Draft Environmental Impact Report

1957 Pruneridge Avenue Residential Project

prepared by

CITY OF SANTA CLARA CALIFORNIA
1852
THE MISSION CITY

In Consultation with

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

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Table of Contents

Section 1.0 Introduction and Purpose 1
1.1 Purpose of the Environmental Impact Report 1
1.2 EIR Process 1
1.3 Final EIR/Responses to Comments 2
Section 2.0 Project Information and Description 3
2.1 Project Location 3
2.2 Project Description 3
2.3 Project Objectives 7
2.4 Uses of the EIR 7
Section 3.0 Environmental Setting, Impacts, and Mitigation 8
3.1 Aesthetics 11
3.2 Agriculture and Forestry Resources 20
3.3 Air Quality 24
3.4 Biological Resources 37
3.5 Cultural Resources 47
3.6 Energy 61
3.7 Geology and Soils 67
3.8 Greenhouse Gas Emissions 76
3.9 Hazards and Hazardous Materials 82
3.10 Hydrology and Water Quality 92
3.11 Land Use and Planning 101
3.12 Mineral Resources 105
3.13 Noise 107
3.14 Population and Housing 118
3.15 Public Services 122
3.16 Recreation 130
3.17 Transportation 134
3.18 Tribal Cultural Resources 141
3.19 Utilities and Service Systems 144
3.20 Wildfire 152
Section 4.0 Growth-Inducing Impacts 155

Section 5.0 Significant and Irreversible Environmental Changes 156
Section 6.0 Significant and Unavoidable Impacts 157
Section 7.0 Alternatives 158
7.1 Overview 158
7.2 Project Objectives 158
7.3 Significant Impacts from the Project 159
7.4 Alternatives 160
Section 8.0 References 164
Section 9.0 Lead Agency and Consultants 170
9.1 Lead Agency 170
9.2 Consultants 170
Section 10.0 Acronyms and Abbreviations 172

Figures

Figure 2.2-1 Conceptual Site Plan 5
Figure 2.2-2 Landscape Plans 6
Figure 3.3-1 Maximally Exposed Individuals for TACs 33
Figure 3.4-1 Location of Trees On-Site 39
Figure 3.13-1 Noise Measurement Monitoring Locations 111

Photos

Photos 1 & 2 14
Photos 3 & 4 15
Photos 5 & 6 16

Tables

Table 3.0-1: Geographic Considerations in Cumulative Analysis 9
Table 3.3-1: Health Effects of Air Pollutants 24
Table 3.3-2: BAAQMD Air Quality Significance Criteria Air Pollutants Thresholds 28
Table 3.3-3: BAAQMD Air Quality Health Risks and Hazards Significance Thresholds 29
Table 3.3-4: Construction Criteria Air Pollutants Emissions 30
Table 3.3-5: Construction TAC Risks 32

Table 3.3-6: Community Health Risks at Project Site 36
Table 3.4-1: Trees Species On-site 40
Table 3.10-1: Impervious and Pervious Surface Areas in Square Feet 99
Table 3.13 1: Groundborne Vibration Impact Criteria for Different Frequencies of Events 108
Table 3.13-2: Noise Measurements at Monitoring Locations 110
Table 3.13-3: Hourly Average Construction Noise Levels 112
Table 3.13-4: Construction Vibration Levels 115

Appendices

Appendix A: Construction Health Risk Assessment
Appendix B: Arborist Report
Appendix C: Biological Assessment
Appendix D: DPR Evaluation
Appendix E: Web Soil Survey
Appendix F: 2022 Climate Action Plan Compliance Checklist
Appendix G: Phase I Environmental Site Assessment
Appendix H: Phase II Environmental Site Assessment
Appendix I: Noise and Vibration Assessment
Appendix J: Transportation Analysis
Appendix K: Notice of Preparation and Comment Letter

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

Summary

Project Overview

The proposed project would remove all structures and landscaping from the project site and construct 22, two-story residential units at a density of 8.9 dwelling units per acre (du/ac). Each unit would include a two to three car garage. Additionally, the project site would include a landscaped paseo in the middle of the site that would provide access to the sidewalk on Pruneridge Avenue. Access to the project site would be provided by an ingress/egress driveway at the east end of the project site. The driveway would connect to a drive aisle which separates the units on the north and south sides of the project site.

Summary of Significant Impacts

The following table summarizes the significant effects and mitigation measures addressed within this Environmental Impact Report (EIR). The project description and a 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, & Mitigation.

Significant Impacts	**Mitigation and Avoidance Measures**
Impact BIO-1.1: Construction activities could disrupt nesting raptors, or other birds, resulting in abandonment of nests and loss of fertile eggs.	**MM-BIO 1.1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1st through August 31st. If it is not possible to schedule construction and tree removal between September 1 and January 31, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that

	raptor or migratory bird nests shall not be disturbed during project construction.
Impact BIO-5.1: The proposed project would not comply with the City's tree protection policy on-site.	**MM-BIO-5.1:** The project applicant will coordinate with the supervising planner to identify locations off-site for replacement trees in addition to the trees proposed as part of the landscaping on-site in accordance with General Plan Policy 5.3.1- P10 and Santa Clara City Code 12.35. This will require the planting of 21, 24-inch box trees off-site to fully offset the removal of trees on-site. The project applicant will provide the supervising planner with appropriate documentation to confirm that all on- and off-site replacement trees have been planted prior to issuance of occupancy permits.
Impact CUL-1.1: The proposed project would require the demolition of the church building on-site which would result in a substantial adverse change to a locally eligible historical resource pursuant to CEQA Guidelines Section 15064.5.	**MM CUL-1.1:** Prior to issuance of any grading, demolition, or building permits the project applicant shall prepare and submit, for review and approval by the Director of Community Development or the Director's designee, a Historic Resources Mitigation Action Plan (Action Plan) demonstrating that the following steps, actions, and documents have been completed for the historic structure in accordance with the Action Plan timeline. The Action Plan shall include roles and responsibilities between the project applicant, City staff, and outside individuals, groups, firms, and consultants. Documentation (HABS): The structure and associated features on the project site shall be documented in accordance with the guidelines established for the Level III Historic American Building Survey (HABS) consistent with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall consist of the following components: A. Drawings – Prepare sketch floor plans of the buildings and site plan. B. Photographs – 35 mm digital photographs meeting the digital photography specifications. C. Written Data – a historical report with the history of the property, property description and historical significance. A qualified architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs, research and written data.

	The documentation shall be submitted to the Director of Community Development or the Director's designee and the City's Historic Preservation Officer for review and approval. After approval, the required documentation shall be filed with the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. **MM CUL-1.2:** Documentation (Digital Scans): Prior to issuance of any grading, demolition, or building permits, the structure and associated features on the project site shall be documented by a qualified architectural historian through a series of digital scans and video production. The architectural historian shall meet the Secretary of the Interior's Professional Qualification Standards. A plan of the proposed procedures for the digital scans shall be submitted to the City's Director of Community Development or the Director's designee prior to commencement of preparing the digital scans for review and approval. The digital scans must be submitted to the City and filed with the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System prior to the issuance of occupancy permits. **MM CUL-1.3:** Relocation by the Project applicant and/or a Third Party: Prior to issuance of any demolition permits, the project applicant, or an interested third party, shall be required to advertise the availability of the church for relocation for a period of no less than 60 days. The advertisements must include notification in a newspaper of general circulation, on a website, and notice placed on the project site. The project applicant shall provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the City's Director of Community Development or the Director's designee that this condition has been met prior to the issuance of demolition permits. If the project applicant or third party agrees to relocate the structure, the following measures must be followed: 1. The Director of Community Development or Director's designee must determine that the receiver site is feasible for the building based on the existing setting. 2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing

	condition study that establishes the baseline condition of the church prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Director of Community Development or the Director's designee prior to the structure being moved. 3. To protect the building during relocation, the project applicant shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine how the building needs to be reinforced/stabilized before the move. 4. Once moved, the building shall be repaired and rehabilitated, as needed, by the project applicant or third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be retained in a manner that preserves the integrity of the building for the long-term preservation and reuse. Upon completion of the repairs, a qualified architectural historian shall document and confirm that work to the structure was completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and character-defining features were preserved. The project applicant shall submit a memo report supplement to the Action Plan to the City's Director of Community Development or the Director's designee documenting the relocation, repair, and reuse prior to issuance of any occupancy permits for the proposed project. **MM CUL-1.4:** Salvage: If the project applicant and/or a third party cannot agree to relocate the structure within the specified time, the structure shall be made available for salvage to companies facilitating the reuse of historic building materials prior to the issuance of any demolition permits. The time frame available for salvage shall be established by the City's Director of Community Development or the Director's designee in accordance with the Action Plan. The project applicant must provide evidence to the City's Director of Community Development or the Director's designee and Director of Community Development, or Director's designee, that this condition has been met prior to the issuance of any demolition permits.

