensure adequate mitigation of safety hazards, including flooding, seismic, erosion, liquefaction and subsidence dangers.
5.10.5-P6	Require that new development is designed to meet current safety standards and implement appropriate building code to reduce risks associated with geologic conditions.
5.10.5-P7	Implement all recommendations and design solutions identified in project soils reports to reduce potential adverse effects associated with unstable soils or seismic hazards.

City Code

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

3.7.1.2 *Existing Conditions*

Geology and Soils

The City of Santa Clara is located within the Santa Clara Valley, which is a broad alluvial plain between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast.

The San Andreas Fault system, including the Monte-Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range. Soils on-site have moderate expansion potential.⁴⁵

Seismicity and Seismic Hazards

The SCDPP area is located within the San Francisco Bay Area, the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the SCDPP area during a major earthquake on one of the nearby faults.

The SCDPP area is not located within an Alquist-Priolo Earthquake Fault Zone⁴⁶ and no active faults have been mapped on-site. Active faults near the plan area are shown below in Table 3.7-1.

Table 3.7-1: Active Faults Near the SCDPP Area	
Fault	Distance from Site
Hayward	6.7 miles northeast
San Andreas	10.1 miles southwest
Calaveras	9.8 miles northeast
Monte-Vista Shannon	5.8 miles southwest

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. The plan area is located within the State of California Seismic Hazard Zone and Santa Clara County Geologic Hazard Zone for liquefaction.⁴⁷

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Areas most prone to lateral spreading include lands adjacent to creeks, such as along the Guadalupe River. As mentioned in *Section 3.5.1.2*, the SCDPP area is located over 1.3 miles from Saratoga Creek and Guadalupe River. At these distances, the potential for lateral spreading on-site is low.

⁴⁵ USDA, Natural Resource Conservation Service. "Web Soil Survey." Accessed January 10, 2023.

<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

⁴⁶ United States Geologic Survey. "Alquist-Priolo Faults." Accessed November 4, 2022.

<https://earthquake.usgs.gov/education/geologicmaps/apfaults.php>.

⁴⁷ County of Santa Clara. *Santa Clara County Geologic Hazard Zones. Map 19*. Accessed January 10, 2023.

https://stgenpln.blob.core.windows.net/document/GEO_GeohazardATLAS.pdf.

Landslides

Landslides occur when the stability of a slope changes from a stable to an unstable condition. Since the Downtown area is relatively flat, the potential for landslides on-site is low.

Groundwater

Based on the Screening Level Phase I ESA, groundwater is estimated at a depth ranging from 10 to 20 feet below the ground surface (bgs). Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater in the plan area flows in a northeasterly direction.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Per the City's General Plan FEIR, the City is situated on alluvial fan deposits of the Holocene age, consisting of gravel, sand and finer sediments. Along the City's major streams are natural levee deposits consisting of silt and clay, also of the Holocene age. In the subsurface, alluvial strata of the Pleistocene age underlie the surface exposed Holocene strata. The City's General Plan FEIR identified geologic units of Pleistocene age and the Santa Clara Formation as strata with high paleontological sensitivity. Geologic units of Holocene age are not considered sensitive for paleontological resources because biological remains younger than 10,000 years are usually not considered fossils. The SCDPP area is located in an area containing alluvial fan deposits of Holocene age⁴⁸; therefore, it is considered to have undetermined, but potential sensitivity for paleontological resources.

3.7.2 Impact Discussion

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

- 1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?
 - Strong seismic ground shaking?
 - Seismic-related ground failure, including liquefaction?
 - Landslides?
- 2) Result in substantial soil erosion or the loss of topsoil?
- 3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

⁴⁸ City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011.

- 4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
- 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- 6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

3.7.2.1 *Project Impacts*

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

As mentioned previously, the SCDPP area is not located within an Alquist-Priolo Earthquake Fault Zone and there are no active faults in the immediate project area. The closest active fault to the plan area is the Monte-Vista Shannon fault zone, located approximately 5.8 miles southwest; therefore, the potential for fault rupture is low. Because the SCDPP is located within a seismically active region in the U.S., very strong ground shaking would be expected to occur within the area during a major earthquake. Due to the distances between the SCDPP area and Saratoga Creek and Guadalupe River, the potential for lateral spreading during a seismic event would be low. In addition, the potential for landslides on-site would be low. The plan area is located within a potential liquefaction zone which could result in adverse effects to future residents and employees of the SCDPP area.

Future development under the proposed SCDPP shall be required to implement the following Condition of Approval consistent with the City of Santa Clara requirements and existing regulations.

Condition of Approval:

- For any future project proposed within the Santa Clara Downtown Precise Plan (SCDPP), the project applicant shall be required to submit a design-level geotechnical report to the City of Santa Clara's Building Division for review and approval prior to the issuance of building and grading permit(s). Building design and construction associated with specific development shall comply with the recommendations of the design-level geotechnical investigation (including measures to address seismicity and seismic hazards, liquefaction, and lateral spreading) to ensure building integrity and reduce risk. In addition, future development would be required to adhere to the latest California Building Code (CBC).

With implementation of the Condition of Approval, future development proposed under the SCDPP, in compliance with existing regulations, would not expose people or structures to substantial adverse effects due to ground shaking; nor would the SCDPP exacerbate existing geological hazards on-site

such that it would impact (or worsen) off-site geological and soil conditions. **(Less than Significant Impact)**

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

The SCDPP area is relatively flat and would not be exposed to landslides hazards. Although the area is relatively flat, construction from future development would expose soils on-site and could result in soil erosion or loss of topsoil. As discussed in *Section 3.10 Hydrology and Water Quality*, future development under the SCDPP would be required to implement a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit for projects that disturb one acre or more of soil. In addition, future development would be required to comply with the City Code to control erosion and sedimentation. As mentioned under Impact GEO-1, future development under the SCDPP shall be required to submit a design-level geotechnical report which include specific design measures to address expansive soils to the City for review and approval prior to the issuance of building and grading permits. With implementation of these measures, future development under the SCDPP would not result in significant soil erosion or loss of topsoil, nor would future development and improvements exacerbate soil erosion or loss of topsoil such that it would impact (or worsen) off-site conditions. **(Less than Significant Impact)**

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

The plan area is not at risk of landslides, lateral spreading, or collapse due to its location in the City. As mentioned under Impact GEO-1, the SCDPP area is located within a liquefaction hazard area. While the soils within the SCDPP area have moderate expansion potential, future development under the SCDPP would be required to submit a design-level geotechnical report (as a Condition of Approval) and be built in accordance with the recommendations provided in the report to ensure building integrity and reduce risk associated with unstable soils. Therefore, future developments proposed under the SCDPP would not result in destabilization of the SCDPP area as a result of on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

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

The SCDPP area contains soils with moderate expansion potential. As mentioned previously, future development proposed shall be built in conformance with the recommendations of the design-level geotechnical report to reduce and/or avoid impacts related to expansive soils (refer to discussion under Impact GEO-1). As a result, future development proposed would not create

substantial direct or indirect risks to life or property related to expansive soils. **(Less than Significant Impact)**

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

The plan area is located within an urbanized area of Santa Clara where sewers are available to dispose of wastewater. Future development under the SCDPP would not need to support septic tanks or alternative wastewater disposal systems. Therefore, there would be no impact related to the use of septic tanks or alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6: As mitigated, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact with Mitigation Incorporated)**

The SCDPP area has undetermined, but potential sensitivity for paleontological resources. Future development proposed under the SCDPP could disturb unknown paleontological resources during excavation, grading and construction activities. Any disturbance of these resources would constitute a significant impact.

Impact GEO-6: Development proposed under the Santa Clara Downtown Precise Plan (SCDPP) has the potential to disturb unknown paleontological resources during excavation, grading and construction activities. **(Significant Impact)**

Mitigation Measure: The following mitigation measure shall be implemented for all future projects proposed under the SCDPP to reduce or avoid impacts to paleontological resources.

MM GEO-6.1: Future projects requiring excavation of 10 feet or more below the ground surface (bgs) shall be monitored by a qualified paleontologist. In the event paleontological resources are discovered, all work on the site shall stop immediately, the Community Development Director or Director's designee shall be notified, and the qualified paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Community Development Director or Director's designee prior to the issuance of building permits.

With implementation of Mitigation Measure GEO-6.1, future development proposed under the SCDPP would have a less than significant paleontological resources impact. **(Less than Significant Impact with Mitigation Incorporated)**

3.7.2.2 *Cumulative Impacts*

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

The geographic area for cumulative geology and soils impacts includes the SCDPP area and adjacent parcels. All other projects within the vicinity of the SCDPP area would be subject to similar geology, soils, and seismicity impacts as the SCDPP. All projects occurring within the City are required to prepare a design-level geotechnical investigation and would be constructed consistent with the latest CBC to avoid and/or reduce impacts related to geologic hazards. Adherence to Mitigation Measure GEO-6.1 would ensure construction-related impacts to unknown paleontological resources from individual projects proposed under the SCDPP are reduced/avoided. Therefore, future developments proposed under the SCDPP would not result in a cumulatively considerable contribution to a significant geology and soils impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.8 GREENHOUSE GAS EMISSIONS

3.8.1 Environmental Setting

3.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are 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 frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

3.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

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

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of 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 ABAG, BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050. 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 Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

City of Santa Clara 2010-2035 General Plan

The General Plan policies related to GHGs that are applicable to the project are listed below.

Policies	Description
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.

Policies	Description
5.8.5-P1	Require new development and City employees to implement TDM programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.
5.8.1-P4	Expand transportation options and improve alternate modes that reduce GHG emissions

City of Santa Clara Climate Action Plan

The 2022 CAP is the latest update to the City’s CAP and is designed to meet the statewide GHG reduction targets for 2030 set by SB 32. As a Qualified Climate Action Plan, the 2022 CAP allows for tiering and streamlining of GHG analyses under CEQA. The 2022 CAP identifies existing City policies and regulations as well as new measures to be implemented by development projects in the areas of building/energy use, transportation & land use, materials & consumption, natural resources & water resources, and community resilience & wellbeing. Projects that comply with the policies and strategies outlined in the 2022 CAP would have a less than significant GHG impact.

3.8.1.3 *Existing Conditions*

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

GHG emissions are currently generated by daily traffic trips to and from the SCDPP area, as well as electricity required for lighting, heating, and cooling of the existing buildings.

3.8.2 Impact Discussion

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

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

3.8.2.1 *Project Impacts*

Impact GHG-1: Even with implementation of the identified mitigation measures, the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Significant Unavoidable Impact with Mitigation Incorporated)**

Construction Emissions

Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Build out of the SCDPP is anticipated to occur over a period of 25 years with full build out in 2048. Individual developments proposed under the SCDPP would result in a temporary increase in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the plan area.

Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions. BAAQMD encourages the incorporation of Best Management Practices (BMPs) to reduce GHG emissions during construction where feasible and applicable, including using alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet, using local building materials of at least 10 percent, and recycling or reusing at least 50 percent of construction waste or demolition materials.

In conformance with City's Construction and Demolition Debris Recycling Program, applicants seeking construction and/or demolition permits or projects greater than 5,000 square feet would be required to track and divert at least 65 percent of discards generated during project demolition and construction in order to reduce the amount of construction waste going to the landfill. In addition, as discussed under Mitigation Measure AIR-3.1, idling times of construction equipment shall be minimized to five minutes or less. 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 AB 32 or SB 32, the increase in construction emissions associated with the SCDPP would be less than significant. **(Less than Significant Impact)**

Operational Emissions

Pursuant to the latest BAAQMD CEQA Air Quality Guidelines, a local government may prepare a qualified GHG reduction strategy that is consistent with AB 32 goals. If a project is consistent with an adopted qualified GHG reduction strategy that meets the standards laid out below, it can be presumed that the project will not have significant GHG emission impacts.

In June 2022, the City of Santa Clara adopted the updated 2022 CAP. As a Qualified Climate Action Plan, the 2022 CAP allows for tiering and streamlining of GHG analyses under CEQA through the year 2030. Pursuant to the BAAQMD CEQA Air Quality Guidelines, long-range plans would have a less than significant impact related to operational GHG emissions if the plan demonstrates consistency with the GHG reduction strategy criteria in the CEQA Guidelines Section 15183.5(b).⁴⁹

GHG reduction targets and forecasts from the City's 2022 CAP were based on per capita and service population estimates from ABAG projections.⁵⁰ The proposed SCDPP would construct up to 1,071 dwelling units, 531,720 square feet of office space, 197,900 square feet of commercial/retail space, and 44,300 square feet of public space which would generate approximately 2,795 new residents and

⁴⁹ Bay Area Air Quality Management District. "2022 CEQA Guidelines." Accessed May 17, 2023. https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-7-plan-level-impacts_final-pdf.pdf?la=en .

⁵⁰ City of Santa Clara. *RE: Task 2.3 Recommend and Forecast GHG Targets Memo*. November 3, 2020.

2,387 new jobs/employees (refer to *Section 3.14.2.1*). As discussed in the General Plan, up to 400 residential units and 130,000 square feet of non-residential development (excluding civic or public uses) were assumed in the downtown. Therefore, only a portion of the SCDPP was accounted for in the 2022 CAP assumptions. While the proposed SCDPP is not fully consistent with the development assumptions of the 2022 CAP, future projects within the SCDPP would be required to comply with all applicable requirements for the reduction of GHG emissions identified in the 2022 CAP. Therefore, projects approved prior to January 1, 2031 would be required to demonstrate conformance with the 2022 CAP measures and projects approved after December 31, 2030 would be required to implement Mitigation Measures GHG-1.1 and GHG-1.2 as outlined below.

Projects Approved Prior to January 1, 2031

If a project is consistent with the City's 2022 CAP and is approved prior to January 1, 2031, it can be presumed that the project would not have significant GHG emissions under CEQA. Project applicants of future development proposed under the SCDPP would be required to comply with the following measure as a Condition of Approval.

Condition of Approval:

- For any future project proposed within the Santa Clara Downtown Precise Plan (SCDPP) prior to the year 2031, the project applicant shall demonstrate conformance with the City of Santa Clara's 2022 Climate Action Plan (2022 CAP) by completing the City's 2022 CAP Compliance Checklist.⁵¹

Additionally, future projects would be all-electric consistent with the City's Reach Code and be built in accordance with the most recent CBC and CALGreen requirements. Furthermore, the plan would provide for an intensification of mixed-use development within a centrally located area of Santa Clara in proximity to existing housing, jobs, and services, and within walking distance of multiple transit stops and the Santa Clara Transit Center. With implementation of the identified Condition of Approval, impacts from operational GHG emissions within the SCDPP area would be less than significant for projects completed prior to the year 2031. **(Less Than Significant Impact)**

Projects Approved After December 31, 2030

Full build out of the SCDPP is assumed to occur in 2048; therefore, any projects initiated after January 1, 2031 would not be covered by the 2022 CAP. As such, the current CAP cannot be utilized to mitigate potential GHG emissions impacts for future projects under the SCDPP for projects approved after the year 2030. It is not possible to know what reduction standards would be required for the years 2040 and 2050 to meet state GHG reduction targets. While it is reasonable to assume that automobiles and buildings would be more energy efficient and utilize clearer energy in the future, it would be speculative to presume that all development initiated under the SCDPP after the year 2030 would be able to comply with future reduction standards. As a result, full build out of the SCDPP would be a significant impact.

⁵¹ 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>

Impact GHG-1: Operation of developments approved under the Santa Clara Downtown Precise Plan (SCDPP) after the year 2030 has the potential to result in greenhouse gas (GHG) emissions that would result in an impact on the environment. **(Significant Impact)**

Mitigation Measures: The following mitigation measures shall be implemented for all future projects approved after the year 2030 under the SCDPP to reduce impacts from GHG emissions.

MM GHG-1.1: Future projects approved after the year 2030 shall be required to conform to the applicable GHG reduction standards in place at the time the project is initiated as provided in the City's adopted qualified Climate Action Plan (CAP) for year 2040 or 2050 (whichever is applicable). Proof of compliance shall be provided in writing for review and approval by the Director of Community Development or the Director's designee.

MM GHG-1.2: If the City of Santa Clara does not have a qualified GHG CAP adopted for year 2040 or 2050, or the project cannot comply with the reduction strategies in the 2040 or 2050 CAPs (whichever is applicable), then the project applicant shall purchase and retire carbon offset credits equivalent to the project's total operational GHG emissions.

- The project applicant shall provide proof to the Director of Community Development or the Director's designee that the carbon offset credits were issued by a registry meeting the following requirements:
 - The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the international organization for standardization (ISO) 14064 and the World Resources Institute (WRI)/World Business Council for Sustainable Development (WBCSD) GHG Protocol for Project Accounting;
 - The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Director of Community Development or the Director's designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the project applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure.
 - The carbon offset credits retired by the project applicant for the purpose of mitigating GHG emissions shall represent GHG emission

reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.⁵²

To demonstrate compliance with such requirements, the project applicant shall provide the following to the City's Director of Community Development or the Director's designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Director of Community Development or the Director's designee shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Director of Community Development or the Director's designee shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used.

- The carbon offset credits shall be from credit projects developed locally. If carbon offset credits are not available locally, the carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.
- The project applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring offset credits prior to each year's emissions that exceed the threshold. The applicant shall provide proof in the form of a compliance report to the Director of Community Development or the Director's designee that carbon offset credits equal to the amount of project operational GHG emissions in excess of the

⁵² The following terms in this mitigation are defined as follows: "Additional" means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in effect at the time the credit project was initiated. "Real" means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. "Verifiable" means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. "Permanent" means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure permanence, reductions from purchased credits must have already occurred. "Quantifiable" means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. "Enforceable" means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

threshold have been purchased and retired, prior to the operational year in which those emissions would occur. The applicant shall also have the right, at any time, to purchase and retire carbon offset credits for some or all of the operational emissions of the project in advance of the issuance of certificates of occupancy, temporary or permanent.