Impact CUL-2.1 Construction of the proposed project would result in excavation in an area which has moderate sensitivity for archeological resources, and could disturb unrecorded archaeological resources. (Significant Impact)	**MM CUL-2.1** Prior to commencement of any ground-disturbing activity on-site, the project applicant shall retain a registered professional archaeologist to be present during all ground-disturbing activity associated with the project. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of the existing structure or site improvements within the development area shown on the project plans. A registered professional archaeologist shall be given five days' written notice prior to the start of any ground-disturbing activity. The project applicant shall document receipt of notification in writing. **MM CUL-2.2:** In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. 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 within a radius determined by the archaeologist shall not recommence until the assessment is complete. a. Any treatment other than preservation in place must be approved by the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in resource. b. The culturally affiliated tribe(s) who consulted on the project, or if no consultation occurred the tribe identified by the Native American Heritage Commission (NAHC), shall determine the disposition of any tribal cultural resources (TCR) artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be

	subject to approval by the culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant. c. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site. d. The registered professional archaeologist shall file State of California Department of Parks and Recreation (DPR) Series 523 forms for the cultural easement/TCR reburial location (if used) with the California Historical Resources Information System (CHRIS) Center in accordance with the guidelines established by the California Office of Historic Preservation. The DPR Series 523 forms shall establish a permanent record of the cultural easement location and any TCRs discovered on the project site for future site identification and protection. The registered professional archeologist shall also file a Sacred Lands File record with the NAHC on behalf of the culturally affiliated tribe.
Impact CUL-3.1: The proposed project could result in the disturbance of human remains during excavation of the project site. (Significant Impact)	**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 will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
Impact CUL - 4.1: The proposed project would result in the demolition of the church building on-site which would cause a substantial adverse cumulative change in a historical resource pursuant to CEQA Guidelines Section 15064.5.	The proposed project would implement Mitigation Measures MM CUL-1.1 through MM CUL-1.5 which would reduce impacts to the historical resources on-site. Demolition of the resource would, however, still result in a significant unavoidable impact on the church.
Impact GEO-1.1: Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake or other geologic events.	**MM GEO-1.1:** Consistent with General Plan Policy 5.10.5-P6 and General Plan Policy 5.10.5-P7, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in

	conformance with the recommendations of a design-level geotechnical investigation, which will be included in a geotechnical report to the City. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process. The building shall meet the requirements of applicable Building and Fire Codes, including the current California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including liquefaction and shrink swell capacity of soils, and the project shall be designed to reduce the risk to life or property in compliance with the Building Code.

Summary of Alternatives

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which "would feasibly attain the most basic objectives of the project but avoid or substantially lessen many of the significant environmental effects of the project," or would further reduce impacts that are considered less than significant with the incorporation of identified mitigation. As detailed in the table above, the project would result in significant impacts to biological resources, cultural resources, and geological resources. The project would result in the demolition of a locally eligible historical resource resulting in a significant and unavoidable impact to cultural resources. The alternatives have been developed to reduce one or more of the significant impacts of the proposed project.

No Project – No Development Alternative

The No Project – No Development Alternative would retain the existing church complex on-site as is. If the project site were to remain as is, there would be no significant impacts. This alternative would not meet any of the project objectives. In addition, the City would lose the opportunity to redevelop an underutilized infill site near services and transit to meet the City's Regional Housing Allocation Needs targets for the production of housing for housing and the City's strategies and goals of the City of Santa Clara General Plan.

Reduced Development – Retain Historic Resources On-site

The Reduced Development Alternative would reduce the number of residential units proposed on-site to allow for the church building to be retained in its existing location. This proposal would provide a maximum of 14 dwelling units to allow for proper circulation and access to unit driveways. The retained church would be available for adaptive reuse and would need to be retrofitted on the interior and structurally to ensure it is seismically safe for occupation. Any modifications to the building would need to meet the Secretary of the Interior's Standards for rehabilitation of a historic building and the building would need to be maintained for the life of the project.

Areas of Known Controversy

Section 15123 of the State CEQA Guidelines requires the summary section of a Draft EIR to identify areas of controversy known to the Lead Agency, including issues raised by agencies and the public. Area of public concern include:

- Potential for nesting raptors on-site
- Historical resources on-site
- Traffic conditions and parking on roadways near the project site
- Replacement of trees located on the project site
- Construction noise adjacent to commercial uses
- Zoning changes

Section 1.0 Introduction and Purpose

1.1 Purpose of the Environmental Impact Report

The City of Santa Clara, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the 1957 Pruneridge Avenue Residential 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.

1.2 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 May 8. 2023. The standard 30-day comment period concluded on June 7, 2023. The NOP provided a general description of the proposed project and possible environmental impacts that could result from implementation of the project. The City of Santa Clara also held a public scoping meeting on May 25, 2023 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held at 6:00PM on Zoom. Appendix K of this 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 marks 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 of this Draft EIR will be sent to every agency, person, and organization that commented on the NOP, as well as the Office of Planning and Research. Written comments regarding this Draft EIR submitted during the public review period should be sent to:

City of Santa Clara
Debby Fernandez, Associate Planner
DFernandez@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 project site is located at 1957 Pruneridge Avenue in the City of Santa Clara (APN 303-03-025). The site has a General Plan Designation of Very Low Density Residential and is zoned Public, Quasi-Public, and Public Park or Recreation (B).

The 2.47-acre site is occupied by two existing buildings which made up the St. Marks Episcopal Church. One building is a church which features stained glass windows around the entire structure, a gabled tile roof, and stylized arches on each end of the building. The other structure is a one- to two-story office and school building. The one-story portion of the building is a wooden sided and stucco building with stained glass windows on the east side of the structure and a shingle roof. The two-story portion of the building is a stucco sided building with a balcony facing to the south and tiled roof. Adjacent to this building is a small playground with a storage shed.

There is a small courtyard with landscaping connecting the two buildings and parking is provided in a surface lot surrounding the buildings on the west, east, and north sides. The project site contains 50 trees and features other low-lying landscaping throughout the project site.

The site is currently accessible from two driveways on Pruneridge Avenue, one on the west end of the site and one on the east end.

The buildings are vacant and do not currently have visitors or use city services.

2.2 Project Description

The proposed project would remove all structures and landscaping from the project site and construct 22 two-story residential units at a density of 8.9 dwelling units per acre (du/ac). Each unit would include a two to three car garage. Additionally, the project site would include a landscaped paseo at the middle of the site that would provide access to the sidewalk on Pruneridge Avenue. Access to the project site would be provided by an ingress/egress driveway at the east end of the project site. The driveway would connect to a drive aisle which separates the units on the north and south sides of the project site.

Three of the residential units would be affordable units compliant with the City of Santa Clara Affordable Housing program.

The proposed project would include the planting of approximately 79, 24- to 36- inch box trees throughout the site and would feature drought tolerant, low water use landscaping in the common areas and yards of the residential units.

The proposed project would include a rezoning of the project site from Public, Quasi Public, or Recreation (B) to Planned Development (PD). The stained-glass windows of the church complex would be removed and protected for future use by the congregation that previously occupied the church.

The layout of the proposed project can be seen in Figure 2.2-1 and landscaping details are shown in Figure 2.2-2.

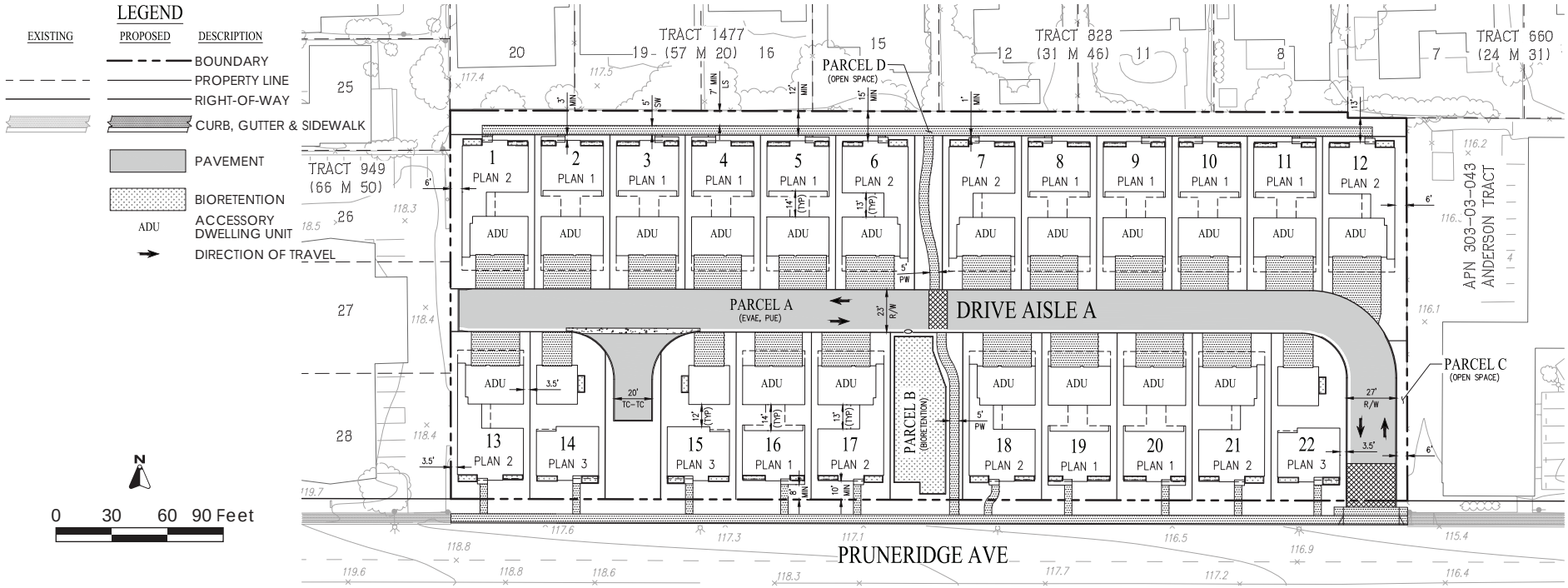
Construction Details

The estimated construction period for the proposed project is seven months (approximately 157 construction days). The maximum depth of excavation for the proposed project would be approximately 7.5 feet and the project would require approximately 6,000 cubic yards of cut and 250 cubic yards of fill.