- The permits relating to the project shall be conditioned on achievement of GHG mitigation milestones. The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of a certificate of occupancy, temporary or permanent, for the project and as an issuance for continued operation. Should the City determine that the offset credits are non-compliant with these requirements, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards.

Because of the uncertainty of the availability of carbon offset credits being available for future projects and not knowing the specific reduction strategies that would be required beyond 2030, it is not possible to conclude that all future projects would be able to reduce project-level GHG impacts to less than significant. Therefore, this impact would be significant and unavoidable. **(Significant Unavoidable Impact with Mitigation Incorporated)**

Impact GHG-2: Even with implementation of the identified mitigation measures, the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Significant Unavoidable Impact with Mitigation Incorporated)**

2017 Clean Air Plan

As summarized in Table 3.3-5 under *Section 3.3*, future development proposed under the SCDPP would generally be consistent with the intent of 2017 CAP measures intended to reduce automobile trips, as well as energy and water use by:

- Including a TDM program that encourages automobile-alternative transportation, and ridesharing,
- Re-establishing the Downtown street grid to improve connectivity and designing complete multimodal streets to maintain ease of flow for all modes of transportation (e.g., vehicles, walking, and bicycles),
- Enrollment with SVP which provides 100 percent carbon-free and renewable energy-sourced electricity to residences,
- Complying with applicable regulations that would result in energy and water efficiency including Title 24, Santa Clara Reach Code, the 2022 CAP, and CALGreen standards,
- Planting new trees in accordance with General Plan Policy 5.3.1-P10 to reduce the urban heat island effect, and

- Complying with the City’s Construction and Demolition Debris Recycling Program to reduce the amount of waste in landfills.

For these reasons, future development under the SCDPP would not conflict with the 2017 CAP.
(Less than Significant Impact)

2022 Climate Action Plan

As discussed in the Santa Clara Climate Action Plan Update Addendum⁵³, the 2022 CAP would reduce the overall citywide GHG emissions by approximately 550,553 MTCO₂e per year, resulting in citywide GHG emissions of 946,487 MTCO₂e in 2030, which is below the 2030 target of 950,040 MTCO₂e per year. As described under Impact GHG-1, applicants of future development proposed under the SCDPP would be required to demonstrate compliance with the applicable GHG reduction standards in place at the time the project is initiated as a Condition of Approval. Projects approved prior to January 1, 2031 would not conflict or otherwise interfere with the statewide GHG reduction measures set forth by SB 32.

Projects initiated after the year 2030 could conflict or otherwise interfere with the statewide GHG reduction measures set forth by SB 375, even with Mitigation Measures GHG-1.1 and GHG-1.2, and would result in a significant unavoidable impact. **(Significant Unavoidable Impact with Mitigation Incorporated)**

3.8.2.2 Cumulative Impacts

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

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

As discussed previously, future development under the SCDPP approved prior to the year 2031 would have a less than significant GHG emissions impact by demonstrating compliance with the 2022 CAP. Since full build out of the SCDPP is assumed to occur in 2048, any projects initiated after the year 2030 have the potential to result in an impact on the environment. Even with implementation of Mitigation Measures GHG-1.1 and GHG-1.2, it would not be possible to conclude that all future projects would be able to reduce GHG impacts to a less than significant level. While projects constructed within the plan area after the year 2030 could have a significant unavoidable impact with the statewide GHG reduction measures set forth by SB 375, when combined with all other projects

⁵³ City of Santa Clara. Santa Clara Climate Action Plan Update Addendum. March 2022.

worldwide, the project's contribution to cumulative GHG emissions impact would be less than significant. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Screening Level Phase I Environmental Site Assessment (ESA) prepared by Cornerstone Earth Group in July 2022. A copy of the Screening Level Phase I ESA is provided in Appendix C of this document.

3.9.1 Environmental Setting

3.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Federal Aviation Regulations Part 77

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

Comprehensive Environmental Response, Compensation, and Liability Act

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

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

The law authorizes two kinds of response actions:

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

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁵⁴

Resource Conservation and Recovery Act

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

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁵⁵

Government Code Section 65962.5

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

⁵⁴ United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed October 25, 2022. <https://www.epa.gov/superfund/superfund-cercla-overview>.

⁵⁵ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed October 25, 2022. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁵⁶

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.⁵⁷ The EPA is currently considering a proposed ban on on-going use of asbestos.⁵⁸ National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

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

⁵⁶ California Environmental Protection Agency. "Cortese List Data Resources." Accessed October 25, 2022. <https://calepa.ca.gov/sitecleanup/corteselist/>.

⁵⁷ United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed October 25, 2022. <https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos>

⁵⁸Ibid.

Regional and Local

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

A majority of the SCDPP area is located within the Airport Influence Area (AIA), as defined by the Norman Y. Mineta San José International Airport's Comprehensive Land Use Plan (CLUP), adopted by the Santa Clara County Airport Land Use Commission (ALUC) on May 25, 2011 and amended on November 16, 2016. The Norman Y. Mineta San José International Airport's CLUP includes land use compatibility policies and standards, which form the basis for evaluating the land use compatibility of individual projects with the Airport and its operations. Standards in the Norman Y. Mineta San José International Airport's CLUP focus on the three areas of Santa Clara County ALUC responsibility: 1) aircraft noise, 2) the safety of persons on the ground and in aircraft, and 3) the control of objects in navigable airspace.

Proposals for amendments to general or specific plans by local agencies must be submitted to the Santa Clara County ALUC for a determination of consistency. In addition, for any non-mandated referrals, development projects that are higher than 200 feet above ground level are also encouraged to be submitted for review by the Santa Clara County ALUC. The ALUC then determines whether the General Plan Amendment or specific plan is consistent with the CLUP. If the ALUC finds the project to be inconsistent with the CLUP, the City may overrule the ALUC's determination, but only by a two-thirds vote of the City Council. Applicable Norman Y. Mineta San José International Airport's CLUP land use policies to the project include the following listed below.

Policies	Description
G-5	Where legally allowed, dedication of an aviation easement to the City of San José shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects.
G-6	Any proposed uses that may cause a hazard to aircraft in flight are not permitted within the AIA. Such uses include electrical interference, high intensity lighting, attraction of birds (certain agricultural uses, sanitary landfills), and activities that may produce smoke, dust, or glare. This policy requires the height at maturity of newly planted trees to be considered to avoid future penetration of the FAA FAR Part 77 Surfaces.
O-1	All new projects within the AIA that are subject to discretionary review and approval shall be required to dedicate in compliance with state law, an aviation easement to the City of San José.

Municipal Regional Permit Provision C.12.f

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

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable

structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.⁵⁹ Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

City of Santa Clara 2010-2035 General Plan

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

Policies	Description
5.10.5-P22	Regulate development on sites with known or suspected contamination of soil and/or groundwater to ensure that construction workers, the public, future occupants and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations.
5.10.5-P23	Require appropriate clean-up and remediation of contaminated sites.
5.10.5-P25	Use Best Management Practices to control the transport of hazardous substances and to identify appropriate haul routes to minimize community exposure to potential hazards.
5.10.5-P26	Survey pre-1980 buildings and abate any lead-based paint and asbestos prior to structural renovation and demolition, in compliance with all applicable regulations.
5.10.5-P30	Review the location and design of development within Airport Land Use Commission jurisdiction for compatibility with the Airport Land Use Compatibility Plan.
5.10.5-P33	Limit the height of structures in accordance with the Federal Aviation Administration Federal Aviation Regulations, FAR Part 77 criteria.

Santa Clara Emergency Operations Plan

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

3.9.1.2 Existing Conditions

The 25.0-acre project site is currently developed with residential, office, and commercial/retail uses. Based on the Screening Level Phase I ESA, groundwater is estimated at a depth ranging from 10 to 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater in the plan area flows in a northeasterly direction.

⁵⁹ California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

Site History

A land use history of the SCDPP area was compiled based on a review of aerial photographs, topographic maps, City directories, and Sanborn Maps. The SCDPP area was developed with commercial businesses and residences and associated outbuildings by the late 1800s. Development in the area increased during the early- and mid-1900s. The former structures located east of Monroe Street, except for the building at 990 Benton Street, were demolished during the mid-1960s. By 1968, new commercial businesses and parking lots were constructed between Monroe Street and Jackson Street and a few structures on-site, east of Monroe Street, were demolished and developed with new buildings. By 1974, the streets that formerly bisected the plan area, east of Jackson Street, were removed and developed with some of the existing commercial buildings. By the early 1990s, the other existing residential and commercial businesses located east of Jackson Street were constructed.

On-Site Sources of Contamination

Based on a review of the federal, state, and local regulatory agency database records, eight on-site facilities are listed in at least one database. Of the eight on-site facilities, one facility, located at 1266 Franklin Mall, has a reported spill incident and the remaining seven facilities are associated with the use or storage of significant quantities of hazardous materials (e.g., gasoline station and dry cleaners). The facility located at 1266 Franklin Mall is discussed further below.

While other commercial facilities, such as medical and dental facilities, associated with hazardous material use/storage and generation or disposal were listed in various databases, the Phase I ESA concluded that these listings are common for commercial facilities in urban settings and no releases or other issues have been reported.

1266 Franklin Mall

The on-site facility located at 1266 Franklin Mall is listed as a closed case on the RWQCB's Cleanup Program Site (CPS) database and was previously occupied by a dry cleaning business and a gasoline station in the early 1960s. The dry cleaning business and gasoline station were demolished and redeveloped into another dry cleaning business which currently occupies the 1266 Franklin Mall site. In 1997, soils samples were collected at the dry cleaning business which identified concentrations of tetrachloroethene (PCE) and trichloroethene (TCE). These volatile organic compounds (VOCs) were not found in the groundwater sample collected. Soil samples were also collected at the former gasoline station, but no petroleum hydrocarbons were identified. Per the RWQCB's request, additional soil and groundwater samples were collected from the site in April 1998. The VOC concentrations in the soil were lower compared to the 1997 sampling; however, concentrations of TCE were found in one of the groundwater samples. In May 1998, the RWQCB issued a no further action letter based on the low VOC concentrations detected associated with the dry cleaning facility.

Chemical Storage and Use

Former and current businesses within the SCDPP area such as gasoline stations, dry cleaning facilities, automotive repair shops, and a manufactured gasworks facility are commonly associated with use or storage of hazardous materials. There are three dry cleaning facilities that currently exist within the SCDPP area. These facilities have the greatest potential to have soil, soil vapor, and/or groundwater contamination. In addition, one underground storage tank (UST) at 930 Franklin Street

and another UST at 1049 Washington Street were shown on a 1915 Sanborn map. Based on the Screening Level Phase I ESA, USTs were likely present at the locations of the former gasoline stations. Other commercial businesses within the SCDPP area that likely used and stored hazardous materials include painting, printing and photography businesses, blacksmith and machine shops, and medical and dental facilities.

Asbestos, Lead-Based Paint, and Other Hazardous Building Materials

Due to the age of the existing buildings within the SCDPP area, ACMs and LBP may be present. In addition, materials including lamps, thermostats, light switches that contain mercury, batteries from exit signs, emergency lights, smoke alarms, lighting ballasts which contain PCBs, lead pipes, and roof vent flashings could result in risk to human health and the environment when improperly managed.

Off-Site Sources of Contamination

Within 1.2 miles of the SCDPP area, no off-site spill incidents were identified that would impact soil, soil vapor, or groundwater beneath the SCDPP area.

Other Hazards

The Norman Y. Mineta San José International Airport is located approximately 0.9 miles east of the SCDPP area. Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77) requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways, or which would otherwise stand at least 200 feet in height above ground. The FAR Part 77 notification surface ranges from approximately 22 feet above ground level on the eastern end to 40 feet above ground level on the western end of the SCDPP area.

3.9.2 Impact Discussion

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

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

- 6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

3.9.2.1 *Project Impacts*

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

Construction

Any hazardous materials (e.g., any debris or soil containing LBP or coatings) that would be removed from the site during project construction would be required to comply with applicable regulatory standards for the transport and removal of lead or ACMs. In addition, the project applicant shall implement the identified measures listed under Impact HAZ-2 below, which would reduce potential impacts associated with transporting and disposing of contaminated soil and other hazardous materials to a less than significant level. Therefore, development under the SCDPP would not create a significant hazard to the public or environment from the use, transport, or disposal of hazardous materials during project construction. **(Less than Significant Impact)**

Operation

Development under the SCDPP would likely include the use and storage of cleaning supplies and maintenance chemicals in small quantities similar to operation of the existing buildings on-site. The small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. During operation, all hazardous material use and storage would be required to comply with federal, state, and local requirements. Such use would not cause a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

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

Build out of the SCDPP would allow development of residential units, office, and commercial/retail space. Given the current and former uses on-site, residual hazardous materials contamination could be present on-site which could be disturbed by proposed new buildings and infrastructure, and has the potential to impact construction workers and adjacent land uses.

Impact HAZ-2: Existing hazardous materials contamination in soils and groundwater within the Santa Clara Downtown Precise Plan (SCDPP) area has the potential to impact construction workers and adjacent land uses if disturbed during demolition or construction of new buildings and structures on-site.
(Significant Impact)

Mitigation Measures: All future development under the SCDPP shall implement the following mitigation measures to reduce impacts from residual hazardous materials contamination to a less than significant level.

MM HAZ-2.1: Prior to the start of any demolition or construction activity, a property-specific Phase I Environmental Site Assessment (ESA) shall be completed in accordance with American Society for Testing and Materials (ASTM) Standard Designation E1527-21 (or most recent version) to identify Recognized Environmental Conditions (RECs), evaluate the property history, and establish whether or not the property is likely to have been impacted by chemical releases. Soil, soil vapor, and/or groundwater quality studies (Phase II ESAs) shall subsequently be conducted, if warranted, based on the findings of the property-specific Phase I ESAs, to evaluate if measures are needed to protect the health and safety of site occupants.

MM HAZ-2.2: Prior to the start of earthwork activities (e.g., excavation, trenching, grading, etc.) on properties with known contaminants of concern (COC) exceeding the lower of the then-current Department of Toxic Substances (DTSC), Regional Water Quality Control Board (RWQCB), or U.S. Environmental Protection Agency (EPA) regulatory levels, an appropriate corrective action/risk management plan (e.g., remedial action plan [RAP], removal action workplan [RAW], or Site Management Plan [SMP], etc.) shall be prepared that reflects the results of the property-specific investigations. The corrective action/risk management plan shall describe mitigation measures necessary to protect the health and safety of future site occupants and establish appropriate management practices for handling and monitoring of impacted soil, soil vapor, and groundwater that may be encountered during construction activities. The corrective action/risk management plan shall be prepared by an Environmental Professional and be submitted to an appropriate overseeing regulatory agency (e.g., Santa Clara County Department of Environmental Health [SCCDEH], DTSC, or RWQCB) and the City of Santa Clara Fire Department (SCFD) for review. Regulatory agency approval shall be obtained prior to commencing earthwork activities. A Health and Safety Plan (HSP) shall also be prepared to establish health and safety protocols for personnel working at the site. All mitigation measures shall be completed under regulatory agency oversight and meet all applicable federal, state, and local laws, regulations, and requirements. Following completion, a report documenting compliance with the provisions of the corrective action/risk management plan and describing the work completed shall be submitted and approved by the overseeing regulatory agency.

MM HAZ-2.3: If a project requires importing soil for property grading, the source and quality of imported soil shall be documented according to the DTSC's Clean Fill Advisory (October 2001).

With implementation of the identified measures above, development under the SCDPP would not significantly impact the public or the environment due to exposure to any hazards or contamination sources. **(Less Than Significant Impact With Mitigation Incorporated)**

Asbestos-Containing Materials and Lead-Based Paint

As mentioned in *Section 3.9.1.2*, the existing buildings within the SCDPP area may have been constructed using materials containing asbestos and LBP. Demolition of structures within the SCDPP area could expose construction workers or residents in the vicinity of the plan area to harmful levels of ACMs or lead. All project applicants within the SCDPP will be required to conform to the following regulatory programs and to implement the following measures, as Conditions of Approval, to reduce impacts due to the presence of ACMs and/or LBP.

Conditions of Approval:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During demolition activities, all building materials containing LBP shall be removed in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos and lead abatement contractor shall be retained to remove and dispose of ACMs and LBPs identified in the asbestos and LBP survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

With implementation of the identified Conditions of Approval, demolition of the buildings containing ACMs and LBP would reduce potential hazardous materials impacts to construction workers, adjacent uses, and nearby residences to a less than significant level. **(Less Than Significant Impact)**

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

There are no existing or planned schools within the SCDPP area. Schools within one-quarter mile of the SCDPP area include Buchser Middle School and SCU. While future development under the SCDPP would utilize small quantities of cleaning chemicals, the proposed residential, office, and commercial/retail uses would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. **(Less than Significant Impact)**

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

As mentioned previously, the on-site facility located at 1266 Franklin Mall is listed as a closed case on the CPS database. Soil vapor samples shall be collected from the 1266 Franklin Mall parcel prior to redevelopment as a Condition of Approval, and, if necessary, soil vapor intrusion mitigation shall be required (refer to *Section 3.9.3*). Therefore, future redevelopment of the 1266 Franklin Mall parcel would not create a significant hazard to the public or the environment. **(Less than Significant Impact)**

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

The SCDPP area is located approximately 0.9 miles west of the Norman Y. Mineta San José International Airport. Under FAR Part 77, the FAA must be notified of proposed structures within an extended zone defined by imaginary surfaces that radiate out for several miles from an airport's runways. Any proposed structure (including buildings, poles, antennae, and temporary construction cranes) that would penetrate the imaginary surface or which would stand 200 feet or more in height, must be submitted to the FAA for an aeronautical study. As mentioned in *Section 3.9.1.2*, the FAR Part 77 airspace notification surface ranges from approximately 22 feet above ground level on the eastern end to 40 feet above ground level on the western end of the SCDPP area. Notification to the FAA would be required for any structures that exceed the airspace notification surface ranges (depending on the location within the SCDPP area).

Per the Norman Y. Mineta San José International Airport's CLUP, the City would be required to submit the SCDPP for a determination of consistency to the Santa Clara County ALUC. Consistent with Santa Clara County ALUC and City General Plan policy, FAA issuance of "no hazard" determinations, with any conditions set forth in an FAA no-hazard determination also incorporated into the City's development permit, would ensure that development under the proposed SCDPP will

not be a hazard to aircraft operation. No buildings would be constructed above the notification surface without this prior documentation. **(Less Than Significant Impact)**

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

The SCDPP would change the local roadway circulation pattern and access by re-establishing the street grid, providing better access and circulation through the plan area. Implementation of the SCDPP would not physically interfere with the Santa Clara Emergency Operations Plan or other emergency response or evacuation plan. In addition, future development proposed under the SCDPP would be constructed in accordance with applicable policies identified in the City's General Plan to avoid unsafe building conditions. Therefore, implementation of the proposed SCDPP would not impair implementation of or physically interfere with the City's emergency operations. **(No Impact)**

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

The SCDPP area is currently developed and is not located in an area adjacent to any wildland area. **(No Impact)**

3.9.2.2 *Cumulative Impacts*

Impact HAZ-C: The project would not result in a cumulatively considerable contribution to a cumulatively significant hazards and hazardous materials impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative hazards and hazardous materials impacts is the SCDPP area and adjacent parcels. Cumulative projects located in the vicinity of the SCDPP area do not include manufacturing facilities or operations that would use significant quantities of hazardous materials. Hazardous materials contamination impacts are specific to the individual sites within the SCDPP area as impacts vary by site characteristics, site history, and proposed land use. Future development within the SCDPP area would mitigate hazardous materials impacts to a less than significant level with the implementation of the measures listed under Impact HAZ-2; therefore, redevelopment in the SCDPP area would not result in a cumulatively considerable contribution to a significant cumulative hazardous materials impact. **(Less than Significant Cumulative Impact)**

3.9.3 Non-CEQA Effects

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

General Plan Policy 5.10.5-P22 requires development on sites with known or suspected contamination of soil and/or groundwater to be regulated to ensure that construction workers, the public, future occupants and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations. In addition, General Plan Policy 5.10.5-P23 requires appropriate clean-up and remediation of contaminated sites.

As discussed previously, future developments proposed under the SCDPP shall implement Mitigation Measures HAZ-2.1 to HAZ-2.3 which would ensure that construction workers and future site users would not be exposed to any soil, soil vapor, and/or groundwater contamination from former uses of the site.

While the RWQCB issued a no further action letter for the reported on-site spill incident at 1266 Franklin Mall, the Screening Level Phase I ESA recommended that the 1266 Franklin Mall parcel be analyzed for vapor intrusion.⁶⁰ Therefore, future redevelopment of the 1266 Franklin Mall parcel shall be required to implement the following Condition of Approval.

Condition of Approval:

- Prior to redevelopment of the 1266 Franklin Mall parcel, soil vapor sampling shall be collected from the site by an Environmental Professional to evaluate if vapor intrusion mitigation is required.

With implementation of this Condition of Approval, construction workers and future site users would not be exposed to any soil, soil vapor, and/or groundwater contamination consistent with General Plan Policies 5.10.5-P22 and 5.10.5-P23.

⁶⁰ Vapor intrusion is the movement of chemical vapors from contaminated groundwater or soil in a nearby building. Vapors primarily enter through openings in building foundations (e.g., cracks in the concrete slabs and gaps around the utility lines). It is also possible for vapors to pass through concrete. Once inside the structure, vapors may be inhaled by occupants posing potential health risks.

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Environmental Setting-

3.10.1.1 *Regulatory Framework*

Federal and State

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

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

National Flood Insurance Program

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

Statewide Construction General Permit

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

⁶¹ San Francisco Regional Water Quality Control Board. "The 303(d) List of Impaired Water Bodies." Accessed October 26, 2022. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/303dlist.html.

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

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

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow-controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).⁶³

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

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

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.⁶⁴ Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

2021 Groundwater Management Plan

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

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.⁶⁵

⁶⁴ California Regional Water Quality Control Board San Francisco Region. *Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11, 2022

⁶⁵ Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

Construction Dewatering Waste Discharge Requirements

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

Dam Safety

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

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

City of Santa Clara 2010-2035 General Plan

General Plan policies related to hydrology and water quality that are applicable to the project are listed below.

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

Santa Clara City Code

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

3.10.1.2 *Existing Conditions*

Storm Drainage and Water Quality

The principal surface water drainages in the City of Santa Clara are the San Tomas Aquino, Saratoga and Calabazas Creeks. Additionally, the City is bordered by the Guadalupe River to the northeast. All of these drainages originate in the largely undeveloped Santa Cruz Mountains and drain northward across the urbanized Santa Clara Valley floor to discharge into San Francisco Bay.

Saratoga Creek and Guadalupe River are located approximately 1.3 miles west and 1.6 miles east of the SCDPP area, respectively. Based on data from the SWRCB, Saratoga Creek and Guadalupe River are currently listed on the California 303(d) impaired waters list for diazinon and trash.⁶⁶ Guadalupe River is also listed on the California 303(d) list for mercury.⁶⁷

Groundwater

Based on the Screening Level Phase I ESA, groundwater is estimated at a depth ranging from 10 to 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater in the SCDPP area flows in a northeasterly direction.

Flooding

According to the FEMA Flood Insurance Rate Maps (FIRM),⁶⁸ the SCDPP area is located in Flood Zone X. Flood Zone X is defined as “Areas of 0.2 percent annual chance flood; areas of one percent chance flood with average depths of less than one foot or with drainage areas less than one square mile; and areas protected by levees from one percent annual chance flood.” Flood Zone X is not subject to a 100-year flood hazard.

⁶⁶ California Water Boards. “2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report) - Adoption Meeting, Final Staff Report, and Final Response to Comments – March 23, 2022.” Accessed November 8, 2022.

https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

⁶⁷ Ibid.

⁶⁸ Federal Emergency Management Agency. “FEMA Flood Map Service Center.” Accessed October 26, 2022.

<https://msc.fema.gov/portal/search?AddressQuery>.

Dam Failure

The eastern half of the plan area is located within the Lenihan (Lexington) dam failure inundation hazard zone.⁶⁹ The plan area is not located in any other dam failure inundation hazard zone.

Seiches, Tsunamis, and Mudflows

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

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

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

3.10.2 Impact Discussion

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

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

⁶⁹ Santa Clara Valley Water District. Lexington Reservoir Flood Inundation Maps. 2016. Accessed October 26, 2022.

3.10.2.1 *Project Impacts*

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

Construction-Related Water Quality Impacts

Future development under the SCDPP that would disturb more than one acre of ground surface would be required to comply with the Construction General Permit which includes submitting an NOI to the RWQCB and development of a SWPPP. The SWPPP would contain a list of measures and stormwater BMPs that would be used to reduce pollutant loads in runoff generated by materials, equipment, and other construction activities. Compliance with the Construction Permit and development of a SWPPP would reduce the construction-related water quality impacts from future development to a less than significant level. **(Less than Significant Impact)**

Post-Construction Water Quality Impacts

To reduce post-construction water quality impacts, future development under the SCDPP would be required to comply with the MRP which required that all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the individual project is granted Special Project LID Reduction Credits, which would allow the individual project to implement non-LID measures for all or a portion of the site depending on the project characteristics. On-site LID stormwater treatment controls proposed as part of an individual project could include bioretention areas, flow-through planters, and infiltration facilities. Additionally, Policy 3.3B of the SCDPP requires all public facilities including sidewalks, streets, and open spaces include bioretention facilities (e.g., vegetated swales, rain gardens, and permeable pavers) consistent with City and County requirements to retain stormwater runoff and filter pollutants. By complying with the MRP and Policy 3.3B of the SCDPP, future development under the SCDPP would not result in significant impacts to water quality **(Less than Significant Impact)**

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

As mentioned in *Sections 3.7.1.2 and 3.9.1.2*, groundwater is estimated at a depth ranging from 10 to 20 feet bgs. Groundwater could potentially be encountered during future construction activities (e.g., excavation for the subterranean parking garages). Compliance with the requirements of the City of Santa Clara Building Division and RWQCB regulations for construction dewatering would ensure that future developments and improvements under the proposed SCDPP would not interfere with groundwater flow or impact the groundwater aquifer.

Per the City's General Plan, only a small portion of the City (in the City's southwest corner) is located within a recharge area.⁷⁰ The SCDPP area is not located in an area used for groundwater recharge; therefore, future development under the SCDPP would not interfere with groundwater recharge or deplete supplies. **(Less than Significant Impact)**

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

Future development under the SCDPP would be required to comply with the MRP, to minimize and treat stormwater runoff to reduce the rate of stormwater runoff while removing pollutants. In addition, future development over one acre in size would be required to implement site-specific measures under the SWPPP in compliance with the Construction General Permit (refer to discussion under Impact HYD-1). By complying with the MRP, Construction General Permit, City Code, and applicable General Plan policies, individual projects proposed under the SCDPP would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, future development under the SCDPP would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

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

Due to the location of the SCDPP area, future development under the SCDPP would not be subject to inundation by seiche or tsunami. In addition, the SCDPP area is flat and there are no mountains in proximity; therefore, individual projects under the SCDPP would not cause mudflows that would impact adjacent properties. As mentioned in *Section 3.10.1.2*, the plan area is located in Flood Zone X which is an area not subject to a 100-year flood hazard.

Half of the plan area is located within the Lexington dam failure inundation hazard zone. The California Division of Safety of Dams (DSOD) inspects dams on an annual basis and Valley Water routinely monitors the 10 dams, including the Lexington dam. Therefore, the likelihood of flooding

⁷⁰ City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. SCH# 2008092005. January 2011.

from dam failure is low and the SCDPP would not release pollutants due to dam inundation. **(Less than Significant Impact)**

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

Future development proposed under the SCDPP would be required to comply with all applicable federal, state, regional, and local water quality and stormwater control standards and permits, including the MRP and SWPPP. Therefore, future development proposed would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

3.10.2.2 Cumulative Impacts

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

The geographic area for cumulative hydrology and water quality impacts is Guadalupe River and Saratoga Creek watersheds. All development projects (including future development under the proposed SCDPP) are required to undertake steps to avoid, minimize, and/or mitigate flooding and water quality impacts. For example, under the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and LID-based stormwater treatment controls to treat post-construction stormwater runoff. In addition, development that would disturb more than one acre of ground surface would be required to comply with the Construction General Permit which includes submitting an NOI to the RWQCB and development of a SWPPP. For these reasons, the SCDPP would not result in a cumulatively considerable contribution to a cumulatively significant hydrology and water quality impact. **(Less than Significant Cumulative Impact)**

3.11 LAND USE AND PLANNING

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Regional

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

The Norman Y. Mineta San José International Airport, located approximately 0.9 miles east of the SCDPP area, is owned and operated by the City of San José. It is regulated by various federal, state, and local laws, including the Code of FAR. Part 77 of the FAR regulates obstructions to navigable airspace, as described in *Section 3.9 Hazards and Hazardous Materials* of this document. The Santa Clara County ALUC is responsible for reviewing land use decisions within the AIA for consistency with the Norman Y. Mineta San José International Airport's CLUP. The AIA is a composite of the areas surrounding the airport that are affected by noise, height, and safety considerations. The Norman Y. Mineta San José International Airport's CLUP is not intended to define allowable land uses for a specific parcel of land. Its intent is to establish development standards or restrictions that may limit or prohibit certain types of uses and structures on a parcel.⁷¹

Proposals for amendments to general or specific plans by local agencies must be submitted to the Santa Clara County ALUC for a determination of consistency. In addition, development projects that are higher than 200 feet above ground level are also encouraged to be submitted for review by the Santa Clara County ALUC. Recommendations made by the Santa Clara County ALUC are advisory to local jurisdictions, not mandatory. Applicable Norman Y. Mineta San José International Airport's CLUP land use policies to the project include the following listed below.

Policies	Description
G-5	Where legally allowed, dedication of an aviation easement to the City of San José shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects.
G-6	Any proposed uses that may cause a hazard to aircraft in flight are not permitted within the AIA. Such uses include electrical interference, high intensity lighting, attraction of birds (certain agricultural uses, sanitary landfills), and activities that may produce smoke, dust, or glare. This policy requires the height at maturity of newly planted trees to be considered to avoid future penetration of the FAA FAR Part 77 Surfaces.
O-1	All new projects within the AIA that are subject to discretionary review and approval shall be required to dedicate in compliance with state law, an aviation easement to the City of San José.

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

⁷¹ Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan - Norman Y. Mineta San Jose International Airport. November 2016.

identified PDAs. PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.⁷²

Local

City of Santa Clara 2010-2035 General Plan

General Plan policies applicable to land use and planning include, but are not limited to, the following.

Policies	Description
5.3.1-P13	Support high density and intensity development within a quarter-mile of transit hubs and stations and along transit corridors
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.
5.3.4-P4	Require mixed-use development to meet the density and intensity specified in the land use classifications.
5.3.4-P11	Foster active, pedestrian-oriented uses at the ground level, such as retail shops, office, restaurants with outdoor seating, public plazas or residential units with front stoops, in mixed-use development.
5.4.1-P1	Require that the mix of uses is consistent with the Regional Mixed Use land use classification and that development is pedestrian-oriented, with enhanced streetscapes, publicly accessible open space and plazas, and connections to surrounding neighborhoods.
5.4.1-P2	Allow new development under the Community Mixed Use designation for exclusively residential or commercial uses provided that it meets the minimum requirements for the Medium Density Residential or Community Commercial land use classifications.
5.4.2-P1	Establish Downtown as a destination, with a mix of entertainment and cultural activities, eating and drinking establishments, local-serving office and commercial uses, residential development, and public spaces.
5.4.2-P2	Consider relocating existing City offices to the Downtown Focus Area, and establishing a Civic Center with high density residential uses. Replace existing City offices with senior and affordable housing.
5.4.2-P3	Allow new development under the Community Mixed Use designation on properties of less than one-half acre for exclusive residential or commercial uses provided that it meets the minimum requirements for the Medium Density Residential or Community Commercial land use classifications.
5.4.2-P4	Allow a maximum combined residential and commercial Floor Area Ratio of 2.0 within the Downtown Core area as delineated on Figure 5.4-4.
5.4.2-P7	Apply the General Plan Transition and Historic Preservation policies for new development at the edges of Downtown in order to respect the scale and character of the adjacent historic Old Quad neighborhood.
5.4.2-P10	Integrate established and new uses through pedestrian connections, streetscape, and complementary architecture and site design.
5.4.2-P11	For new mixed-use development, locate medium- and high-density residential uses on upper floors with active retail uses at ground level and oriented to street frontages.

⁷² Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

Policies	Description
5.4.2-P12	Residential development should include front doors, windows, stoops, porches, bay windows or balconies along street frontages.
5.4.2-P16	Minimize surface parking and require parking below-grade or in structures that have active uses along street frontages.
5.4.2-P18	Facilitate the implementation of streetscape improvements consistent with those illustrated in Figure 5.4-4.
5.4.2-P21	Exclude auto-oriented uses, drive-through establishments and Specified Regulated Businesses from the Downtown Focus Area.

City of Santa Clara Zoning Code

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

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

Santa Clara Downtown Precise Plan

A Precise Plan provides detailed guidance on how a small district should develop. Unlike a Specific plan, a Precise Plan does not replace the General Plan and may not include detailed implementation components.

The SCDPP integrates the community's vision for a future Downtown and the need to make that vision achievable. The SCDPP framework consists of three parts: streets and public spaces, essential land use, and urban form.

Santa Clara Downtown Form-Based Code

The Santa Clara Downtown Form-Based Code is intended to guide private development efforts and public improvements so that redevelopment of the Downtown is built consistent with the goals and policies of the SCDPP. Future development would be required to follow the standards of the form-based code.

3.11.1.2 *Existing Conditions*

Existing Land Uses

The approximately 25.0-acre SCDPP area is currently developed with residential, office, and commercial uses, as well as a SCU educational center, ranging from one to seven-stories. The site is bounded by Lafayette Street to the east, Homestead Road to the south, Madison Street to the west, and Benton Street to the north.

City of Santa Clara 2010-2035 General Plan

As mentioned in *Section 2.2.1*, the SCDPP area is designated *Community Mixed Use*, *Downtown Core*, and *Medium-Density Residential* under the City's General Plan. Refer to Figure 2.2-1 for the General Plan land use designations and Table 2.2-3 for a summary of the permitted uses and density for each designation.