Off-site Improvements

The project proposes the following off-site improvements and utility connections:

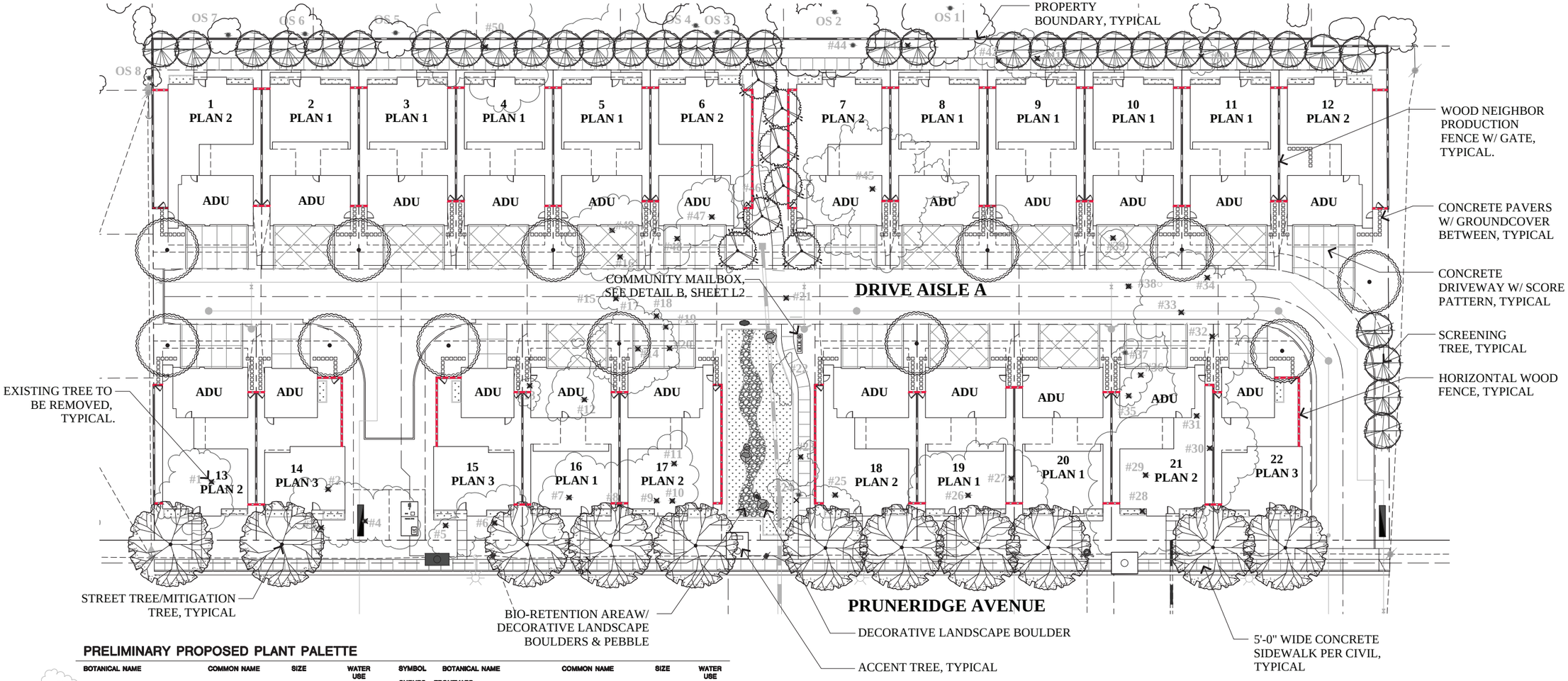
- Replace existing curb, gutter and sidewalk along project frontage (in kind).
- Two connections of new water main to existing water main in Pruneridge Avenue.
- Remove and replace existing fire hydrant on project frontage.
- Connect to existing 12-inch sanitary sewer main in Pruneridge Avenue and install new manhole.
- Connect to existing 24-inch storm drain main in Pruneridge Avenue and install new manhole.
- Remove existing utility poles and underground overhead wires along project frontage.



Source: Carlson, Barbee & Gibson, Inc., April 2023.

CONCEPTUAL SITE PLAN

FIGURE 2.2-1



PRELIMINARY PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
EXISTING TREE TO BE REMOVED			
EXISTING TREE TO REMAIN			
ACCENT TREES / MITIGATION TREES			
CERICS OCCIDENTALIS	WESTERN REDBUD	24" BOX	LOW
LAGERSTROEMIA I. 'CATAWBA'	CRAPE MYRTLE STND.	24" BOX	LOW
SCREENING TREES			
LAURUS NOBILIS SARATOGA	SARATOGA LAUREL	24" BOX	LOW
STREET TREES / MITIGATION TREES			
OLEA EUROPAEA 'MAJESTIC BEAUTY'	FRUITLESS OLIVE	24" BOX	LOW
QUERCUS COCCINEA	SCARLET OAK	36" BOX	LOW

PLANT CALLOUT SYMBOL KEY

PLANT QTY	PLANT SYMBOL
SIZE	UNITS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
SHRUBS - FRONTYARD				
CAR DIV	CAREX DIVULSA	EUROPEAN GREY SEDGE	1 GALLON	LOW
CIS SKA	CISTUS X SKANBERGII	ROCKROSE	1 GALLON	LOW
CHO TEC	CHONDROPETALUM TECTORUM	CAPE RUSH	5 GALLON	LOW
DIE IRI	DIETES IRIDIODES	FORTNIGHT LILY	1 GALLON	LOW
ERI KAR	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	1 GALLON	LOW
EUO 'G.S.'	EUONYMUS JAPONICUS 'GREEN SPIRE'	GREEN SPIRE EUONYMUS	5 GALLON	LOW
GRE 'NOE'	GREVILLEA 'NOELLI'	WOOLY GREVILLEA	5 GALLON	LOW
HEL SEM	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GALLON	LOW
LAN 'C.H.'	LANTANA 'CHAPEL HILL YELLOW'	CHAPEL HILL LANTANA	1 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLO	LOW
LOM 'BRE'	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	1 GALLON	LOW
LOR 'E.S.'	LOROPETALUM 'EMERALD SNOW'	CHINESE FRINGE FLOWER	1 GALLON	LOW
MYR 'COM'	MYRTUS C. 'COMPACTA'	DWARF MYRTLE	5 GALLON	LOW
NEP FAA	NEPETA FAASSENII	CATMINT	1 GALLON	LOW
OLE 'L.O.'	OLEA EUROPAEA 'LITTLE OLLIE'	LITTLE OLLIE DWARF OLIVE	5 GALLON	LOW
PHO 'D.D.'	PHORMIUM 'DARK DELIGHT'	NEW ZEALAND FLAX	5 GALLON	LOW
PHO 'VAR'	PHORMIUM T. 'VARIEGATUM'	NEW ZEALAND FLAX	5 GALLON	LOW
ROS CAL	ROSA CALIFORNICA	CALIFORNIA WILD ROSE	1 GALLON	LOW
SAL 'LIM'	SALVIA MEXICANA 'LIMELIGHT'	MEXICAN SAGE	5 GALLON	LOW
SAN VIR	SANTOLINA VIRENS	GREEN LAVENDER COTTON	1 GALLON	LOW
STA BYZ	STACHYS BYZANTINA 'BIG EARS'	BIG EARS LAMB'S EAR	1 GALLON	LOW
TEU CHA	TEUCRIUM CHAMAEDRYS	GERMANDER	1 GALLON	LOW
WES 'B.G.'	WESTRINGIA FRUTICOSA 'BLUE GEM'	BLUE GEM WESTRINGIA	5 GALLON	LOW
XYL 'COM'	XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	5 GALLON	LOW
SHRUBS - BIO-SWALE				
ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GALLON	LOW
BOU 'B.A.'	BOUTELOUA G. 'BLONDE AMBITION'	BLUE GRAMA GRASS	1 GALLON	LOW
CIS SKA	CISTUS X SKANBERGII	ROCKROSE	1 GALLON	LOW
CHO TEC	CHONDROPETALUM TECTORUM	CAPE RUSH	1 GALLON	LOW
ERI KAR	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	1 GALLON	LOW
FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GALLON	LOW
MIM AUR	MIMULUS AURANTIACUS	STICKY MONKEY FLOWER	1 GALLON	LOW
MUH RIG	MUHLENBERGIA RIGENS	DEER GRASS	1 GALLON	LOW
RIB SAN	RIBES SANGUINEUM	RED FLOWERING CURRANT	5 GALLON	LOW
RHA 'L.S.'	RHAMNUS CALIFORNICA 'LITTLE SUR'	COFFEEBERRY	1 GALLON	LOW
GROUNDCOVERS & VINES				
NO MOW TURF - SODDED AVAILABLE FROM DELTA BLUE GRASS		NATIVE FESCUES		LOW
ROSA BANKSIAE		LADY BANKS ROSE	5 GALLON	LOW

N

0 20 40 60 Feet

NOTES:

1. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
2. TREES BE PLANTED WITHIN 3' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS. USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
5. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
6. ALL IRRIGATION SHALL BE DESIGNED FOR RECYCLED WATER USE

Source: Carlson, Barbee & Gibson, Inc., May 16, 2023.