The SCDPP area has seven zoning districts: *Downtown Commercial*, *Community Commercial*, *Public*, *Quasi-Public*, and *Public Park or Recreation*, *Planned Development*, *Historic Combining*, *Single-Family*, and *General Office*. Refer to Table 2.2-4 for a summary of the permitted uses and allowed height for the seven zoning districts.

As mentioned in *Section 2.3.1*, both the General Plan and zoning would be updated to reflect the SCDPP.

Surrounding Land Uses

The land uses surrounding the SCDPP area consist of residential and commercial buildings, as well as SCU. Located east, north, and south of the site are single-family and multi-family residences, and commercial businesses. SCU is also located east of the SCDPP area. West of the SCDPP area are single-family and multi-family residences.

3.11.2 Impact Discussion

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

- 1) Physically divide an established community?
- 2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

3.11.2.1 *Project Impacts*

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

Per Policy 3.1A of the SCDPP, the SCDPP would re-establish the street grid by creating 10 City blocks as shown in Figure 2.3-1. The streets would be extended through the Downtown area to establish an interconnected network. Specifically, the SCDPP would extend Washington, Main, and Franklin Streets through the SCDPP to complete the street grid. Alleys would be required for developments within each block to facilitate parking, loading, and service access and would enhance connectivity for pedestrians. While the SCDPP would re-establish the street grid, it would improve connectivity and not divide an established community. The project layout and design does not include any physical features, such as railways or highways, that would physically divide the community. Therefore, the SCDPP would not physically divide an existing community. **(Less than Significant Impact)**

Impact LU-2: Even with implementation of the identified mitigation measures, the project would cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Significant Unavoidable Impact)**

As described within the individual sections of this document (with the exception of *Section 3.8 GHG Emissions*), incorporation of the Conditions of Approval, mitigation measures, and regulatory requirements the SCDPP and all future development under the SCDPP would not cause a significant environmental impact due to a conflict with plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect. As mentioned previously, both the General Plan and zoning would be updated to reflect the proposed SCDPP. Future development would be required to comply with the form-based code which is specific to SCDPP site. The *Downtown Zone* would implement the standards of the form-based code and the vision of the SCDPP. Additionally, new development proposed under the SCDPP would be further regulated by character overlays. Future development proposed under the SCDPP would be reviewed for compliance with applicable land use plans and policies.

Nevertheless, as discussed in *Section 3.8*, even with implementation of Mitigation Measures GHG-1.1 and GHG-1.2, projects initiated after the year 2030 could conflict or otherwise interfere with the statewide GHG reduction measures set forth by SB 375. As a result, implementation of the SCDPP would result in a significant unavoidable land use impact. **(Significant Unavoidable Impact)**

3.11.2.2 *Cumulative Impacts*

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

The geographic area for cumulative land use impacts is the City of Santa Clara. Construction of the cumulative projects within the City would consist of redevelopment of currently (or previously) developed sites. Development on a number of these sites would result in a change of uses and/or an intensification of development.

All projects in the City would be subject to applicable land use plans, policies, and regulations for the purpose of avoiding or mitigating environmental impacts. The compatibility of new development with adjacent land uses, and the general character of surrounding areas are considered as a part of the City of Santa Clara's architectural and environmental review processes. While projects constructed within the plan area after the year 2030 could have a significant unavoidable impact due to conflicts with the statewide GHG reduction measures set forth by SB 375, when combined with all other projects worldwide, the project's contribution to cumulative GHG emissions impact would be less than significant. Therefore, the SCDPP would not result in a cumulatively considerable contribution to a significant land use and planning impact. **(Less Than Significant Cumulative Impact with Mitigation Incorporated)**

3.12 MINERAL RESOURCES

3.12.1 Environmental Setting

3.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

3.12.1.2 *Existing Conditions*

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

3.12.2 Impact Discussion

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

- 1) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?
- 2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

3.12.2.1 *Project Impacts*

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. (No Impact)
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The plan area does not contain any known mineral resources; therefore, the plan area would not result in impacts to mineral resources. **(No Impact)**

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

No mineral resource recovery sites are located within the Downtown area; therefore, implementation of the SCDPP would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

3.12.2.2 *Cumulative Impacts*

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

As mentioned previously, the SCDPP area is not located within an area containing known mineral resources. Therefore, the SCDPP would not result in a cumulatively considerable contribution to a significant mineral resources impact. **(No Cumulative Impact)**

3.13 NOISE

3.13.1 Environmental Setting

3.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁷³ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

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

3.13.1.2 *Regulatory Framework*

State

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn} /CNEL in any habitable room. Exterior windows must have a

⁷³ 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} .

minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

California Green Building Standards Code

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

Local

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 3.13-1, 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 3.13-1: Noise and Land Use Compatibility (CNEL)																
Land Use	50		55		60		65		70		75		80		85	
Residential																
Educational																
Recreational																
Commercial																
Industrial																
Open Space																
	Compatible															
	Require Design and insulation to reduce noise levels															
	Incompatible. Avoid land use except when entirely indoors and an interior noise level of 45 dBA can be maintained.															
Source: <i>City of Santa Clara 2010-2035 General Plan</i> (2014).																

The General Plan policies related to noise and vibration that are applicable to the project are listed below.

Policies	Description
5.10.6-P1	Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels defined on Table 5.10-1 (of the General Plan).
5.10.6-P2	Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan “normally acceptable” levels, as defined on Table 5.10-1.
5.10.6-P3	New development should include noise control techniques to reduce noise to acceptable levels, including site layout (setbacks, separation and shielding), building treatments (mechanical ventilation system, sound-rated windows, solid core doors and baffling) and structural measures (earthen berms and sound walls).
5.10.6-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-P7	Implement measures to reduce interior noise levels and restrict outdoor activities in areas subject to aircraft noise in order to make Office/research and Development uses compatible with the Norman Y. Mineta International Airport land use restrictions.
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), and noise levels at commercial uses to 65 dBA during daytime hours and 60 dBA during nighttime hours. 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 within 300 feet of any residentially zoned property.

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.”

Santa Clara County Airport Land Use Commission Land Use Plan

The CLUP adopted by the Santa Clara County ALUC in May 2011 (and amended November 2016) includes policies and contains standards for projects within the vicinity of Norman Y. Mineta International Airport. These policies include, but are not limited to, the following:

Policies	Description
N-1	The Community Noise Equivalent Level (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 shall be used to determine if a specific land use is consistent with this CLUP.
N-3	Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on the 2027 CNEL Noise Contours for the Airport Master Plan.
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.

3.13.2 Existing Conditions

The SCDPP area is comprised of 25.0 acres and is located between Lafayette Street to the east, Madison Street to the west, and between Benton Street to the north and Homestead Road to the south. The SCDPP area is surrounded by SCU to the east, and single-family and multi-family residences and commercial buildings to the north, west, and south. The predominant sources of noise in the SCDPP vicinity include vehicular traffic on adjacent roadways and aircraft associated with the Norman Y. Mineta International Airport.

The City of Santa Clara General Plan shows roadway noise levels ranging between 65 and 70 dBA CNEL along Homestead Street and Lafayette Street and between 60 and 65 along Benton Street and Monroe Street. All other roadways within the SCDPP area have noise levels of 65 dBA CNEL or less.⁷⁴ The site is outside the 2022 noise contour for the Norman Y. Mineta San José International Airport.⁷⁵

There are sensitive receptors (e.g., residences) located adjacent, within 65 to 100 feet, to the SCDPP area on all sides.

⁷⁴ City of Santa Clara. 2010. *City of Santa Clara 2010-2035 General Plan, Section 5.10.6 Noise Goals and Policies*, Figure 5.10-4.

⁷⁵ Walter B. Windus, PE. Aviation Consultant. "Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport." May 2011 (Amended November 2016). Accessed February 3, 2023. https://stgenpln.blob.core.windows.net/document/ALUC_SJC_CLUP.pdf.

3.13.3 Impact Discussion

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

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

3.13.3.1 *Thresholds of Significance*

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project would substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level would be substantial. Therefore, the following criteria was used to analyze the noise and vibration impacts:

- 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 3.13-1 above) 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 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.

3.13.3.2 *Project Impacts*

Impact NOI-1: As mitigated, the project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation Incorporated)**

Construction Noise

Construction of individual projects under the SCDPP would generate considerable amounts of noise, especially during earthmoving activities when heavy equipment is used. As mentioned above, there are existing sensitive receptors located adjacent to the SCDPP area. 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), and noise levels at commercial uses to 65 dBA during daytime hours and 60 dBA during nighttime hours. In addition, 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 (refer to Section 9.10.230 of the City Code). No construction is permitted on Sundays or holidays within 300 feet of any residentially zoned property.

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 SCDPP 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.

While specific development proposals are not known at this time, it is reasonable to assume that construction of future projects would occur within 65 to 100 feet of existing sensitive receptors. It is expected that full build out of the SCDPP would occur over the next 25 years and each individual development is expected to be under construction for at least a year. Construction activities associated with future development could generate hourly average noise levels in excess of 60 dBA L_{eq} for residential uses and 70 dBA L_{eq} for commercial uses and the ambient noise environment by at least five dBA L_{eq} for a period of more than one year.

Impact NOI-1: Construction activities associated with future development could generate hourly average noise levels in excess of 60 equivalent continuous noise level (dBA L_{eq}) for residential uses and 70 dBA L_{eq} for commercial uses and the ambient noise environment by at least five dBA L_{eq} for a period of more than one year. **(Significant Impact)**

Mitigation Measures: Future development proposed under the SCDPP would be required to implement the following construction noise control measures to reduce construction noise levels at nearby land uses.

MM NOI-1.1: The project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration

minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. In addition, the noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Community Development or the Director's designee prior to the issuance of any grading or demolition permits.

As part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- Limit construction hours within 300 feet of any residentially zoned property to the hours of 7:00 AM to 6:00 PM, Monday through Friday, and between the hours of 9:00 AM to 6:00 PM on Saturdays. No construction is permitted on Sundays or Holidays.
- Use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines with adequate mufflers and maintain all equipment in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Prohibit all unnecessary idling of internal combustion engines.
- Construction staging areas shall be established at locations that shall create the greatest distance between the construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.
- Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project area.
- Notify all adjacent businesses, residences, and other noise-sensitive land uses within 500 feet of the construction schedule and provide a written schedule of construction activities.
- Designate a “noise disturbance coordinator” to respond to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., beginning work too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number at the construction

site and include it in the notice sent to neighbors regarding the construction schedule.

MM NOI-1.2: If pile driving is proposed, the following measures shall be included in the construction noise control plan:

- 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.

With implementation of Mitigation Measures NOI-1.1 and NOI-1.2, construction noise from future development would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise

Mechanical Equipment

Future development within the SCDPP would include mechanical equipment, such as heating, ventilation, and air conditioning systems (HVAC). At a distance of 50 feet, typical air conditioning units and heat pumps for multi-family buildings generate noise levels of approximately 55 to 60 dBA L_{eq} .⁷⁶ 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) and noise levels at commercial uses to 65 dBA during daytime hours and 60 dBA during nighttime hours. While the nearest residences would be located approximately 65 feet from the SCDPP area, mechanical equipment noise levels could potentially exceed the City’s noise and vibration level performance standards for fixed sources.

Impact NOI-1: Mechanical equipment from future projects located in proximity to existing residential land uses could result in noise levels in exceedance of City standards for fixed sources. **(Significant Impact)**

Mitigation Measures: Future development within the SCDPP area shall implement the following mitigation measures to ensure noise impacts from mechanical equipment are reduced to a less than significant level.

MM NOI-1.3: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City’s Code requirements. A qualified acoustical consultant shall be retained by the applicants for future development projects to review mechanical noise as the equipment systems are selected in order to determine whether the proposed noise reduction measures sufficiently reduce noise to comply with

⁷⁶ Illingworth & Rodkin. *Tasman East Specific Plan Noise and Vibration Assessment*. April 12, 2018.

the City's noise and vibration level performance standards for fixed sources. Noise reduction measures that would accomplish this reduction include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.

With implementation of Mitigation Measure NOI-1.3, future development under the SCDPP would have a less than significant operational noise impact from mechanical equipment. **(Less than Significant Impact with Mitigation Incorporated)**

Project-Generated Traffic Noise

A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the permanent noise level increase due to project-generated traffic at existing noise-sensitive receptors is three dBA CNEL or greater for existing ambient noise levels exceeding 55 dBA CNEL, or b) the permanent noise level increase is five dBA CNEL or greater for existing ambient noise levels at or below 55 dBA CNEL. For reference, a three dBA noise increase would be expected if the project would double existing traffic volumes along a roadway and a five dBA noise increase would be expected if the project would triple existing traffic volumes along a roadway.

Based on the Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. (refer to Appendix D), the existing trips on the local roadway system is 6,768. With the addition of trips from build out of the SCDPP, total trips would be 11,767. Although the SCDPP would increase the traffic noise in the area and would result in a net increase of 4,999 daily trips, it would not double the amount of traffic on local roadways. Therefore, project-generated traffic noise would not result in a significant permanent noise level increase. **(Less than Significant Impact)**

Impact NOI-2:	As mitigated, the project would not result in generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant Impact with Mitigation Incorporated)
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For structural damage, Caltrans recommends a continuous vibration limit of 0.5 in/sec PPV for new residential and modern commercial/industrial structures, 0.3 in/sec PPV for older residential structures, and a limit of 0.25 in/sec PPV for historic and some older buildings.⁷⁷ The City has routinely utilized these limits in analyzing vibration impacts in environmental documents.

The construction future projects under the SCDPP may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities for future development would include site preparation work, foundation work, paving, and new building framing and finishing. Any future project may require pile driving, which can cause excessive vibration. Typical vibration levels that could be expected from construction equipment at a distance of 25 feet are summarized below in Table 3.13-2. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

⁷⁷ Caltrans. "Transportation and Construction Vibration Guidance Manual." Accessed February 6, 2023. <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>.

Table 3.13-2: Vibration Source Levels for Construction Equipment		
Equipment		PPV at 25 feet (in/sec)
Pile Driver (Impact)	upper range	1.158
	typical	0.644
Pile Driver (Sonic)	upper range	0.734
	typical	0.170
Clam Shovel Drop		0.202
Hydromill (slurry wall)	in soil	0.008
	in rock	0.017
Vibratory Roller		0.210
Hoe Ram		0.089
Large Bulldozer		0.089
Caisson Drilling		0.089
Loaded Trucks		0.076
Jackhammer		0.035
Small Bulldozer		0.003
Note: in/sec = inches per second		
Source: United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration. Transit Noise and Vibration Impact Assessment, September 2018.		

Depending on the location, size, construction equipment used, and foundation type of future project under the SCDPP, construction vibration levels would likely exceed the Caltrans guideline vibration damage potential threshold criteria.

Impact NOI-2: Existing and planned land uses in the vicinity of the Santa Clara Downtown Precise Plan (SCDPP) area could be exposed to vibration levels beyond applicable Caltrans vibration limits due to project construction activities.
(Significant Impact)

Mitigation Measure: Future development under the SCDPP would be required to implement the following mitigation measures to lessen impacts related to excessive groundborne construction vibration.

MM NOI-2.1: The following measures would be incorporated into the project to reduce vibration impacts:

- Comply with the City Code construction hours requirements to limit the hours of exposure to surrounding properties. The City Code limits construction activities within 300 feet of residentially zoned property to the hours of 7:00 AM to 6:00 PM. on weekdays and between the hours of 9:00 AM. and 6:00 PM on Saturdays. No construction is permitted on Sundays or holidays within 300 feet of occupied residentially zoned property.

- Prohibit impact or vibratory pile driving as a method of construction. As an alternative, construction of a mat slab⁷⁸, shall be used.
- Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 65 feet of the property lines shared with residences and commercial structures adjacent to the site.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy objects or materials near vibration sensitive locations.
- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.
- A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
 - Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the site. A vibration survey (generally described below) would need to be performed.
 - Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures nearest to the site. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 65 feet of the structure. This distance shall be extended to 80 feet for vibratory pile driving and 120 feet for impact pile driving. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.
 - Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate

⁷⁸ A mat slab is a hard surface designed with reinforcement to resist uplift forces created by hydrostatic pressure. A mat slab carries the entire load of the superstructure and spreads it over the whole area beneath the building. It is considered as one type of shallow foundation and is useful in controlling the differential settlement. No piles or other subsurface supports are utilized.

repairs where damage has occurred as a result of construction activities.

- The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

With implementation of Mitigation Measure NOI-2.1, the SCDPP would have a less than significant construction vibration impact. **(Less than Significant Impact with Mitigation Incorporated)**

Impact NOI-3: The project is located within the vicinity of an airport land use plan. Nevertheless, the project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The Norman Y. Mineta San José International Airport is located approximately 0.9 miles east of the SCDPP area. Although the majority of the plan area is within the AIA, the plan area is located outside the 2037 noise contour for the Norman Y. Mineta San José International Airport.⁷⁹ Therefore, the SCDPP would be compatible with the City's exterior noise standards for aircraft noise. **(Less than Significant Impact)**

3.13.3.3 *Cumulative Impacts*

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

The geographic area for cumulative population and housing impacts is the SCDPP area and adjacent parcels. Construction of future projects under the SCDPP and projects proposed nearby may occur at the same time such that construction-related noise impacts could occur. However, all projects shall incorporate noise and vibration reduction measures as identified in the City's General Plan and City Code. Additionally, measures to reduce noise and vibration to acceptable levels would be further refined during project-level noise and vibration analyses as part of the required subsequent

⁷⁹ City of San José. *Integrated Final Environmental Impact Report - Amendment to Norman Y. Mineta San José International Airport Master Plan*. April 2020. Figure 4.13-4.

environmental review. With implementation of Mitigation Measure NOI-1.3, operational noise impacts associated with the SCDPP would be below the City's thresholds of significance. Construction noise and vibration impacts would be reduced to less than significant levels with implementation of Mitigation Measures NOI-1.1, NOI-1.2, and NOI-2.1. For these reasons, the project's contribution to cumulative noise and vibration impacts would be less than significant. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.14 POPULATION AND HOUSING

3.14.1 Environmental Setting

3.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as the housing-element law. The 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.⁸⁰

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.⁸¹

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.

3.14.1.2 *Existing Conditions*

The population of Santa Clara was estimated to be approximately 130,127 in January 2022 with 52,000 housing units and an average of 2.61 persons per household.⁸² In 2035, it is estimated that the

⁸⁰ California Department of Housing and Community Development. "Regional Housing Needs Allocation." Accessed August 1, 2022. <https://www.hcd.ca.gov/regional-housing-needs-allocation>.

⁸¹ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

⁸² State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022." Accessed August 1, 2022. <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2021/>.

City will have approximately 154,825 residents, 54,830 households, 154,300 jobs and 72,080 employed residents.⁸³

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

3.14.2 Impact Discussion

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

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

3.14.2.1 *Project Impacts*

Impact POP-1:	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). (Less than Significant Impact)
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The SCDPP area is currently developed with 302,500 square feet retail and office space and 228 residential units. Build out of the General Plan FEIR would result in up to 32,400 new residents and 19,440 future employed Santa Clara residents. Full build out of the SCDPP would allow for the development of up to 1,071 dwelling units, 531,720 square feet of office space, and 197,900 square feet of commercial/retail space which would result in approximately 2,795 new residents and 2,387 new jobs/employees.^{84,85} Compared to existing conditions, the SCDPP would result in a net increase of up to 843 residential units and 427,120 square feet of commercial uses (office and commercial/retail).

There is currently a shortage of available housing within the City of Santa Clara compared to the number of jobs within the City. The SCDPP would amend the General Plan to allow for more housing development within the Downtown Focus Area. While the SCDPP would increase population and employment growth in the City, it would provide housing near employment centers and reduce the current jobs/housing imbalance.

⁸³ City of Santa Clara. 2010-2035 General Plan. December 2014.

⁸⁴ 2.61 persons per household x 1,071 residential units = 2,795 new residents

⁸⁵ Assumes three employees per 1,000 square feet for office and one employee per 250 square feet for retail use. City of Santa Clara. *Civic Center Family Housing Project*. June 2022.

Additionally, the SCDPP would not extend roads or other infrastructure that would indirectly induce growth. As a result, the SCDPP would have a less than significant impact on population and housing in Santa Clara. **(Less Than Significant Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(Less than Significant Impact)**

The SCDPP would result in the demolition of 228 existing residential units and construct 1,071 residential units on-site, a net increase of up to 843 residential units. Build out of the SCDPP would not result in a reduction in the total number of housing units on-site or within the City, nor would it necessitate the construction of housing elsewhere. Therefore, future development proposed under the SCDPP would not have a significant impact due to the displacement of people or the construction of replacement housing. **(Less Than Significant Impact)**

3.14.2.2 Cumulative Impacts

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

The geographic area for cumulative population and housing impacts is the City of Santa Clara. The SCDPP would intensify the use of the plan area and generate a total of 2,795 new residents and 2,387 new jobs/employees in the City which would improve the jobs/housing imbalance. The SCDPP does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. Build out of the SCDPP is part of the planned growth under the General Plan; therefore, implementation of the SCDPP would not have a cumulatively considerable contribution to a significant cumulative unplanned population growth in the area. **(Less than Significant Cumulative Impact)**

3.15 PUBLIC SERVICES
3.15.1 Environmental Setting
3.15.1.1 *Regulatory Framework*

State

Quimby Act-California Code Section 66477

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

Mitigation Fee Act.

In 1989, the State Legislature passed Assembly Bill 1600 (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 analysis 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's General Plan includes policies and programs to provide public services throughout the City. Applicable General Plan policies include, but are not limited to, the following listed below.

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

City of Santa Clara City Code Chapter 17.35

The purpose of City Code Chapter 17.35 is to help mitigate the impacts of new housing development growth on existing parkland and recreational facilities subject to the provisions of the State of California Quimby Act (Quimby Act) 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 Act provisions of the City Code and 2.6 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks.

3.15.1.2 Existing Conditions

Fire Protection Services

Fire protection services are provided by the City of Santa Clara Fire Department (SCFD). Currently, the SCFD has nine fire stations. The nearest station to the Downtown plan area is Station No.1 located at 777 Benton Street, approximately 0.1 miles northeast of the site.

Police Protection Services

Police protection services are provided by the Santa Clara Police Department (SCPD). The SCPD is divided into four divisions: Field Operations, Investigations, Special Operations, Administrative Services and has approximately 153 sworn officers.⁸⁶ There are currently two police stations, the headquarters located at 601 El Camino Real and a substation located at 3992 Rivermark Parkway. The SCDPP area is located approximately 0.4 miles southwest of the police headquarters and 3.0 miles south of the substation.

Schools

Schools that serve children in grades K-12 who reside in the City of Santa Clara are operated by six school districts: the Santa Clara Unified School District (SCUSD), San José Unified School District, Cupertino Union School District, Fremont Union High School District, Campbell Union School District, and Campbell Union High School District. The plan area is located within the service area of the SCUSD. Students in the project area attend Westwood Elementary School, located at 435 Saratoga Avenue, approximately 1.0 miles southwest of the plan area; Buchser Middle School located at 1111 Bellomy Street, approximately 0.2 miles south of the plan area; and Santa Clara High School, located at 3000 Benton Street, approximately 1.6 miles west of the plan area.

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 February 2023, the Department maintains and operates Central Park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 30 neighborhood parks (125.43 acres improved and 5.220 acres unimproved resulting in 130.65 acres), 13 mini parks (2.59 acres improved and 3.189 acres unimproved resulting in 5.779 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.898 acres improved 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 (48.588 acres) throughout the City totaling approximately 269.266 improved acres and 83.619 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 nearest neighborhood parks to the SCDPP area is Fremont Park and Larry J. Marsalli Park. Fremont Park is a 4.831-acre park, located within 0.5 miles northwest of the plan area at 1303

⁸⁶ City of Santa Clara, Police Department. *Fact Sheet*. Accessed August 1, 2022. <https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet>.

Fremont Street. Larry J. Marsalli Park, a 7.256-acre park, is located at 1425 Lafayette Street, approximately 0.5 miles northeast of the plan area.

Libraries

There are three libraries in the City of Santa Clara. Central Park Library is the largest Santa Clara City Library facility located at 2635 Homestead Road, approximately 1.5 miles southwest of the SCDPP area. The nearest library is Mission Branch Library, located at 1098 Lexington Street, approximately 263 feet south of the plan area.

3.15.2 Impact Discussion

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

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

3.15.2.1 *Project Impacts*

Impact PS-1:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. (Less than Significant Impact)
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The SCDPP would allow for the development of up to 1,071 dwelling units, 531,720 square feet of office space, 197,900 square feet of commercial/retail space, and 44,300 square feet of public space which could increase the demand for fire protection services on-site compared to existing conditions.

The General Plan FEIR concluded that the existing fire station facilities have capacity to absorb additional fire personnel (if needed to serve the build out of the General Plan, which includes development of the SCDPP area) without the need to expand or construct new facilities.⁸⁷ Future development under the SCDPP would be reviewed by the SCFD and built to applicable Fire Code standards to reduce fire hazards. Therefore, build out of the SCDPP would not require the expansion

⁸⁷ City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011.

or construction of new fire facilities or substantially affect fire protection services. The implementation of the SCDPP would have a less than significant impact on fire protection services. **(Less than Significant Impact)**

Impact PS-2:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services. (Less than Significant Impact)
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Build out of the SCDPP would intensify the use of the site and increase the demand for police protection services. The General Plan FEIR concluded that while additional officers 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, there would be no construction activities associated with the provision of new police services and no associated construction-related effects. Therefore, no new or expanded police facilities would be required and implementation of the SCDPP would not result in a physical impact on the environment. **(Less than Significant Impact)**

Impact PS-3:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. (Less than Significant Impact)
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As mentioned above, the SCDPP includes development of up to 1,071 residential units, which would generate 32 school-aged children.⁸⁸ Build out of the SCDPP would place more people on-site than exist currently. As required by state law (Government Code Section 65996), future development projects shall pay the appropriate school impact fees to SCUSD to offset the increased demands on school facilities caused by future development projects. For these reasons, future projects under the SCDPP would have a less than significant impact on school services and would not result in an adverse physical impact to new or physically altered governmental facilities or result in the need for new or physically altered governmental facilities. **(Less than Significant Impact)**

⁸⁸ Enrollment Projection Consultants. "Projected Enrollments from 2019 to 2024." Accessed August 1, 2022. <https://www.santaclarausd.org/site/handlers/filedownload.ashx?moduleinstanceid=1121&dataid=6177&FileName=2019-20%20SCUSD%20Forecast%20Update%20Report%20Final.pdf>. Assumes a transitional kindergarten to 12th grade unit student generation rate of 0.03 students per unit (for apartments and condominiums).

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

Per the General Plan FEIR, the increase in the population associated with new development and redevelopment allowed under the General Plan would increase demand on existing parks, open space and recreational facilities.⁸⁹ Future development under the SCDPP shall comply with city, state and federal regulations and policies. Santa Clara City Code Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in-lieu thereof, at the discretion of the City, and pursuant to the Quimby Act and/or the MFA. The City is meeting the standard of three acres per 1,000 residents per the Quimby Act provisions of the City Code and 2.60 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks. The proposed project would be required to pay a fee in-lieu of parkland dedication to help mitigate the impacts of housing development growth on existing parkland and recreation facilities. Policy 3.2A of the SCDPP would establish parks for public recreation.

All residential development is reviewed for compliance with City Code Chapter 17.35 to require new residential developments provide developed parkland and recreational amenities pursuant to the Quimby Act and/or the MFA, and/or pay a fee in-lieu thereof, at the discretion of the City, for the purpose of developing new or rehabilitating existing park or recreational facilities. The General Plan FEIR concluded that with implementation of existing regulations and policies, the increased demand associated with an increase in population would not significantly accelerate the deterioration of existing recreational facilities. **(Less than Significant Impact)**

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

The future residents and employees of the proposed SCDPP would increase the demand on library facilities compared to existing conditions. While the SCDPP would increase demand on library facilities, the General Plan FEIR concluded that Central Park Library could serve anticipated new development along El Camino Real, Homestead Road, Kiely Boulevard, and Stevens Creek Boulevard.⁹⁰ Therefore, implementation of the SCDPP would not result in significant impacts to library facilities in Santa Clara. **(Less than Significant Impact)**

⁸⁹ City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. SCH# 2008092005. January 2011.

⁹⁰ Ibid.

3.15.2.2 *Cumulative Impacts*

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

The geographic area for cumulative public services impacts is the City of Santa Clara. Build out of the SCDPP, which is part of the planned growth under the General Plan, would increase demand on fire and police protection services, schools, and recreational facilities. All cumulative projects would be subject to state, county, and City policies and regulations associated with public services within the City (e.g., payment of park in-lieu fees and school fees). Therefore, the SCDPP would not result in a cumulatively considerable contribution to a public services impact. **(Less than Significant Cumulative Impact)**

3.16 RECREATION

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

State

Quimby Act-California Code Section 66477

The Quimby Act (California Government Code Section 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. This legislation was initiated in 1980 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 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 analysis providing specific information about these fees (i.e., a "nexus study") that shows the proper connection of the fees to the project and how accounting and reporting for the fees collected are regulated.

Local

City of Santa Clara 2010-2035 General Plan

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

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

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

City of Santa Clara City Code Chapter 17.35

The purpose of City Code Chapter 17.35 is to help mitigate the impacts of housing development growth on existing parkland and recreational facilities, pursuant to the provisions of the State of California Quimby Act and/or the 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 Act provisions of the City Code and 2.6 acres per 1,000 residents per the MFA provisions of the City Code for neighborhood parks.

3.16.1.2 *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 February 2023, the Department maintains and operates Central Park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 30 neighborhood parks (125.43 acres improved and 5.220 acres unimproved resulting in 130.65 acres), 13 mini parks (2.59 acres improved and 3.189 acres unimproved resulting in 5.779 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.898 acres improved 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 (48.588 acres) throughout the City totaling approximately 269.266 improved acres and 83.619 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 nearest neighborhood parks to the plan area is Fremont Park and Larry J. Marsalli Park. Fremont Park is a 4.831-acre park, located within 0.5 miles northwest of the plan area at 1303 Fremont Street. Larry J. Marsalli Park, a 7.256-acre park, is located at 1425 Lafayette Street, approximately 0.5 miles northeast of the plan area.

3.16.2 Impact Discussion

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

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

3.16.2.1 *Project Impacts*

Impact REC-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

Implementation of the proposed SCDPP would increase the resident and employee population in the City which would increase the use of park and recreational facilities in the area. As mentioned under Impact PS-4, all residential development in the City is required to comply with the City's Parkland Dedication Ordinance (City Code Chapter 17.35), which requires new residential developments to provide developed parkland and recreational facilities and/or pay a fee in-lieu thereof, at the discretion of the City and pursuant to the Quimby Act and/or the MFA to mitigate the impacts of housing development growth on existing parkland and recreational facilities. The City is meeting the parkland standard of three acres per 1,000 residents per the Quimby Act provisions of City Code and 2.6 acres per 1,000 residents per the MFA provisions of City Code with regard to neighborhood parks.⁹¹ **(Less than Significant Impact)**

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

The SCDPP does not include the expansion or construction of recreational facilities. Therefore, implementation of the SCDPP would not result in an adverse physical effect on the environment. **(Less than Significant Impact)**

3.16.2.2 *Cumulative Impacts*

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

⁹¹ Saporito, Gina. City of Santa Clara Department of Parks & Recreation. February 27, 2023.

The geographic area for cumulative recreational facilities impacts is the City Santa Clara. All cumulative projects in the City would be subject to state, county, and City policies and regulations associated with public services within Santa Clara (e.g., payment of park and school fees). Future projects under the SCDPP and cumulative projects in the City would be subject to existing regulations to offset recreational impacts. Therefore, the SCDPP would not result in a cumulatively considerable contribution to a recreational facilities impact. **(Less than Significant Cumulative Impact)**

3.17 TRANSPORTATION

The following discussion is based on a Transportation Analysis (TA) prepared by Hexagon Transportation Consultants in December 2022. A copy of the report is included in Appendix D of this document.

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Senate Bill 743

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

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

Regional

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 (RTP), a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes an RTP to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Congestion Management Program

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

Local

City of Santa Clara VMT Policy

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

In addition to establishing the environmental baseline and thresholds of significance, the VMT policy establishes screening criteria for certain projects that are presumed to have a less than significant VMT impact. Projects which meet the screening criteria would not be required to quantify VMT and compare it to the City's adopted threshold. Projects which generate less than 110 daily vehicle trips or less would be screened out from a quantitative VMT analysis and would be presumed to have a less than significant VMT impact. Retail land uses providing 50,000 square feet or less would be presumed to be less than significant. Transit supportive projects which are located within 0.5-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 per acre is met for residential projects, a minimum FAR of 0.75 is met for office/R&D projects, no excess parking is provided, and no affordable dwelling units are replaced.

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

Climate Action Plan

The City will require all new developments greater than 25 housing units or more than 10,000 non-residential square feet to draft and implement a VMT reduction strategy that reduces drive-alone trips. The degree to which each project implements a TDM program as part of the VMT reduction strategy will be based on the location and land use of the proposed project. The VMT reductions may be achieved through project design characteristics, land use, parking, access, or TDM best practices.

City of Santa Clara Bicycle Plan

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

Santa Clara Pedestrian Master Plan

The Pedestrian Master Plan is a forward-looking plan to capture the benefits of walking as the City anticipates growth and redevelopment. Pedestrian Master Plan Goals include developing safe,

comfortable, convenient, active, and implementable pedestrian facilities in the City of Santa Clara. This plan was adopted by the City Council on February 25, 2020 and designated nine Priority Pedestrian Zones to help the City focus on areas with the highest potential for increasing walkability.

City of Santa Clara 2010-2035 General Plan

General Plan policies related to transportation that are applicable to the project are listed below.

Policies	Description
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-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.
5.4.7-P8	Require development of public amenities, including parks and open space, in the first phase of development for all Future Focus Areas
5.4.7-10	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.

3.17.1.2 *Existing Conditions*

Roadway Network

Regional Access

Regional access to the SCDPP area is provided by Interstate 880 (I-880), El Camino Real (SR 82), and San Tomas Expressway.

I-880 is a six-lane, north-south freeway that extends north to Oakland and south to I-280 in San José.

SR 82 is a six-lane, east-west major arterial that extends from The Alameda in San José to the City of Mountain View.

San Tomas Expressway is a north-south, eight-lane expressway with a raised median. San Tomas Expressway begins at U.S. 101 and extends southward where it transitions into Camden Avenue at SR 17. From north of U.S. 101, San Tomas Expressway becomes Montague Expressway. San Tomas Expressway has HOV lanes in both directions during both the AM and PM peak commute hours to the south of Owen Street.

Local Access

Local access to the SCDPP area is provided by Scott Boulevard, Monroe Street, Lafayette Street, De La Cruz Boulevard, Benton Street, Homestead Road, Saratoga Avenue, Winchester Boulevard, Washington Street, and The Alameda.