2.3 Project Objectives

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed project. The stated objectives of the project proponent are to:

1. Provide a project that meets the strategies and goals of the City of Santa Clara General Plan. Specifically, providing a low-density development, such as single family detached residential housing units, on the approximately 2.5-acre underutilized infill site at a maximum density of 10 units per acre.

2. Provide three new single family detached affordable residential housing units in accordance with the City of Santa Clara's Affordable Housing Program.

3. Support the principles of "Smart Growth "by providing new housing at key transportation nodes.

4. Create a high quality, well-designed, low-density development that is compatible with the existing neighborhood and community of predominantly single-family houses and promotes the safety and well-being of its residents and the surrounding community.

5. Create a development resulting in a net reduction in impervious surface area and collect and treat all stormwater runoff on-site.

2.4 Uses of the EIR

- Planned Development Rezoning
- Vesting Tentative Map
- Architectural Review
- Grading Permit
- Demolition Permit

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)).

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?

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 3.0-1 provides a summary of the different geographic areas used to evaluate cumulative impacts.

Table 3.0-1: Geographic Considerations in Cumulative Analysis

Resource Area	Geographic Area
Aesthetics	Project site and adjacent parcels
Agriculture and Forestry Resources	Countywide
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Project site and adjacent parcels
Cultural Resources	Citywide
Energy	Energy provider's territory
Geology and Soils	Project site and adjacent parcels
GHGs	Planet-wide
Hazards and Hazardous Materials	Study radius of the Phase 1
Hydrology and Water Quality	Saratoga Creek watershed

Table 3.0-1: Geographic Considerations in Cumulative Analysis

Resource Area	Geographic Area
Land Use and Planning/Population and Housing	Citywide
Minerals	Identified mineral recovery or resource areas
Noise and Vibration	Project site and adjacent parcels
Public Services and Recreation	Citywide
Transportation/Traffic	Citywide
Tribal Cultural Resources	Project site 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, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area (TPA).[1]

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

Streets and Highway Code Sections 260 through 263

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

[1] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA." January 20, 2016. Accessed October 31, 2022. https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf.

[2] California Department of Transportation. "Scenic Highways." Accessed October 31, 2022. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

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

Local

Santa Clara General Plan

The following General Plan policies related to aesthetics are applicable to the proposed project.

Policy	Description
5.3.1-P3	Support high quality design consistent with adopted design guidelines and the City's architectural review process.
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.3.1-P28	Encourage undergrounding of new utility lines and utility equipment throughout the City.
5.3.4-P12	Prioritize pedestrian-oriented streetscape and building design in mixed-use development, including features such as wider sidewalks, street furniture, specialty planters, signage, public art, street trees, special paving materials, decorative awnings, enhanced entrances, colors, variety of materials, and textures and distinctive building massing and articulation.

3.1.1.2 *Existing Conditions*

Scenic Vistas

The term scenic vista typically refers to an expansive view of an area that is visually or aesthetically pleasing, usually as seen from an elevated point or open area. According to the General Plan, there are no scenic vistas within the City of Santa Clara.[3] The project site is in a highly developed area of the City and is located on relatively flat land which limits the amount of expansive views from the project site. Obstructed views of the Santa Cruz Mountains can be seen in the project vicinity, looking west on Pruneridge Avenue.

There are no state-designated scenic highways in Santa Clara. The nearest officially designated scenic highway is the segment of SR 9 south of the Los Gatos town limits, which is approximately 6.6 miles southwest of the project site.[4] The project site is not visible from a designated state scenic highway.

[3] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. January 2011. Page 141.
[4] Caltrans. "California State Scenic Highway System Map." Accessed October 31, 2022. https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa.

Visual Character and Quality

Project Site

The project site is occupied by two buildings, one church building and parish hall/ two-story classroom building associated with the church. The church is a single-story building located on the eastern portion of the project site with stained glass windows around the entire structure, a gabled tile roof, and stylized arches on each end of the building. The other building is a one- to two-story office and school building located on the western portion of the site. The one-story portion of the building is a wooden sided and stucco building with stained glass windows on the east side of the structure and a shingle roof. The two-story portion of the building has a stucco sided exterior, a balcony facing to the south, and tiled roof. The project site also contains a small playground with a storage shed. There is a small courtyard with landscaping connecting the two buildings, and a surface parking lot along the west, east, and north sides of the site. The project site contains 50 trees that are a variety of species and sizes in addition to other low-lying landscaping throughout the project site.

Surrounding Area

The surrounding area in the immediate vicinity of the project site consists primarily of one- to two-story residential properties in addition to several single-story commercial and office properties. The property to the east of the project site contains a single-story commercial shopping center with a surface parking lot on the northwest corner of Winchester Boulevard and Pruneridge Avenue. The property to the west of the project site is a single-story office building with a small surface parking lot. These properties have landscaped areas surrounding the perimeter of the sites with trees and shrubbery. The properties to the north and south of the project site are primarily occupied by one to two-story residential buildings. In addition, there is a single-story community education center on the south side of Pruneridge Avenue that has landscaping along the parcel frontage.

Views of the project site and the surrounding area are shown in Photos 1-6 below.

Photo 1: View of on-site church.

Photo 2: View of on-site office-classroom building.

PHOTOS 1 & 2

Photo 3: View of on-site office-classroom building and adjacent property looking west from northern end of project site.

Photo 4: View of adjacent property looking northeast from eastern end of project site.

PHOTOS 3 & 4

Photo 5: View of adjacent properties looking south from southern end of project site.

Photo 6: View of adjacent property looking southwest from western end of project site.

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?[5] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

3.1.2.1 *Project Impacts*

A portion of the project site is located within a TPA. As noted in Section 3.1.1.1, residential projects on an infill site within a TPA are considered to have a less than significant aesthetic impact. The following analysis of aesthetic impacts is provided because the TPA does not cover the entire project site.

a) Would the project have a substantial adverse effect on a scenic vista?

As discussed in Section 3.1.1.2, there are no designated scenic vistas within the City of Santa Clara. There are, however, views of the community and surrounding natural features, including views of the Santa Cruz Mountains and the Diablo Range and stretches of open space and undeveloped land in the Ulistac Natural Area.[6]

The proposed project is located within an urban, developed area of the City and it is consistent in size with the surrounding development and would not substantially block views from the adjacent land uses. Therefore, the proposed project would not affect any existing scenic vistas because they are not present near the project site and there would be no impact as a result of the project. **(No Impact)**

[5] Public views are those that are experienced from publicly accessible vantage points.
[6] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011. Page 141.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

As discussed in Section 3.1.1.2, the nearest designated scenic highway segment is approximately 6.6 miles southwest of the project site. The proposed project would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The proposed project would construct 22, two-story residential units that would primarily be made of stucco, batten board paneling, wood trim, and stone veneer. The development would include landscaped areas throughout the site, including a landscaped bioretention area in the center of the site adjacent to Pruneridge Avenue. The project would plant approximately 79 trees throughout the site in addition to other drought tolerant plants. The project would be consistent with General Plan Policy 5.3.1-P3, which encourages high-quality design consistent with adopted guidelines, and ensures the project would be compatible with the neighborhood's mass and scale. The project would be subject to the City's architectural review process prior to the issuance of any building permits to ensure high quality design in line with the City's Community Design Guidelines. The project would not obscure any scenic vistas, damage scenic resources, or degrade the visual quality of the area.

There are 50 trees, including 12 classified as protected trees under the City Code and General Plan, proposed for removal from the site. The trees to be removed are common species for the area. The project would plant at least 79, new, 24 inch or greater box trees on-site to replace the removed trees. Based on the above discussion, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project site is located in an urbanized area with existing sources of light, including lighting from buildings, streetlights, and vehicles travelling on local roads. Sources of daytime glare include building windows and other reflective surfaces. The proposed residential project would remove all structures and landscaping from the project site and replace them with 22, two-story residential units which would include interior and exterior lighting on each of the buildings that could incrementally increase the level of illumination in the area compared to existing conditions. However, consistent with Chapter 18.76 of the City Code, the project would be subject to the architectural review process prior to the issuance of a building permit. The review process would

ensure that the development adheres to the Community Design Guidelines and avoids the generation of excessive lighting on adjacent properties.

The residential units would be constructed primarily with stucco and batten boards, neither of which are reflective materials. The windows on the proposed residential units would result in some glare. However, the amount of glare would be similar with the amount of existing glare from the surrounding development. The project, therefore, would not significantly impact adjacent land uses due to increased nighttime light levels or daytime glare from building materials. **(Less than Significant Impact)**

3.1.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant cumulative aesthetics impact?

The geographic area for cumulative aesthetic impacts is the project site and adjacent parcels. The proposed project would comply with local policies overseeing aesthetics in the City of Santa Clara and would result in less than significant impacts on the existing visual character of the surrounding area and would not contribute significantly to light or glare. There are currently no other pending or approved projects on adjacent parcels. However, any other approved and pending development in the project area would also be required to comply with city policies overseeing aesthetics. Therefore, the proposed project would not contribute to a cumulative impact in concert with other nearby projects and would have a less than significant cumulative 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 called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[7]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[8]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[9] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[10]

[7] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed October 31, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[8] California Department of Conservation. Accessed October 31, 2022. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[9] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).
[10] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed October 31, 2022. http://frap.fire.ca.gov/.

3.2.1.2 *Existing Conditions*

The proposed project site has a General Plan land use designation of Very Low Density Residential and is zoned Public, Quasi Public, and Public Park or Recreation (B). The project site is currently developed with a church and office/school building and is surrounded by residential and commercial uses. The project site is classified as Urban and Built-Up Land on the California Department of Conservation Farmland Mapping and Monitoring Program. The project site does not contain agricultural resources or timberland resources and is not under an existing Williamson Act contract.[11]

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*

a) Would the project 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?

The proposed project would redevelop a site that is designated as "Urban and Built-Up Land" on maps prepared by the California Resources Agency for Santa Clara County. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to nonagricultural use as a result of project implementation. **(No Impact)**

[11] County of Santa Clara. Williamson Act Properties Geodatabase. Accessed November 11, 2022. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

As discussed in Section 3.2.1.2, the project site has a General Plan land use designation of Very Low Density Residential and is zoned Public, Quasi Public, and Public Park or Recreation (B). The project site is not under a Williamson Act contract, nor are any of the adjacent parcels. Therefore, the project would not conflict with existing zoning for an agricultural use or a Williamson Act contract. **(No Impact)**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

As discussed in Section 3.2.1.2, the project site is not zoned, or adjacent to land zoned, for forest land, timberland, or Timberland Production. It is in an urban area surrounded by urban development. Therefore, the project would not conflict with existing zoning or require rezoning of forest land or timberland uses. **(No Impact)**

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

The project site is in an urbanized area of Santa Clara which does not contain forestry resources and is currently developed with a church, office/school building and surface parking lot. Therefore, no forest land would be lost as a result of the project and the project would have no impact. **(No Impact)**

e) Would the project 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?

The proposed development of this detached single family residential project would occur in an urbanized area of the City. No agricultural or forestry uses are on-site or in the vicinity of the project site. Therefore, the project would not result in impacts to agricultural lands or forest lands. **(No Impact)**

3.2.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant agricultural and forestry resources impact?

The geographic area for cumulative agricultural and forestry impacts is countywide. The proposed project would have no impact on agricultural or forestry resources on the project site and would not contribute to countywide impacts on agricultural or forestry resources. Therefore, the proposed project would have no cumulative impact on agricultural or forestry resources. **(No Cumulative Impact)**

3.3 Air Quality

Information in this section is based in part on the Construction Health Risk Assessment prepared by Illingworth and Rodkin dated January 11, 2023. This report is included as Appendix A of this report.

3.3.1 Environmental Setting

3.3.1.1 *Background Information*

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[12] 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
O_3	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

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

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

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

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

Toxic Air Contaminants (TAC)

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).[13] 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.

[13] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed October 31, 2022. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

3.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

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

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

Risk Reduction Plan

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

Regional and Local

2017 Clean Air Plan

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

potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[14]

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.

Santa Clara General Plan

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

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

3.3.1.3 *Existing Conditions*

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

Sensitive Receptors

The nearest sensitive receptors to the project site are located in the adjacent single-family houses north of the project site. Other receptors are found at further distances surrounding the project site. Additionally, more sensitive receptors are located at the Action Day Schools – Pruneridge, Stratford School, and Pacific Autism Center for Education.

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

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?

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

3.3.2.1 *Project Impacts*

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 City has consistently applied these thresholds in its environmental documents. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Appendix A and Table 3.3-3 below.

Table 3.3-2: BAAQMD Air Quality Significance Criteria Air Pollutants Thresholds

Pollutant	Average Daily Construction Emissions (pounds/day)	Average Daily Operational Emissions (pounds/day	Average Annual Operational Emissions (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	Not Applicable

Table 3.3-3: BAAQMD Air Quality Health Risks and Hazards Significance Thresholds

Health Hazard for new Sources (within a 1,000-foot Zone of Influence)	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)

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Plan Consistency

As demonstrated above in Table 3.3-4 and the other sections below, the proposed project would not result in construction or operational criteria pollutant emissions which exceed BAAQMD CEQA Air Quality Guidelines Operational Criteria Pollutant impact thresholds. The proposed project, therefore, would not conflict with the 2017 CAP through compliance with BAAQMD CEQA thresholds. This is because it would result in emissions lower than the BAAQMD thresholds (shown in Table 3.3-2), is considered urban infill, and would be located near bike paths and transit with regional connections. Because the project would not exceed the BAAQMD impact thresholds, it would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 3.3-2. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP.

Construction Period Emissions – Criteria Pollutants

Construction of the proposed project has an estimated start date of April 2024 and an estimated construction period of seven months (approximately 157 construction days). During construction, worker trips, on-site construction operations, and truck traffic would contribute to criteria pollutants in the area of the project site.

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The CARB Emission Factors 2021 (EMFAC2021) model was used to predict emissions from construction. Construction emissions for the proposed project are summarized in Table 3.3-4.

Table 3.3-4: Construction Criteria Air Pollutants Emissions

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
2023 Yearly Emissions (Tons)	0.36	0.39	0.02	0.02
2023 Average Daily Emissions in pounds/day (157 days)	4.60	4.91	0.26	0.20
Thresholds (pounds/day)	54.0	54.0	82.0	54.0
Threshold Exceeded?	No	No	No	No

Source: Illingworth and Rodkin. 1957 Pruneridge Avenue Residential Project Construction Health Risk Assessment. January 11, 2023

The ROG, NOx and exhaust PM emissions during construction would not exceed the established BAAQMD thresholds for environmental impact. Therefore, the proposed project would result in a less than significant criteria pollutant emissions impact during construction of the proposed project. **(Less than Significant Impact)**

Operational Period Emissions – Criteria Pollutants

BAAQMD developed screening criteria to provide a conservative indication of whether a project would result in potentially significant criteria pollutant air quality impacts. As mentioned above, the screening size for a single-family land use type is 421 dwelling units. Projects that are smaller than the screening size would have a less than significant operational air quality impact. The proposed 22 single family units would be below the screening size; therefore, the project would have a less than significant operational criteria pollutant emissions impact and would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

b) Would the project 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?

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

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

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

Construction Dust Emissions

During construction, the proposed project would result in dust from vehicles and other construction activities. Based on the estimates in the Construction Health Risk Assessment, the fugitive dust emissions from construction of the proposed project would expose sensitive receptors to irritants and particulate matter present in soils. The proposed project would be required to implement BAAQMD Standard Construction Procedures to limit the dispersion of particulate matter during construction.

Condition of Approval

During any construction period ground disturbance, the applicant shall ensure that the project contractor implements measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor would implement the following best management practices (BMPs) that are required of all projects:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) would be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site would be covered.
- All visible mud or dirt track-out onto adjacent public roads would 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 would be limited to 15 miles per hour (mph).

- All roadways, driveways, and sidewalks to be paved would be completed as soon as possible. Building pads would be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times would 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 would be provided for construction workers at all access points.
- All construction equipment would be maintained and properly tuned in accordance with manufacturer's specifications. All equipment would be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number project construction superintendent regarding dust complaints. This person would respond and take corrective action within 48 hours. The Air District's phone number would be visible to ensure compliance with applicable regulations.