Scott Boulevard is a four-lane street with a two-way, left-turn lane and left-turn pockets at its intersections. Scott Boulevard transitions from Arques Boulevard west of Oakmead Parkway and extends southeasterly to Saratoga Avenue, where it transitions to Newhall Street.

Monroe Street is a two-lane roadway between Forest Avenue and Wolfe Road.

Lafayette Street is a two- to four-lane, north-south arterial that transitions from Gold Street at Great America Way in the north and extends to Poplar Street in the south where it transitions into Washington Street. It runs along the eastern boundary of the SCDPP area.

De La Cruz Boulevard is a four- to six-lane, north-south arterial that transitions from Alviso Street/Lewis Street and extends to U.S. 101 where it transitions into Trimble Road. De La Cruz Boulevard is a six-lane street to the north of Coleman Avenue. South of Coleman Avenue, De La Cruz Boulevard transitions into a four-lane street and transitions into two one-way streets at Lewis Street and Alviso Street.

Benton Street is a two- to four-lane roadway that is oriented in an east-west direction and runs along the northern boundary of the SCDPP area. Benton Street extends westward from the Santa Clara Caltrain Station to Lawrence Expressway.

Homestead Road is a two-lane roadway that is oriented in the east-west direction and runs along the southern boundary of the SCDPP area. Homestead Road extends westward from Lafayette Street to El Sereno Avenue, where it transitions into Grant Road.

Saratoga Avenue is a four-lane, north-south roadway that extends northward from the City of San José to Fallon Avenue, where it transitions into one-way streets along Market Street and Bellomy Street.

Winchester Boulevard is a north-south, four-lane roadway with a two-way, left-turn lane. Winchester Boulevard extends northward from the City of San José to Homestead Road, where it transitions into Lincoln Street.

Lincoln Street is a north-south, two-lane roadway. Lincoln Street transitions from Winchester Boulevard at Homestead Road to Warburton Avenue.

Washington Street is a north-south, four-lane roadway that transitions from Bascom Avenue at I-880 and continues northward to Homestead Road.

The Alameda is a north-south roadway that runs along the southern boundary of SCU. The Alameda begins at Park Avenue as a two-lane roadway with a two-way median and intersects with the southern terminus of El Camino Real. South of El Camino Real, The Alameda is a four-lane, north-south roadway with a two-way, left-turn lane until I-880.

Pedestrian and Bicycle Facilities

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III).

The San Tomas Aquino Creek trail extends from Sunnyvale Baylands Park to San Tomas Expressway, where it connects to a Class I bike path along the west side of San Tomas Expressway and extends southward to Homestead Road. The Class I trail connects to bike lanes along El Camino Real, Benton Street, and Homestead Road in the project vicinity. The nearest access point to the trail is located at San Tomas Expressway and Benton Street, approximately 1.3 miles from the SCDPP area.

Class II bicycle lanes are present on the following roadways:

- Benton Street, between Monroe Street and El Camino Real
- Homestead Road, along the entire street
- Market Street, between Lafayette Street and Winchester Boulevard
- Bellomy Street, between Saratoga Avenue and Jackson Street
- Poplar Street, along the entire street
- Newhall Street, between Sunny Vista Drive and Alviso Street
- Monroe Street, between Forest Avenue and Chromite Drive
- Jackson Street between Bellomy Street and Market Street
- Park Avenue, along the entire street
- The Alameda, between Mission Street and Park Avenue

Class III bicycle routes with signage are provided along the following roadways:

- The Alameda, between Benton Street and Harrison Street
- Newhall Street, between Alviso Street and Heatherdale Avenue

Existing bicycle facilities are shown in Figure 3.17-1.



EXISTING BICYCLE FACILITIES

FIGURE 3.17-1

Pedestrian Facilities

Pedestrian facilities within the plan area consist of sidewalks, crosswalks, and pedestrian signals on all signalized intersections within the plan area. There are crosswalks present at the following intersections:

- Lafayette Street and Benton Street
- Lafayette Street and Homestead Road
- Monroe Street and Benton Street
- Northern and western leg of Monroe Street and Franklin Street
- Monroe Street and Homestead Road
- Eastern and western legs of Jackson Street and Benton Street
- Western, northern, and southern legs of Jackson Street and Homestead Road
- Eastern and southern legs of Main Street and Homestead Road
- Eastern leg of Washington Street and Benton Street
- Eastern and southern legs of Washington Street and Homestead Road

Transit Service

Transit services in the plan area are provided by the VTA, Caltrain, ACE, and Amtrak. The existing transit facilities are shown in Figure 3.17-2 below.

Bus Service

The plan area is served by six bus routes: Local Bus Routes 21, 53, 59 and Frequent Routes 22, 60, and 522. The nearest bus stops to the site are located along Benton Street, Monroe Street, and Homestead Road. The closest bus stops for Routes 522 and 22 are located at the Santa Clara Transit Station and along El Camino Real, respectively.

Caltrain Service

Commuter rail service between San José and San Francisco is provided by Caltrain. The Santa Clara Caltrain Station is located approximately 0.4 miles east of the SCDPP area at the Santa Clara Transit Station.

Altamont Commuter Express Service

ACE provides commuter rail service between Stockton and San José. ACE is located at the Santa Clara Transit Center. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon.

Amtrak Service

Amtrak provides daily commuter passenger train service between Sacramento and San José. The Capitol Corridor train is also located at the Santa Clara Transit Center. Amtrak operates six westbound and six eastbound trains during the weekdays. At the Santa Clara Transit Station, there are two westbound trains during the AM commute period and one eastbound train during the PM commute period.



Source: Hexagon Transportation Consultants, Inc., December 23, 2022.

EXISTING TRANSIT FACILITIES

FIGURE 3.17-2

3.17.2 **Impact Discussion**

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

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

3.17.2.1 ***Project Impacts***

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

Future residents, guests, and employees of the SCDPP area would utilize the existing transit services. Policy 3.1F of the SCDPP would provide high-quality transit shelters where buses stop adjacent to Downtown and enhance transit connections from the Downtown area to regional destinations. Build out of the SCDPP would generate up to 63 new transit riders during the peak hours which could be accommodated by the existing transit services.⁹² Therefore, implementation of the SCDPP would not preclude the construction of planned transit facilities, conflict with transit policies, or increase transit usage resulting in an exceedance of the capacity of the existing system. **(Less than Significant Impact)**

Roadway

The SCDPP would contribute vehicle trips to the roadway network surrounding the project. There are no planned or funded transportation improvements proposed that would alter the existing intersection lane configurations. Therefore, implementation of the SCDPP would not preclude the construction of planned roadways, conflict with roadway policies, or increase roadway usage resulting in an exceedance of the capacity of the existing system. **(Less than Significant Impact)**

Bicycle Facilities

As discussed in *Section 3.17.1.2*, there are existing bicycle facilities present within and in the vicinity of the plan area. Policy 3.1E of the SCDPP would create a new continuous bicycle route on Washington Street and maintain bike lanes on Monroe Street, Benton Street, and Homestead Road. The City's Bicycle Master Plan Update (2018) and the SCDPP includes recommended bikeways along streets within the SCDPP area (refer to Appendix D). The SCDPP proposes mobility hubs that

⁹² Hexagon Transportation Consultants, Inc. *Santa Clara Downtown Precise Plan Transportation Analysis*. December 23, 2022.

would provide bikeshare, scootershare, carshare, on-demand rideshare, and microtransit along Homestead Road, Main Street, and Benton Street. In addition, future development proposed under the SCDPP would be required to provide secure indoor bicycle parking.

Therefore, implementation of the SCDPP would not conflict with any policies or plans regarding bicycle pedestrian facilities or decrease the safety of these facilities. **(Less than Significant Impact)**

Pedestrian Facilities

Sidewalks, crosswalks, and pedestrian signal heads are present within the plan area. As mentioned previously, the SCDPP proposes the extension of Washington, Main, and Franklin Streets through the SCDPP area to establish a street grid with 10 City blocks. Future developments proposed under the SCDPP would be required to provide 10-foot wide sidewalks along Lafayette, Main, and Washington Streets, 11-foot wide sidewalks along Monroe Street, Benton Street, and Homestead Road, and 15-foot wide sidewalks along Franklin Street.

To provide safe, direct, and continuous pedestrian paths throughout the SCDPP area, the SCDPP includes policies (e.g., Policy 3.1C) to minimize curb cuts where motor vehicles cross pedestrian sidewalks by consolidating access and using alleys and calm traffic and maximize pedestrian safety. The traffic calming strategies include:

- Curb extensions to reduce pedestrian crossing distances at crosswalks;
- Pedestrian-activated flashers at longer crosswalks;
- Traffic lane width reductions to acceptable minimums;
- Curb radius reductions to acceptable minimums; and
- Landscaped medians where turn lanes exist but are not needed.

Additionally, the City's Pedestrian Master Plan (2019) identified the following intersections and sidewalks within the City that need crossing, signal, transit stop, and/or walking improvements:

- Monroe Street and Homestead Road
- Lafayette Street and Homestead Road
- Monroe Street and Franklin Street
- Homestead Road and Jackson Street

Future developments under the SCDPP would be required to minimize curb cuts and implement or contribute to the traffic calming improvements. Therefore, implementation of the SCDPP would not conflict with any policies or plans regarding pedestrian facilities or decrease the safety of these facilities. **(Less than Significant Impact)**

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

The City of Santa Clara VMT Transportation Analysis Policy has established screening criteria to determine which projects require a detailed VMT analysis. Within the screening criteria, projects or components of projects would be exempt from VMT analysis under the following conditions: 1) the

project generates less than or equal to 110 vehicle trips per day; 2) retail uses of 50,000 square feet or less; 3) projects with 100 percent affordable housing; or 4) the site is located within 0.5 miles of an existing major transit stop or an existing stop along a high-quality transit corridor⁹³, and meet the following requirements:

- 35 minimum du/ac for residential projects;
- 0.75 minimum FAR for office/research & development projects;
- Promotes multimodal transportation networks;
- Incorporates transit-oriented design elements;
- Does not provide more parking than required by the City Code; or
- Does not replace affordable housing with a fewer number of moderate or high-income residential units.

All parcels within the SCDPP area are within 0.5 miles of Frequent Routes 22, 60, or 522. The eastern portion of the SCDPP area is also within 0.5 miles of the Santa Clara Transit Center which includes a train station for Caltrain, Amtrak, ACE, and a VTA bus stop. In addition, bus service is provided along El Camino Real and Monroe Street/Benton Street which are considered high-quality transit corridors. Build out of the SCDPP would result in an average development density of 51 du/ac for residential developments and an FAR of 0.8 for commercial development, which exceeds the minimum density requirements. The SCDPP includes policies to ensure that complete streets and multimodal access and transit-oriented design elements would be provided with the implementation of the plan. The number of parking spaces required by the SCDPP would not exceed the number of spaces required by the City Code. Additionally, the SCDPP requires at least 15 percent of the new dwelling units to be affordable to extremely low, very low-, low- and moderate-income households per Chapter 17.40 of the City Code (Citywide Affordable Housing Requirements).⁹⁴ For these reasons, the SCDPP would have a less than significant VMT impact. **(Less than Significant Impact)**

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

The SCDPP does not include specific design features for individual development projects. Vehicular access to and from the SCDPP area would be provided via Benton Street, Franklin Street, Homestead Road, Madison Street, Monroe Street, Jackson Street, Main Street, Washington Street, and

⁹³ A high-quality transit corridor is defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

⁹⁴ All of the extremely low and very low income (and most of the low income) clusters in transit-rich areas are modeled to drive less than the median household. This phenomenon occurs because these households are more likely to be composed of members, such as the disabled or non-workers, who generate less VMT. Developing parcels for lower-income households in location-efficient areas is likely to lead to higher reductions in VMT than developing those parcels for higher-income populations. The cause of this difference is not that lower-income households show greater VMT reduction with location efficiency because VMT reduction is consistent across income groups, but that lower-income households live more compactly in location-efficient areas – allowing each parcel to yield more VMT reduction. Source: Newmark, Gregory L. and Haas, Peter M. “Income, Location Efficiency, and VMT: Affordable Housing as Climate Strategy.” December 2015.

Lafayette Street. As mentioned previously, the SCDPP proposes the extension of Washington, Main, and Franklin Streets through the SCDPP area to establish the street grid. Per Policy 3.1A of the SCDPP, alleys are required for developments in each block to facilitate parking, loading, and service access. Alleys should be at least 26 feet wide and connect at least two different adjoining streets for each block. Per Chapter 18.74 of the City Code, two-way driveways that provide access to all properties (other than residential) should be a minimum width of 22 feet and a maximum width of 30 feet.

The streets within and adjacent to the SCDPP area have a speed limit of 25 mph, except Lafayette Street which has a speed limit of 30 mph. The Caltrans stopping distance for a roadway with a posted speed limit of 30 mph is 200 feet. Thus, a driver must be able to see 200 feet in both directions coming out of a driveway/alley along these streets must be able to see 250 feet in both directions.

The SCDPP proposes to redesignate the parking lane as a multi-use curb lane for a variety of uses (e.g., drop-off zones, service and delivery zones, bike share stations, and on-street parking). If on-street parking is present near any proposed alleys/driveways, it could obstruct the vision of exiting drivers if cars are parked next to alleys/driveways. Future development under the SCDPP would be required to implement the following Condition of Approval to reduce sight distance hazards.

Condition of Approval:

- Future development under the SCDPP shall be required to analyze sight distance at the project driveways/vehicle access points.
- Vehicular parking next to project driveways shall be prohibited.

With implementation of the Condition of Approval, future development under the SCDPP would not substantially increase hazards due to geometric design features on-site and would not introduce incompatible uses. **(Less than Significant Impact)**

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

Emergency vehicles would access the individual developments from the streets within and surrounding the SCDPP area and via alleys within each block. The SCDPP would have an interconnected street network and all streets would be designed to accommodate emergency vehicles. **(Less than Significant Impact)**

3.17.2.2 Cumulative Impacts

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

The geographic area for cumulative impacts to transportation is the City of Santa Clara. All projects in the City, unless exempt, would be required to comply with the City's VMT policy. As mentioned

under Impact TRN-2, the SCDPP would have a less than significant VMT impact. Therefore, the SCDPP would not result in a cumulatively considerable contribution to a significant cumulative VMT impact. The SCDPP would not result in significant impacts to pedestrian, bicycle, and transit facilities nor would the SCDPP increase hazard due to a design feature or incompatible use. For these reasons, the SCDPP would not result in a cumulatively considerable contribution to a significant transportation impact. **(Less than Significant Cumulative Impact)**

3.17.3 Non-CEQA Effects

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

Trip Generation Estimates

Project trips were estimated using vehicle-trip rates for “Multi-family Housing – Mid-Rise” (Land Use Code 221), “General Office Building” (Land Use Code 710), and “Shopping Center” (Land Use Code 820) published from the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 11th Edition. In addition, the trip estimates for other existing land uses (e.g., County Courthouse, Preschool, and USPS post office) was estimated using the vehicle-trip rates for “Government Office Building” (Land Use 730), “USPS” (Land Use Code 732), and “Day Care Center” (Land Use Code 565).

The SCDPP would qualify for a mixed-use reduction since a portion of the vehicle trips would be internalized.⁹⁵ An external walk, bike, and transit trip reduction was applied to the SCDPP to account for trips to the SCDPP area using alternative modes of transportation.

In addition, Action T-3-1 of the City’s 2022 CAP requires that new developments with over 500 employees achieve a minimum 25 percent reduction in project-based VMT through the implementation of active TDM measures and a 20 percent reduction of VMT for multifamily residential developments with a 10 percent reduction through active TDM measures. Future retail uses would attract customers passing by; therefore, a pass-by trip reduction for retail trips was applied based on the average pass-by reduction rate published in the ITE *Trip Generation Manual*.

Table 3.17-1 below provides a summary of the trip generation rates and reductions.

⁹⁵ Residents could walk to the office or retail and vice versa.

Table 3.17-1: Project Trip Generation Estimates							
Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Multi-family Housing (Mid-Rise)	4,862	91	305	396	255	163	418
- MXD Reduction ¹	<1,115>	<22>	<77>	<99>	<80>	<52>	<132>
- TDM Trip Reduction ²	<375>	<7>	<23>	<30>	<18>	<11>	<29>
General Office Building	5,764	711	97	808	130	636	766
- MXD Reduction ¹	<1,322>	<179>	<24>	<203>	<30>	<150>	<180>
- TDM Trip Reduction ³	<844>	<101>	<14>	<115>	<19>	<92>	<111>
Shopping Center	7,324	103	63	166	323	350	673
- MXD Reduction ¹	<1,680>	<28>	<17>	<45>	<92>	<100>	<192>
- Pass-By Reduction ⁴	<847>	<0>	<0>	<0>	<67>	<73>	<139>
Existing Land Uses							
Multi-family Housing (Mid-Rise)	1,035	19	65	84	54	35	89
- MXD Reduction ¹	<151>	<3>	<12>	<15>	<15>	<10>	<25>
General Office Building	1,364	168	23	191	31	150	181
- MXD Reduction ¹	<200>	<29>	<4>	<33>	<6>	<26>	<32>
Government Office Building	373	41	14	55	7	21	28
- MXD Reduction ¹	<55>	<7>	<2>	<9>	<1>	<3>	<4>
Shopping Center	5,252	74	45	119	231	251	482
- MXD Reduction ¹	<769>	<13>	<8>	<21>	<41>	<44>	<85>
- Pass-By Reduction ⁴	<1,300>	<0>	<0>	<0>	<55>	<60>	<115>
Day Care Center	409	50	45	95	45	51	96
- MXD Reduction ¹	<60>	<8>	<7>	<15>	<6>	<7>	<13>
USPS	1,019	42	39	81	56	54	110
- MXD Reduction ¹	<149>	<7>	<6>	<13>	<8>	<6>	<14>
Total Net Project Trips	4,999	241	118	359	110	265	375
Notes: ¹ Internal Capture Trip Reduction ² Per the 2022 CAP, a 10 percent trip reduction is required through active TDM measures for multifamily residential developments. ³ Per the 2022 CAP, a 25 percent trip reduction is required through active TDM measures for large employers over 500 employees. Because six percent of the trip reduction would be achieved through mixed use internal trip capture, an additional 19 percent of trip reduction is required per the 2022 CAP requirement. ⁴ An average 29 percent pass-by trip reduction was applied to the Daily and PM Peak-Hour trips based on the ITE Trip Generation Manual for Shopping Center.							