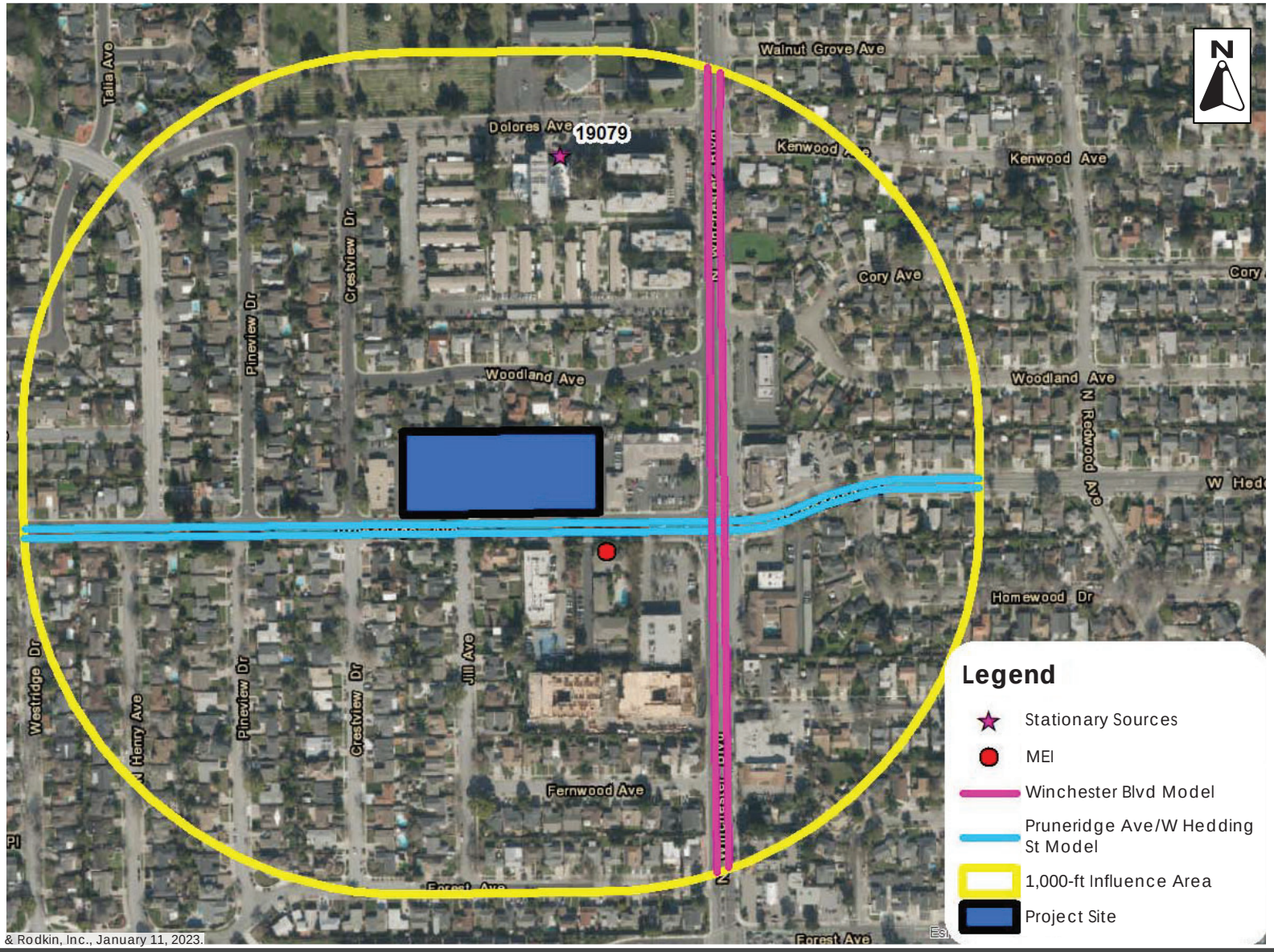
With implementation of the BAAQMD Standard Construction Procedures, the fugitive particulate matter produced by the proposed project would be reduced and would be less than significant based on BAAQMD CEQA Guidance. Therefore, the proposed project would result in a less than significant impact. **(Less than Significant Impact)**

Construction Toxic Air Contaminants

Construction of the proposed project would result in the release of emissions known to result in greater occurrences of cancer and other health conditions. The Air Quality Assessment analyzed infant and adult exposures to TACs at the residences and other receptors surrounding the project site. The location of Maximally Exposed Individuals (MEI) is included in Figure 3.3-1. Infant exposure at residences was used as a worst-case assumption because child and adult exposures would be less severe. The results of the modeling conducted as a part of the Air Quality Assessment is summarized below in Table 3.3-5.

Table 3.3-5: Construction TAC Risks

Source	Cancer Risk	Annual PM2.5	Hazard Index
Maximally Effected Individual			
Project Construction	7.04 (Infant)	0.08	0.01
BAAQMD Threshold	10	0.3	1.0
Exceed Threshold?	No	No	No



Source: Illingworth & Rodkin, Inc., January 11, 2023.

MAXIMALLY EXPOSED INDIVIDUALS FOR TACS

FIGURE 3.3-1

Source	Cancer Risk	Annual PM2.5	Hazard Index
Most Impacted School - Pacific Autism Center for Education			
Project Construction	2.37 (Infant)	0.07	0.01
BAAQMD Threshold	10	0.3	1.0
Exceed Threshold?	No	No	No

Source: Illingworth and Rodkin. 1957 Pruneridge Avenue Residential Project Construction Health Risk Assessment. January 11, 2023

As shown, the hazard levels would be below the BAAQMD thresholds. Therefore, the proposed project would result in less than significant construction TAC impacts. **(Less than Significant Impact)**

Operational Community Risk Impacts

Stationary equipment that could emit substantial TACs (e.g., emergency generators) is not proposed as part of the project. Operation of the project would, however, have long-term emissions from mobile sources (i.e., traffic). Based on the transportation assessment, this project would generate 207 daily trips dispersed on the roadway system, with a majority of the trips being from light-duty vehicles (i.e., passenger automobiles). Passenger automobiles and trucks are not significant sources of TAC's because they are not primarily diesel vehicles. Therefore, operational emissions of TACs from the project would be negligible and would result in a less than significant impact. **(Less than Significant Impact)**

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

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

3.3.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant cumulative air quality impact?

The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. The proposed project would result in air quality pollutant emissions during construction and operation of the proposed project; however, these emissions would be below BAAQMD significance

thresholds. Based on BAAQMD CEQA Guidelines, 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. Therefore, because the proposed project does not exceed these air quality significance thresholds the proposed project would not result in cumulative air quality impacts in the San Francisco Bay Area Air Basin. **(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, including General Plan Policy 5.10.5-P3.

A health risk assessment was completed to determine if existing TAC sources would have a health risk on the new sensitive receptors (residents) that the project would create. The TAC sources near the project site, including traffic on North Winchester Boulevard, traffic on Pruneridge Avenue, and a generator located at the Church of the Valley Retirement Homes Inc., adjacent to the project site, were included in this health risk assessment.

Maximum increased cancer risks were calculated for the future residents of the project site using the maximum modeled TAC concentrations. A 30-year exposure period was used in calculating cancer risks assuming the residents would include women in the third trimester of pregnancy and infants/children and were assumed to be in the new housing areas for 24 hours per day for 350 days per year. This estimation would determine the greatest potential exposure to TAC's.

The highest concentrations of pollutants from Pruneridge Avenue would occur at the southeastern portion of the site and the highest pollutant emissions from North Winchester Boulevard traffic would occur at the northeastern corner of the site. Cancer risks associated with the roadways are greatest nearest to each roadway and decrease with distance from the road. The surrounding sources of TAC were determined to not exceed BAAQMD thresholds and would not represent a significant source of health hazard for the new residents of the proposed project. The community risk at the project site is shown in Table 3.3-6.

Table 3.3-6: Community Health Risks at Project Site

Source	Cancer Risk (per million)	Annual PM2.5($\mu g/m_3$)	Hazard Index
Pruneridge Avenue/West Hedding Street, ADT 13,885	2.20	0.21	<0.01
North Winchester Boulevard, ADT 26,189	1.00	0.07	<0.01
Church of the Valley Retirement Homes Inc (Facility ID #19079, Generator), Project Site at 685 feet	0.12	<0.01	<0.01
BAAQMD Single Source Threshold	**10**	**0.3**	**1.0**
Exceed Threshold?	No	No	No
Cumulative Total	3.32	0.29	<0.03
BAAQMD Cumulative Source threshold	**100**	**0.8**	**10.0**
Exceed Threshold?	No	No	No

Source: Illingworth and Rodkin. 1957 Pruneridge Avenue Residential Project Construction Health Risk Assessment. January 11, 2023

Therefore, because the proposed project would not exceed the BAAQMD thresholds for TACs, the proposed project would be consistent with General Plan Policy 5.10.5-P3 for minimizing health hazards resulting from air pollutants in the City.

3.4 Biological Resources

The information in this section is based in part on the Arborist Report prepared by HMH in October 2022 and the Biological Assessment prepared by HT Harvey in December 2022. These studies are included in Appendix B and C of this environmental document.