As shown above, the proposed SCDPP development would generate 4,999 net new daily vehicle trips, with 359 net trips during the AM Peak Hour and 375 net trips during the PM Peak Hour.

Bicycle Parking

The SCDPP requires new development to provide secure indoor bicycle parking to meet resident and employee demands, though the SCDPP does not specify the number of bicycle parking spaces that would be required. Since the City Code has not established a bicycle parking requirement, it is assumed that future projects proposed under the SCDPP would be required to comply with VTA's bicycle parking requirement.

Residential development would be required to provide a minimum of one long-term bicycle parking space per unit and a minimum of two short-term bicycle parking spaces per 20 units. Office development would be required to provide a minimum of one long-term bicycle parking space per 4,000 square feet and a minimum of four short-term bicycle parking spaces per building entrance. Retail would be required to provide a minimum of one long-term bicycle parking space per 20 on-site employees and a minimum of one short-term bicycle parking space per 4,000 square feet.

Vehicle Parking

Future development within the SCDPP would be required to comply with the parking requirements as shown in Table 12-2 in the form-based code and provided below.

Table 3.17-2: Required Vehicle Parking	
Use	Minimum Vehicle Parking Required
Office, civic, cultural and conference uses	One space per 500 square feet of building area
Grocery stores	One space per 500 square feet of building area
All other commercial uses, including restaurants and bars	One space per 1,000 square feet of building area
Hotels	0.5 spaces per room
Residential units	• One space per unit for units greater than 550 square feet • 0.5 spaces per unit for units less than 550 square feet • One space per 20 units for guest parking • Required parking may be provided anywhere in the district, including in shared-use garages.
Residential units for seniors, with on-site staff	One space per employee plus 0.1 spaces per unit

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

State

Assembly Bill 52 (2014)

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 Resource 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 (2004)

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

Santa Clara County Code

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

The General Plan policies related to TCRs that are applicable to the project are listed below.

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

3.18.1.2 *Existing Conditions*

The SCDPP area does not contain any recognized TCRs. At the time of preparation of this Draft EIR, the City has not received any requests for tribal consultation pursuant to AB 52.

3.18.2 Impact Discussion

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

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

3.18.2.1 *Project Impacts*

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

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.

PaleoWest contacted the NAHC in June 2022 and requested a Sacred Land File (SLF) search. The SLF search came back negative. Based on available information, no TCRs have been identified within the SCDPP area. It is possible, however, that unknown TCRs may be present and could be adversely affected during implementation of the SCDPP. Future development under the SCDPP would be required to comply with applicable regulations (e.g., AB 52) and 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, future projects under the SCDPP would be required to implement Mitigation Measures CUL-2.1 to CUL-2.3 and CUL-3.1 to reduce impacts to unknown buried archaeological resources and human remains, if encountered. Therefore, implementation of the SCDPP 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. **(Less than Significant Impact with Mitigation Incorporated)**

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

As discussed above in Impact TCR-1, there are no known TCRs in the SCDPP area and unknown TCRs could be adversely affected during future development under the SCDPP. Nevertheless, future development under the SCDPP would be required to comply with Mitigation Measures CUL-2.1 to CUL-2.3 and CUL-3.1 (refer to *Section 3.5 Cultural Resources*) in the event archaeological resources are encountered during excavation and/or grading of future development sites. Implementation of these measures would ensure that each project proposed under the SCDPP does not cause a substantial adverse change in the significance of a TCR that is determined to be significant by the City.

Therefore, future development under the SCDPP would not result in a significant impact to TCRs.
(Less than Significant Impact with Mitigation Incorporated)

3.18.2.2 *Cumulative Impacts*

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

The geographic study area for cumulative impacts to tribal cultural resources is the SCDPP area and adjacent parcels. Implementation of the SCDPP would not impact any known TCRs; therefore, the SCDPP would not contribute to significant cumulative impact to TCRs. Cumulative projects would be required to implement the identified mitigation measures that would avoid impacts and/or reduce impacts to a less than significant level consistent with CEQA and AB 52 requirements. All cumulative projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. For these reasons, the SCDPP in combination with other projects in the City of Santa Clara would not result in a significant cumulative impact to TCRs.
(Less than Significant Cumulative Impact with Mitigation Incorporated)

3.19 UTILITIES AND SERVICE SYSTEMS

The following discussion is based in part on a Water Supply Assessment (WSA) prepared by the City's Water Utility in January 2023⁹⁶ and a Sanitary Sewer Capacity Evaluation prepared by Woodard & Curran in March 2023. In addition, the following discussion is also based in part on a SVP Study prepared by Distribution Planning Group in December 2022.⁹⁷ Copies of these reports are included in Appendices E, F, and G of this document, respectively.

3.19.1 Environmental Setting

3.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Santa Clara adopted its most recent UWMP (2020 UWMP) in June 2021.

Assembly Bill 939

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

Assembly Bill 341

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

⁹⁶ Note that the WSA analyzed development of up to 1,574 dwelling units, 670,100 square feet of office/hotel space and 197,300 square feet of retail space. The WSA provides a more conservative analysis as it analyzes a greater number of dwelling units and commercial square footage. The commercial square footage analyzed in the WSA includes office/hotel and retail space.

⁹⁷ The SVP Study analyzed development of up to 1,574 dwelling units, 670,100 square feet of office/hotel space, 197,300 square feet of retail space, and 44,300 square feet of public spaces which provides a more conservative analysis as it analyzes a greater number of dwelling units and commercial square footage than what is proposed by the plan.

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.

Local

City of Santa Clara 2010-2035 General Plan

The following General Plan Policies have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the project.

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.
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.
5.3.1-P9	Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.10.1-P6	Require adequate wastewater treatment and sewer conveyance capacity for all new development.
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 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-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

3.19.1.2 *Existing Conditions*

Water Supply

The City of Santa Clara has four sources of water which include surface water from the SFPUC, treated surface water from Valley Water, groundwater, and recycled water. A portion of the City's water supply is reliant on SFPUC and Valley Water. Surface water from SFPUC and Valley Water provide less than half (an average of 40 percent) of the City's water supply while the remaining 60 percent come from City owned- and operated-wells. In 2020, the City's water demand was approximately 16.3 million gallons per day (mgd) for potable water and 3.1 mgd for recycled water.⁹⁸ The water supply system consists of approximately 335 miles of water mains, 21 active water wells, seven storage tanks with 28.8 million gallons of water storage capacity, and three booster pump stations.⁹⁹ South Bay Water Recycling (SBWR) supplies recycled water within the City.

⁹⁸ City of Santa Clara. 2020 Urban Water Management Plan. June 22, 2021.

⁹⁹ Ibid.

Recycled water in the City is currently used for irrigation at parks, landscape street medians, multi-family residential units, and schools.

The current on-site water usage is approximately 64,545 gallons per day.¹⁰⁰ Recycled water lines are currently not available within the SCDPP area.

Wastewater Services

Wastewater treatment in Santa Clara is provided by the San José-Santa Clara Regional Wastewater Facility (the Facility). The Facility serves approximately 1.4 million residents and over 17,000 businesses by treating an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd.¹⁰¹ The Facility currently treats an average of 110 mgd of wastewater.¹⁰² Currently, approximately 13 percent of the Facility's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay. In 2021, the City of Santa Clara had rights to approximately 25.7 mgd of the total treatment capacity at the Facility with peak sewage flows of 15.7 mgd.¹⁰³

Based on the wastewater flow rates from the City's Sanitary Sewer Master Plan Update¹⁰⁴, the existing land uses in the SCDPP area would generate approximately 65,472 gallons of wastewater per day.¹⁰⁵ The existing sanitary sewer lines serving the area are 12-inches in diameter except for Madison Street, which would be six-inches between Franklin Street and Lewis Street, and Monroe Street, which would be eight-inches between Benton Street and El Camino Real.

Stormwater Drainage

The City of Santa Clara owns and maintains the municipal storm drainage system which serves the plan area. Existing storm drain lines are located beneath Madison Street, Benton Street, Lafayette Street, Homestead Road, Franklin Street, Monroe Street, and Jackson Street.

Electricity, Natural Gas, and Telecommunications

SVP is the City of Santa Clara's energy utility and PG&E provides natural gas services within the City of Santa Clara. SVP and PG&E currently provides electricity and natural gas services within the City, including the plan area. SVP, Comcast, and AT&T provide communication services within the area.

¹⁰⁰ City of Santa Clara. *Downtown Precise Plan Water Supply Assessment*. January 2023.

¹⁰¹ City of San Jose. San Jose-Santa Clara Regional Wastewater Facility. Accessed January 30, 2023. <https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility>.

¹⁰² City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011.

¹⁰³ City of San José, Environmental Services Department. *Tributary Agencies' Estimated Available Plant Capacity – 2021*. December 21, 2021.

¹⁰⁴ City of Santa Clara. *Sanitary Sewer Master Plan Update Final Report*. April 2016.

¹⁰⁵ Based on 154 gpd/du for apartments, 0.1 gpd/square feet for commercial offices, 0.1 gpd/square feet for retail. It was conservatively assumed that all 228 residential units are apartment units. For the purposes of this analysis, the wastewater flow rate of 0.1 gpd/square feet for commercial offices was used to calculate the County Courthouse, Preschool, and USPS post office wastewater flow.

Solid Waste

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System through a contract with the City. Mission Trail Waste System also has a contract to implement the Clean Green portion of the City's recycling plan by collecting yard waste. All other recycling services are provided through Stevens Creek Disposal and Recycling. The City has 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 could continue to provide disposal capacity to the City of Santa Clara beyond 2024. Prior to 2024, the City would need to amend their contract with Newby Island or contract with another landfill operator, which would be subject to environmental review. As of June 2022, NISL had approximately 12.7 million cubic yards of remaining capacity.¹⁰⁶

The existing development within the SCDPP is estimated to generate approximately 2,539 pounds of solid waste a day.¹⁰⁷

3.19.2 Impact Discussion

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

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

¹⁰⁶ Huber, Rachelle. Environmental Manager, Republic Services. Personal Communication. June 2, 2022.

¹⁰⁷ CalRecycle. "Estimated Solid Waste Generation Rates." Accessed January 30, 2023.

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Based on the generation rate of 5.31 pounds per dwelling unit per day for multi-family units, 2.5 pounds per 1,000 square feet per day for commercial retail, six pounds per 1,000 feet per day for office, and 0.007 pounds per square feet per day for school. For the purposes of this analysis, it was conservatively assumed that the County Courthouse and USPS post office generates six pounds per 1,000 square feet per day.

3.19.2.1 *Project Impacts*

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

Water Supply Facilities

As mentioned in *Section 3.19.1.2*, the City relies on imported water from Valley Water and SFPUC. The City's contract with SFPUC is interruptible and may be unavailable after 2028.¹⁰⁸ If SFPUC stops providing water supplies, the City will need to increase supplies from Valley Water. The City of Santa Clara Water Utility has determined that supplies would be sufficient to provide service for the SCDPP. Because the City's contract with SFPUC may be terminated in 2028, the 2020 UWMP analyzed water supply under two scenarios with the assumption that the San Francisco Bay/Sacramento-San Joaquin Delta Estuary Bay-Delta Plan (BDP)¹⁰⁹ is implemented: Scenario 1 assumes contract termination in 2028 and Scenario 2 assumes SFPUC would continue to provide water supply to the City beyond 2028. Per the WSA, the City anticipates meeting all water demands during normal, dry, and multiple dry years through 2045 under both scenarios and implementation of the BDP (refer to Appendix E of this document for more information).

Build out of the SCDPP would have an estimated water demand of up to 521,967 gpd, a net increase of 457,420 gpd when compared to existing conditions. As discussed in the WSA, the estimated increase in water demand from the SCDPP would be within the 2020 UWMP growth projections.

The WSA determined that the existing recycled water system would be able to serve the SCDPP area. To meet future water demand, the SCDPP would be required to connect to the recycled water system to offset potable water use. Future developments under the SCDPP may be required to make fair-share contributions to upgrades to water facilities or incorporate infrastructure improvements which may include extension of the recycled water system. All recycled water line extensions for on-site use and demand would require City, SBWR, and SWRCB - Division of Drinking Water approval, including any necessary environmental review.

Additionally, the City declared a Local Emergency for Extreme Drought Conditions in July 2021 and authorized implementation of Stage 2 of the City's Water Shortage Contingency Plan which requires a reduction of up to 20 percent in water usage (Resolution No. 21-8989). Therefore, future development in the SCDPP may be subject to water supply or capacity fees, additional water efficiency standards, and establishment of annual water budgets. Alternative water supplies (e.g., recycled water, rainwater/stormwater capture and reuse, greywater reuse, or reclaiming wastewater on-site) may need to be developed to offset water demand. Build out of the SCDPP would not require

¹⁰⁸ The SFPUC will decide whether to make the City of Santa Clara a permanent customer by December 2028.

¹⁰⁹ The BDP is intended to increase salmonid populations in the Stanislaus, Merced, and Tuolumne Rivers and the Bay-Delta and requires the release of 30 to 50 percent of "unimpaired flow" to the Stanislaus, Merced, and Tuolumne Rivers from February through June. The SFPUC model assumes that 40 percent of unimpaired flow would be released into the three tributaries.

the relocation or construction of new or expanded water facilities which could cause significant environmental effects. **(Less than Significant Impact)**

Wastewater Facilities

The City's sanitary sewer hydraulic model was used to estimate the potential sewer capacity impact and sanitary sewer loads from build out of the SCDPP. Refer to Appendix F for the approach and model inputs. Build out of the SCDPP would generate up to 275,073 gpd of wastewater, a net increase of 209,601 gpd of wastewater when compared to the approved project. The existing sewer lines within and downstream of the SCDPP were determined to have sufficient capacity to serve the SCDPP. Therefore, the SCDPP would not require the relocation or construction of new or expanded wastewater facilities which could cause significant environmental effects. **(Less than Significant Impact)**

Stormwater Drainage Facilities

As discussed in *Section 3.10.2.1*, future development under the SCDPP would be required to adhere to local, regional and statewide regulations pertaining to stormwater runoff during construction and operation. In addition, Policy 3.3B of the SCDPP requires the use of green infrastructure to retain stormwater runoff and filter pollutants within the public realm. By managing stormwater runoff in accordance with existing regulations and inclusion of bioretention facilities, future developments under the SCDPP would not require the construction of new or upgraded stormwater drainage facilities which could impact the environment. Therefore, the SCDPP would not require the relocation or construction of new or expanded stormwater drainage facilities which could cause significant environmental effects. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications

As mentioned in *Sections 3.3.2.2 and 3.8.2.1*, all future developments would be 100 percent electric with no natural gas infrastructure per the City's Reach Code (refer to Chapter 15.36 of the City Code). The SCDPP area currently includes a series of transformers that provide electrical services at voltages necessary to serve commercial and residential uses. SVP's existing system, up to 3.5 megawatts (MW) would be available to future projects under the SCDPP until 2027.¹¹⁰ Beyond 2027, future developments under the SCDPP may be required to make fair-share contributions to infrastructure, including off-site improvements, needed to support the SCDPP. The SVP Study includes a list of off-site improvements that would be required (refer to Appendix G). Additionally, telecommunication services are typically installed with new developments. While the SCDPP would intensify the development on-site, the demand for these resources would be satisfied by the existing services. Therefore, the SCDPP would not cause significant environmental effects due to the construction or relocation of electric power, natural gas, or telecommunications utilities. **(Less than Significant Impact)**

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

¹¹⁰ Distribution Planning Group. *Downtown Precise Plan SVP Study*. December 12, 2022.

As discussed under Impact UTL-1, build out of the SCDPP would have an estimated water demand of up to 521,967 gpd which was determined to be within the 2020 UWMP growth projections and the City anticipates meeting all water demands during normal, dry, and multiple dry years through 2045. Therefore, there would be sufficient water supplies available to serve the SCDPP and any reasonably foreseeable future development. **(Less than Significant Impact)**

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

Future development in the SCDPP would connect to the City's existing sanitary sewer system. In 2021, the City of Santa Clara had rights to approximately 25.7 mgd of the total treatment capacity at the Facility with peak sewage flows of 15.7 mgd.¹¹¹ The SCDPP would generate up to 310,329 gpd (or 0.31 mgd) of wastewater and would not exceed the City's allocation of 25.7 mgd. As discussed under Impact UTL-1, the existing sewer lines within and downstream of the SCDPP were found to have sufficient capacity to serve the SCDPP. Therefore, the SCDPP would have adequate capacity to serve the projected demand in addition to its existing commitments. **(Less than Significant Impact)**

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

The development of up to 1,071 dwelling units, 531,720 square feet of office space, 197,900 square feet of commercial/retail space would generate up to 9,372 tons of solid waste per day.¹¹² As of June 2022, NISL had approximately 12.7 million cubic yards of remaining capacity.¹¹³ As mentioned previously, the City has a contract with NISL to provide disposal capacity through 2024. The NISL could continue to provide disposal capacity to the City beyond 2024; however, the City would need to amend their contract with Newby Island or contract with another landfill operator, which would be subject to environmental review.