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. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[15] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

[15] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed February 1, 2023. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

Sensitive Habitat Regulations

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

Fish and Game Code Section 1602

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

Santa Clara General Plan

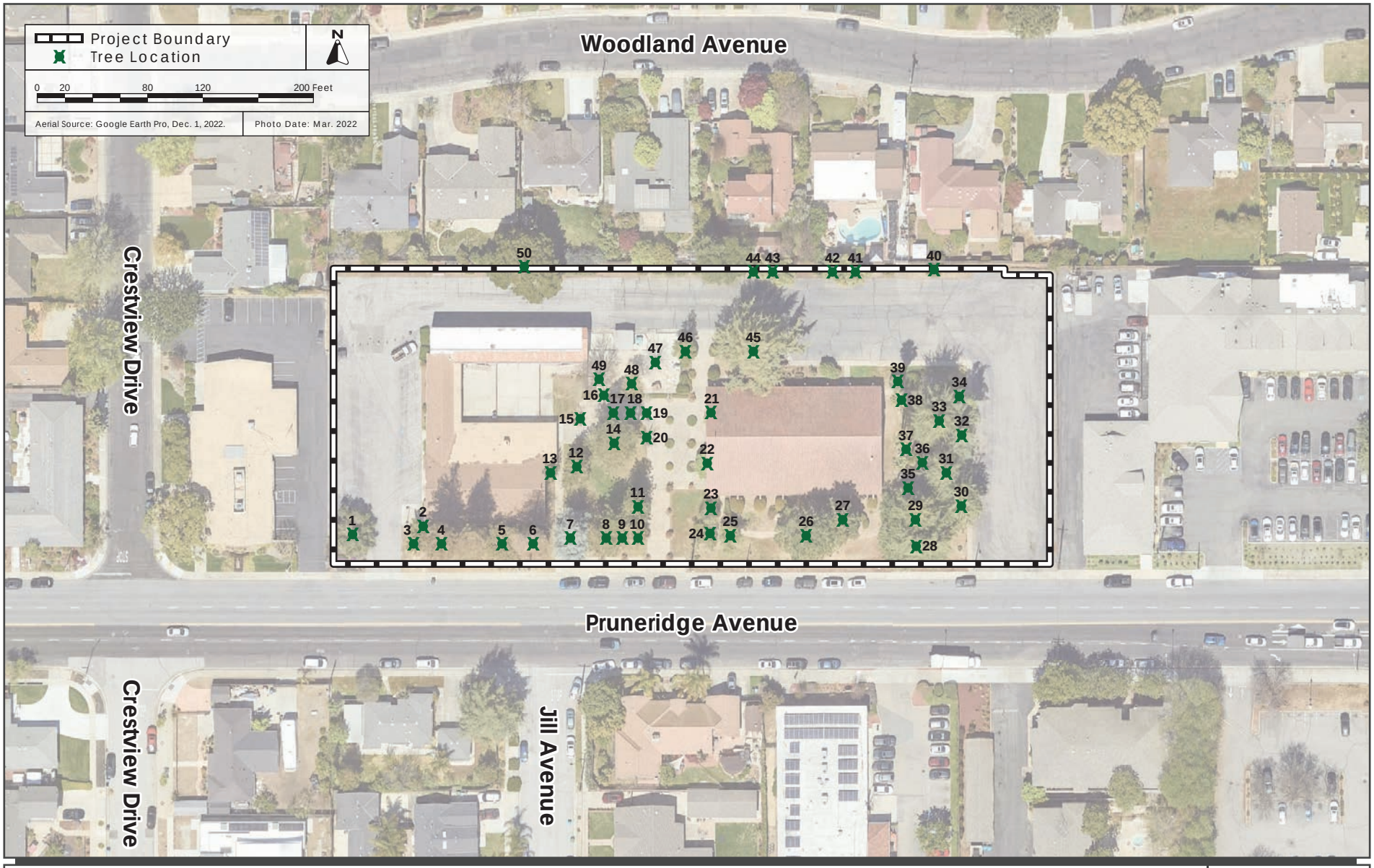
General Plan policies relevant to the proposed project include the following:

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

3.4.1.2 *Existing Conditions*

On-site Trees

The Arborist Report prepared for the project site inventoried 50 trees on-site and 12 of these trees as protected trees under the Santa Clara City Code and General Plan. Tree species and their sizes in diameter at breast height (DBH) are described in Table 3.4-1 below and displayed in Figure 3.4-1 below.



LOCATION OF TREES ON-SITE

FIGURE 3.4-1

Table 3.4-1: Trees Species On-site

No.	Scientific Name	Common Name	Size (DBH in inches)	Protected Trees
1	*Olea europaea*	Olive	35.2	Protected in General Plan
2	*Juniperus chinensis*	Chinese Juniper	31.8	
3	*Sequoia sempervirens*	Coast Redwood	39.1	Yes
4	*Sequoia sempervirens*	Coast Redwood	40.2	Yes
5	*Sequoia sempervirens*	Coast Redwood	30.7	Yes
6	*Sequoia sempervirens*	Coast Redwood	35.8	Yes
7	*Cedrus atlantica*	Glauca' Blue Atlas Cedar	17.2	Yes
8	*Pinus canariensis*	Canary Island Pine	12.6	
9	*Pinus canariensis*	Canary Island Pine	19.8	
10	*Pinus canariensis*	Canary Island Pine	168.0	Yes
11	*Pinus canariensis*	Canary Island Pine	22.1	
12	*Pinus jeffreyi*	Jeffrey Pine	15.0	
13	*Juniperus chinensis*	Chinese Juniper	8.3	
14	*Pinus canariensis*	Canary Island Pine	27.8	
15	*Prunus serrulata*	Flowering Cherry	9.4	
16	*Prunus serrulata*	Flowering Cherry	3.8	
17	*Prunus serrulata*	Flowering Cherry	7.5	
18	*Prunus serrulata*	Flowering Cherry	4.5	
19	*Prunus serrulata*	Flowering Cherry	16.7	
20	*Prunus serrulata*	Flowering Cherry	14.3	
21	*Acer palmatum*	Japanese Maple	4.8	
22	*Acer palmatum*	Japanese Maple	6.0	
23	*Maytenus boaria*	Mayten Tree	12.2	
24	*Maytenus boaria*	Mayten Tree	8.4	
25	*Maytenus boaria*	Mayten Tree	10.7	
26	*Pinus canariensis*	Canary Island Pine	25.8	
27	*Pseudotsuga menziesi*	Douglas Fir	18.6	
28	*Picea sp.*	Spruce	33.0	
29	*Picea sp.*	Spruce	31.7	
30	*Cedrus deodara*	Deodar Cedar	25.2	Yes
31	*Picea sp.*	Spruce	25.0	
32	*Picea sp.*	Spruce	19.6	
33	*Picea sp.*	Spruce	28.8	

34	*Picea sp.*	Spruce	22.3	
35	*Washingtonia filifera*	California Fan Palm	19.9	
36	*Washingtonia filifera*	California Fan Palm	7.1	
37	*Washingtonia filifera*	California Fan Palm	21.4	
38	*Washingtonia filifera*	California Fan Palm	22.0	
39	*Olea europaea*	Olive	21.3	Protected in General Plan
40	*Albizia julibrissin*	Silk Tree	9.3	
41	*Yucca elephantipes*	Giant Yucca	100.0	No
42	*Yucca elephantipes*	Giant Yucca	100.0	No
43	*Yucca elephantipes*	Giant Yucca	110.0	No
44	*Cedrus deodara*	Deodar Cedar	4.3	Yes
45	*Cedrus deodara Deoda*	Deodar Cedar	76.0	Yes
46	*Sequoia sempervirens*	Coast Redwood	12.4	Yes
47	*Prunus sp.*	Plum	9.0	
48	*Triadica sebifera*	Chinese Tallow Tree	8.0	
49	*Fraxinus angustifolia*	Raywood Ash	24.0	
50	*Pinus pinea*	Italian Stone Pine	36.0	

Other Biological Resources

The project site is in an urban area and there are no water bodies or wetland areas within the project site or adjacent areas. Vegetation on-site consists primarily of low-lying landscaping and the on-site trees described above.

Bird Use On-site

Due to the presence of mostly non-native and low-lying vegetation on the project site bird species are expected to occupy the site in low numbers and rare species and species of concern are not expected to inhabit or regularly use the vegetation on-site. During the site visit performed as a part of the Biological Assessment in December 2022, the technical consultant noted that common, urban adapted birds could potentially nest on-site, year-round. Additionally, based on the size of the project site it is possible that up to one pair of raptor birds may use the site for nesting; however, no existing raptors were noted on-site during the site visit which suggests that no raptors have nested on the project site for multiple years.

The Biological Assessment also identified that suitable nesting, roosting, or foraging habitat is not present for burrowing owls (*Athene cunicularia*), Alameda song sparrow (*Melospiza melodia pusillula*), or San Francisco common yellowthroat (*Geothlypis trichas sinuosa*). Further the report identifies that white-tailed kite (*Elanus leucurus*), Vaux's swift (*Chaetura vauxi*), and tricolored blackbird (*Agelaius tricolor*) are not expected to nest on or immediately adjacent to the project site due to a lack of suitable nesting habitat.

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*

a) Would the project 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?

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

Nesting Birds

The trees and shrubs on the project site could provide nesting habitat for birds, including migratory birds or raptors. Nesting birds are among the species protected under the provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. The project would remove 50 trees from the project site. If construction occurs during the avian breeding season (February 1 through August 31), construction activities and removal of the tree during the nesting season could disturb adult birds to the point of abandonment of active nests. Any loss of fertile eggs, nesting

raptors, or any activities resulting in nest abandonment would constitute a significant impact under CDFW regulations.