Development within the SCDPP area would be required to provide recycling facilities within proposed buildings to assist the City in meeting AB 939 requirements. Additionally, AB 341 requires all commercial businesses that generate four cubic yards or more of waste per week and multi-family apartments with five or more units to have a recycling program in place. Additionally, the City of Santa Clara require applicants seeking construction and/or demolition permits for projects greater than 5,000 square feet to track and divert a minimum of 65 percent of the discards created during project construction (refer to the City's Construction and Demolition Debris Recycling Program).

¹¹¹ City of San José, Environmental Services Department. *Tributary Agencies' Estimated Available Plant Capacity – 2021*. December 21, 2021.

¹¹² CalRecycle. "Estimated Solid Waste Generation Rates." Accessed January 30, 2023.

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Based on the generation rate of 5.31 pounds per dwelling unit per day for multi-family units, 2.5 pounds per 1,000 square feet per day for commercial retail, and six pounds per 1,000 feet per day for office.

¹¹³ Huber, Rachelle. Environmental Manager, Republic Services. Personal Communication. June 2, 2022.

Future developments proposed under the SCDPP would be required to comply with existing federal, state, and local programs and regulations, and there would be sufficient landfill capacity to serve the proposed project. Therefore, the SDCPP would not exceed the capacity of local landfills that serve Santa Clara or exceed state or local standards. **(Less than Significant Impact)**

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

Future developments proposed under the SCDPP would be required to comply with existing federal, state, and local regulations and programs pertaining to solid waste, including AB 939, AB 341, CALGreen, and the City's Construction and Demolition Debris Recycling Program. Therefore, the SCDPP would have a less than significant impact on solid waste. **(Less than Significant Impact)**

3.19.2.2 *Cumulative Impacts*

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

The geographic area for cumulative water supply, wastewater, and storm drainage systems is the City boundaries. The geographic area for electricity, natural gas, and telecommunication services is the State of California. If a project is determined to have a significant energy impact, it is concluded that the impact is a cumulative impact.

Water Supply Facilities

The cumulative projects, including build out of the SCDPP, are accounted for in the 2020 UWMP growth projections which is based on planned growth through 2045. Cumulative projects in the City shall be evaluated at a project-level to ensure there is adequate water supply. As mentioned above, Stage 2 of the City's Water Shortage Contingency Plan which requires a reduction of up to 20 percent in water usage and future development in the SCDPP may be subject to water supply or capacity fees, additional water efficiency standards, and establishment of annual water budget to offset the water demand. Therefore, the SCDPP would not result in a cumulatively considerable contribution to a significant utilities and service systems impact. **(Less than Significant Cumulative Impact)**

Wastewater Facilities

As discussed under Impact UTL-3, the City of Santa Clara had rights to approximately 25.7 mgd of the total treatment capacity at the Facility with a peak sewage flows of 15.7 mgd in 2021. The SCDPP and other large projects proposed within the City would not exceed the City's existing allocation at the Facility.¹¹⁴ Therefore, the SCDPP would not result in a cumulatively considerable

¹¹⁴ Wastewater from the City Place development (1.75 mgd), Gateway Crossings (0.3 mgd), SCU Five-Year Master Plan (0.05 mgd) would conservatively add up to approximately 2.1 mgd.

contribution to a significant utilities and service systems impact. **(Less than Significant Cumulative Impact)**

Stormwater Drainage Facilities

The cumulative projects, including the SCDPP, would involve redevelopment of existing developed sites that contain impervious surfaces. These projects would be required to adhere to local, regional and statewide regulations pertaining to stormwater runoff during construction and operation. As described above, the SCDPP would include bioretention facilities within the public realm to retain stormwater runoff and filter pollutants. The project, by itself, would not result in a considerable contribution to a significant cumulative storm drain system impact. **(Less than Significant Cumulative Impact)**

Electricity, Natural Gas, and Telecommunication Services

As discussed under Impact EN-2 (refer to *Section 3.6*), future developments proposed under the SCDPP would be required to participate in the City's Construction and Demolition Debris Recycling Program, the most recent CALGreen requirements, Title 24 Part 26 of the California Code of Regulations, and the City's 2022 CAP to increase energy conservation and efficiency. Therefore, the SCDPP would not result in a significant energy impact. In addition, the cumulative projects are within urban areas already served by existing electricity and telecommunication infrastructure. As mentioned previously, all newly constructed buildings would be 100 percent electric with no natural gas infrastructure per the City's Reach Code. The project, therefore, would not result in a considerable contribution to a significant cumulative impact to electricity, natural gas, and telecommunication infrastructure. **(Less than Significant Cumulative Impact)**

3.20 WILDFIRE

3.20.1 Impact Discussion

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

- 1) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

3.20.1.1 *Project Impacts*

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

3.20.1.2 *Cumulative Impacts*

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

SECTION 4.0 GROWTH-INDUCING IMPACTS

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

The CEQA Guidelines require that an EIR identify the likelihood that a proposed 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.

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement results if a project involves construction of new housing that would result in new residents moving to the area. A project can have indirect growth-inducement potential if it establishes substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or if it involves a substantial construction effort with substantial short-term employment opportunities and indirectly stimulates the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project could indirectly induce growth if it expands roadway capacity or removes an obstacle to additional growth and development, such as removing a constraint on required public services or utilities (e.g., adding a sewage treatment plant that has capacity to serve demand beyond the associated project).

The plan area is located in a developed area fully served by existing infrastructure. Redevelopment of the Downtown Focus Area was envisioned as part of the City’s General Plan. As mentioned in the City’s General Plan, the vision for Santa Clara’s Downtown includes approximately 130,000 square feet of commercial/retail uses along with almost 400 new residences. Full build out of the SCDPP would result in the construction of up to 1,071 dwelling units, 531,720 square feet of office space, 197,900 square feet of commercial/retail space, and 44,300 square feet of public space, a net increase of 67,900 of commercial/retail space, 671 dwelling units, 531,720 square feet of office space, and 44,300 square feet of public space than what was assumed in the Downtown Focus Area. As stated in the SCDPP, both the General Plan and zoning would be updated to reflect the SCDPP.

There are no undeveloped areas adjacent or in the immediate vicinity of the plan area and the SCDPP would not remove any obstacles that would help facilitate additional growth that could significantly affect the physical environment. The SCDPP would increase development on an infill site and indirect population growth could occur because of the jobs generated by the office component of the project, as well as increase housing on-site. The SCDPP does not include the expansion of existing infrastructure that would facilitate growth in the plan area or other areas of the City. Therefore, build out of the SCDPP would not result in growth-inducing impacts. **(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

Future development proposed under the SCDPP, 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.

Construction activities associated with future development 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 sites, 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, would be used to fuel vehicles traveling to and from the SCDPP area.

The proposed SCDPP would result in a substantial increase in demand for nonrenewable resources. Future development proposed under the SCDPP would, however, be subject to the standard California Code of Regulations Title 24 Part 6 and CALGreen energy efficiency requirements.

As discussed in *Section 3.6 Energy*, the SCDPP 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 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

The SCDPP 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 3.9 Hazards and Hazardous Materials*, there may be residual hazardous materials contamination in soils and groundwater that may impact construction workers and adjacent land uses if disturbed. Future developments proposed under the SCDPP would be required to implement Mitigation Measures HAZ-2.1 to HAZ-2.3 to mitigate potential risks to construction workers and adjacent land uses 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 area. In addition, there are no significant geology and soils impacts from implementation of the project.

Based on the discussion above, future developments proposed under the SCDPP would not likely result in irreversible damage that may result from environmental accidents.

SECTION 6.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. The following significant unavoidable impact has been identified:

- **GHG Emissions:** Operation of developments approved under the SCDPP after the year 2030 has the potential to result in GHG emissions that would result in an impact on the environment.
- **GHG Emissions:** Projects initiated after the year 2030 could conflict or otherwise interfere with the statewide GHG reduction measures set forth by SB 375, even with the Mitigation Measures GHG-1.1 and GHG-1.2, and would result in a significant unavoidable impact.
- **Land Use and Planning:** Even with implementation of Mitigation Measures GHG-1.1 and GHG-1.2, projects initiated after the year 2030 could conflict or otherwise interfere with the statewide GHG reduction measures set forth by SB 375.

SECTION 7.0 ALTERNATIVES

CEQA requires that an EIR identify and evaluate alternatives to a project as it is proposed. Two key provisions from the CEQA Guidelines pertaining to the discussion of alternatives are included below:

Section 15126.6(a). Consideration and Discussion of Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Section 15126.6(b). Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or be more costly.

Other elements of the Guidelines discuss that alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed project.

The three critical factors to consider in selecting and evaluating alternatives are: (1) the significant impacts from the proposed project that could be reduced or avoided by an alternative, (2) consistency with the project's objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed below.

7.1 PROJECT OBJECTIVES

While CEQA does not require that alternatives be capable of meeting all of the project objectives, their ability to meet most of the objectives is considered relevant to their consideration. The City's objectives for redevelopment within the SCDPP are to provide a framework for new streets and public spaces, essential land uses, and urban form, and to create a Form-Based Zoning Code that would allow implementation of the SCDPP by providing development standards to guide new development. The City's objectives include the following:

Streets and Public Spaces Framework:

- Provide a framework for streets and public spaces, essential land uses, and urban form.
- Re-establish the street grid and create up to ten city blocks.
- Establish up to four types of streets within the SCDPP area, each with its own typical width, mobility emphasis, and frontage characteristics.
- Identify up to three public spaces, each of which are intended to have a distinct character, formed by the design of the space and by the contributing activities around it

Essential Land Use:

- Identify where ground floor commercial spaces would be required, as well as the “retail-ready” spaces (i.e., commercial space enabled by design but not required by the SCDPP).

Urban Form:

- Provide a mix of land uses that include housing, commercial retail, restaurant, entertainment, offices, civic or cultural uses, and hotels within a general building envelope.
- Identify development standards that promote the stepping down of building massing along the SCDPP boundaries where the SCDPP area transitions into existing residential neighborhoods and/or adjacent historic structures.

Form-Based Zoning Code:

- Create Form-Based Zoning Code that would implement the SCDPP by providing development standards for new development.

7.2 **SIGNIFICANT IMPACTS FROM THE PROJECT**

The CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. Impacts that would be significant include:

- **Air Quality:** Development proposed under the SCDPP would result in significant construction air pollutant emissions due to dust generation, and emissions of TACs and criteria pollutants during construction.
- **Air Quality:** Future development proposed under the SCDPP would result in significant operational TAC impacts from stationary sources.
- **Cumulative Air Quality:** Future development proposed under the SCDPP could contribute to cumulative TAC impacts.
- **Biological Resources:** Construction activities associated with future development within the SCDPP could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.
- **Biological Resources:** Tree removal from redevelopment of individual parcels under the SCDPP could result in a significant impact to trees.

- **Cultural Resources:** Future projects proposed under the SCDPP could result in impacts to unknown buried archaeological resources.
- **Cultural Resources:** Future projects proposed under the SCDPP could result in impacts to human remains.
- **Geology and Soils:** Development proposed under the SCDPP has the potential to disturb unknown paleontological resources during excavation, grading and construction activities.
- **GHG Emissions:** Operation of developments approved under the SCDPP after the year 2030 has the potential to result in GHG emissions that would result in an impact on the environment.
- **GHG Emissions:** Projects initiated after the year 2030 could conflict or otherwise interfere with the statewide GHG reduction measures set forth by SB 375, even with the Mitigation Measures GHG-1.1 and GHG-1.2, and would result in a significant unavoidable impact.
- **Hazards and Hazardous Materials:** Existing hazardous materials contamination in soils and groundwater within the SCDPP area has the potential to impact construction workers and adjacent land uses if disturbed during demolition or construction of new buildings and structures on-site.
- **Land Use and Planning:** Even with implementation of Mitigation Measures GHG-1.1 and GHG-1.2, projects initiated after the year 2030 could conflict or otherwise interfere with the statewide GHG reduction measures set forth by SB 375.
- **Noise and Vibration:** Construction activities associated with future development could generate hourly average noise levels in excess of 60 dBA L_{eq} for residential uses and 70 dBA L_{eq} for commercial uses and the ambient noise environment by at least five dBA L_{eq} for a period of more than one year.
- **Noise and Vibration:** Mechanical equipment from future projects located in close proximity to existing residential land uses could result in noise levels in exceedance of City standards for fixed sources.
- **Noise and Vibration:** Existing and planned land uses in the vicinity of the SCDPP area could be exposed to vibration levels beyond applicable Caltrans vibration limits due to project construction activities.

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

Location Alternative

The CEQA Guidelines encourage consideration of an alternative site when significant effects of the project might be avoided or substantially lessened (Section 15126.6(f)(2)(A)). Only locations that

would avoid or substantially lessen any of the significant impacts of the project and meet most of the project objectives need to be considered for inclusion in the EIR.

Location alternatives are frequently considered to reduce the site-specific impacts of a project. A Location Alternative would need to be of similar size to the SCDPP area (approximately 25.0 acres), within the urban service area of the City, near existing transit, and have the appropriate General Plan land use designation(s). The SCDPP was developed to revitalize the Downtown and provide guidance for new development within a portion of the Downtown Focus Area (as identified in the General Plan). In addition, revitalization of the Downtown Focus Area would support the major strategies for the City identity and community vitality; therefore, alternative locations were not considered further.

Furthermore, there is not an equivalent area available for redevelopment within the Downtown Focus Area or immediate vicinity. For these reasons, an alternative location was considered but rejected as infeasible.

7.4.2 Alternatives Selected

In addition to a “No Project” alternative, 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 alternatives 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.

Given the factors discussed above, the following evaluation of possible alternatives to the project includes: 1) a No Project Alternative, as required by CEQA and 2) a Reduced Development Alternative. The components of these alternatives are described below, followed by a discussion of their impacts and how they would differ from those of the proposed project.

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 No Project Alternative would retain the existing buildings and parking lots on-site and if the site were to remain as is, there would be no new impacts. None of the project objectives would be met under the No Project Alternative.

7.5.2 Reduced Density Alternative

The 2010-2035 General Plan includes an increase in residential and non-residential development within the Downtown Focus Area. Under this alternative, the project would include construction of up to 400 residential units and 130,000 square feet of non-residential development, excluding any space devoted to civic or public uses, as allowed in the Downtown Focus Area.¹¹⁵ It is assumed that public space would still be provided under this alternative. This alternative would result in the loss of 671 dwelling units and approximately 599,620 square feet of office/commercial/retail space compared to the proposed project. Any development scenario with a smaller project of any size would be built out over a shorter timeframe, and result in less excavation and less heavy equipment use, which would lessen construction and operational air quality and noise impacts compared to the proposed project. While full build out of the SCDPP under this alternative could occur prior to 2030, it would be speculative to presume that all development proposed under this alternative would occur prior to that year. Therefore, full build out of this alternative would still result in a significant unavoidable GHG impact even with implementation of the identified mitigation in *Section 3.8 Greenhouse Gas Emissions*.

The Reduced Density Alternative would be required to implement all identified mitigation to reduce construction and operational impacts associated with the proposed project, as well as the Conditions of Approval identified for the proposed project.

This alternative would meet the City's objectives of providing public spaces and housing and non-residential space within the SCDPP area but at a far lower density than what is proposed. The reduction in development capacity within the SCDPP area would likely result in an intensification of development elsewhere in the City where it may be less suitable. This alternative would also comply with the City's objective of creating a Form-Based Zoning Code by providing development standards for new development but would not meet the vision or framework for the SCDPP that was created by the DCTF, community members, stakeholders, and City Council.

7.5.3 Environmentally Superior Alternative

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative amongst the other alternatives [Section 15126.6(e)(2)].

Based upon the previous discussion, the environmentally superior alternative would be the Reduced Density Alternative as it would lessen construction and operational air quality and noise impacts when compared to the proposed project. While this alternative would meet the City's objectives, it would not meet the vision or framework for the SCDPP that was created by the DCTF, community members, stakeholders, and City Council.

¹¹⁵ City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. SCH# 2008092005. January 2011.

SECTION 8.0 REFERENCES

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SECTION 9.0 LEAD AGENCY AND CONSULTANTS

9.1 LEAD AGENCY

City of Santa Clara

Community Development Department

Andrew Crabtree, *Director*

Lesley Xavier, *Planning Manager*

9.2 CONSULTANTS

David J. Powers & Associates, Inc.

Environmental Consultants and Planners

Shannon George, *Principal Project Manager*

Fiona Phung, *Project Manager*

Mimi McNamara, *Associate Project Manager*

Ryan Osako, *Graphic Artist*

Cornerstone

Hazardous Materials

Kurt Soenen, *Senior Principal Engineer*

Stason Foster, *Senior Project Engineer*

Hexagon Transportation Consultants

Gary Black, *President*

Kai-Ling Kuo, *Transportation Engineer*

Jocelyn Lee, *Engineer*

PaleoWest

Archaeology and Cultural Resource Management

John Eddy, *Principal Investigator*

Katherine Sinsky, *Associate Archaeologist*