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

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

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

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

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

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

b) Would the project 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?

The project site is fully developed with a church building, an office/school building, and large surface parking lot, and does not contain natural habitats except for landscaping and trees. The nearest riparian area is Saratoga Creek approximately 1.5 miles west of the project site. Due to the distance from the project site, construction and operations of the proposed project would not impact this habitat. Therefore, the proposed project would not result in substantial adverse effects

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)**

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

The project site is developed with buildings and a parking lot and there are no wetland areas on or near the project site. Therefore, the proposed project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

d) Would the project 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?

As stated in the existing conditions section, the project site is not occupied by native resident or migratory wildlife species, established native corridors, or nursery sites for wildlife. Although the white-tailed kite, Vaux's swift, and tricolored blackbird may occur on or adjacent to the project site, the habitat for foraging or nesting is not present on the project site and impacts would not occur as a result of the proposed project. Additionally, during construction some foraging patterns of bird species may change due to activity on-site, however, the site does not provide important forging habitat and disruption of forging on-site would not represent a significant impact on bird species in the region. Therefore, the proposed project would result in a less than significant impact on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, and would not impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

As proposed, the project would remove 50 existing trees on the project site, 12 of which are protected under the City ordinance and General Plan polices, and plant new landscaping around the proposed development. As outlined in General Plan Policy 5.3.1-P10, new development is required to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed. Furthermore Policy 5.10.1-P4 requires the protection of all healthy cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference. Chapter 12.35 of the City Code also identifies further procedures and policies for tree protection and replacement. As part of the landscape plan, the project proposes 79 new trees to be planted along the perimeter and interior of the project site. Based on the replacement rate required by the General Plan, the proposed project would not meet the City's replacement requirements and would

require additional off-site replacement trees in order to comply with the General Plan Policy 5.3.1-P10, 5.10.1-P4, and Santa Clara City Code Chapter 12.35.

Impact BIO-5.1: The proposed project would not comply with the City's tree protection policy on-site.

Mitigation Measure: In compliance with City requirements, the proposed project would be required to replace trees in the manner described below:

MM-BIO-5.1: The project applicant will coordinate with the supervising planner to identify locations off-site for replacement trees in addition to the trees proposed as part of the landscaping on-site in accordance with General Plan Policy 5.3.1-P10 and Santa Clara City Code 12.35. This will require the planting of 21, 24-inch box trees off-site to fully offset the removal of trees on-site.

The project applicant will provide the supervising planner with appropriate documentation to confirm that all on- and off-site replacement trees have been planted prior to issuance of occupancy permits.

Through implementation of MM-BIO-5.1 the proposed project would provide on- and off-site planting of trees at a ratio of 2:1 to replace the trees removed from the site. With full offset of the removed trees the proposed project would comply with local tree preservation policies and would result in a less than significant impact. **(Less than Significant Impact with Mitigation Incorporated)**

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is not covered by a Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other conservation plan. Thus, the project would not conflict with any such plan and there would be no impact. **(No Impact)**

3.4.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant cumulative biological resources impact?

The geographic area for cumulative biological resources impacts is the project site and adjacent parcels. The proposed project is not bordered by other projects impacting biological resources and the proposed project would not result in impacts to biological resources with mitigation incorporated. Therefore, the proposed project would result in less than significant cumulative

impacts with this mitigation incorporated. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.5 Cultural Resources

The following discussion is based upon an Archeological Sensitivity Assessment prepared by AHC in May 2023. A copy of the Assessment is on file at the City of Santa Clara Planning Division and is available upon request with appropriate credentials. The analysis is also based on a DPR Evaluation completed by Urban Programmers on March 15, 2023, under the direction of the project applicant and peer reviewed by AHC. The DPR Evaluation is included in Appendix D of this report.

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

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

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

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[16]

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

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

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county

[16] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed November 11, 2022. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Santa Clara General Plan

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

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

3.5.1.2 *Existing Conditions*

Subsurface Resources

Prehistoric Resources

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

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

Although there are no existing conditions or obvious evidence that would suggest the presence of subsurface historic or prehistoric resources, the project site is located in a culturally sensitive area

due to the known prehistoric and historic occupation of Santa Clara. Native American settlements are commonly associated with the abundant food supply in the Santa Clara Valley and they often established settlements near local waterways.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776, several expeditions were made during which time the explorers encountered the local Native American tribes. These expeditions lead to the establishment of the California Missions, including the first Mission Santa Clara founded in 1777 near what is today the Martin Avenue/De La Cruz Boulevard intersection. After being destroyed by flooding, a second Mission Santa Clara was constructed near the present-day Martin Avenue/De La Cruz intersection. The third, fourth, and fifth Missions were constructed on what is today the Santa Clara University campus, located approximately 0.4 miles east of the project site. During the Mission period, the Mission controlled much of the land (approximately 80,000 acres) in Santa Clara Valley and the Native Americans were brought into the Mission, effectively ending the Ohlone's traditional occupation of the valley.

Post-Mission and American Period

Historic-era maps of the project area were examined to identify the history of the site from the late 1800s to present. By 1876, the block was subdivided into three parcels. Homestead Road was called Liberty Street and appeared to have been a small part of a late-1800s urban landscape. Insurance maps from 1886 began across Monroe Street and continued to the east, suggesting the current project area was just outside the city limits at that time. In 1895 one building faced Monroe Street and a creek flowed northeast of the railroad and near what was then El Camino Real. By 1953 this entire portion of Santa Clara was marked as urban lands with only the nearby Freemont School noted. Large areas of lands to the north, west, and south were planted as orchards. Eight years later all of the orchards were replaced by more intense residential and commercial urbanization. Aerial maps from 1993 to present show the current buildings on the parcel with no visible changes. Based on the review of historical land use patterns and the previously recorded historical buildings, there is a moderate potential for Mission-related, and late-1800s to early-1900s features within the current project area.

Historic Resources on the Project Site

The project site contains the St. Marks Episcopal Church complex which consists of a church building and parish hall/ two-story classroom building. The U-shaped parish hall and classroom building was constructed between 1955 to 1958 and the church building was constructed in 1968.

Church Building

In 1968 the church structure was completed. The building has an aggregate concrete floor pad which extends outside the walls of the structure to form the patio and courtyard area. The structural supports of the church are formed by eight concrete arches with side extensions extending beyond the walls of the structure. The building features a pitched roof, and the side walls are short walls with large rectangular windows of stained glass. The front wall with the doors features two wooden doors and above the doors there is a stained-glass window with pictorial elements. The altar area opposite the doors is a stucco wall and behind the altar is an administrative area.

The building's architecture features a blending of midcentury modern, brutalist, and Spanish colonial styles. The areas around the church are landscaped.

Parish Hall/ Classroom Building

The administrative building consists of two connected structures which are wood framed buildings attached in a U-shape on the west side of the site with the open side of the "U" facing east. The parish hall is the building nearest to Pruneridge Avenue and the classroom building is the two-story structure on the north side of the "U".

The parish hall building has a pitched roof with shingles and stucco siding. Glass panels are in the east end and on the rear (west) wood strips form a simple vertical pattern. The building at the center of the "U" which serves an administrative purpose features a pitched roof with shingles and features stucco walls with some stained-glass windows.

Historical Significance

The National Register of Historic Places establishes criteria for evaluating the significance of resources that are important in the heritage of the Nation. The criteria are as follows:

- A property must be fifty years old or meet additional criteria.

- The resource must retain architectural and historical integrity from the period of significance.
- The resources must meet at least one of the following four criteria.
    - are associated with events that have made a significant contribution to the broad patterns of our history; or
    - are associated with the lives of persons significant in our past; or
    - embody the distinctive characteristics of a type, period, or method that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
    - have yielded, or may be likely to yield, information important in prehistory or history.

The buildings on-site are over 50 years old and retain their architectural integrity, however, the property is not associated with an event or entity significant in the history of Santa Clara, the State, or the Nation. Additionally, the building complex is a religious facility and the National Register may not consider the history of religious facilities to avoid any appearance of judgement by government as to the validity of any religious belief, except in circumstances of very significant architecture. The project site has been extensively redeveloped and is unlikely to reveal additional information about history or prehistory. Therefore, based on the National Register Criteria, the on-site buildings would not be eligible for listing on the National Register of Historic Places.

Based on the California Register of Historical Resources a historical resource must be at least 50 years old and meet the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- It is associated with the lives of persons important to local, California, or national history.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
- It has yielded, or is likely to yield, information important to the prehistory or history of the local area, California, or the Nation.

As stated before, the buildings are greater than 50 years old, however they are not associated with people or events of significance in history. Additionally, the site has been disturbed and redeveloped and is not likely to yield information important to the prehistory or history of the local area, California, or the Nation. Further, the buildings on-site are a mixture of architectural styles and do not embody a specific architectural style or period. Therefore, the buildings on-site would not be eligible for listing on the California Register of Historical Resources.

A structure can be considered significant as a local historic resource if it is at least 50 years old, and meets at least one of the following criteria:

- The site, building, or property has character, interest, integrity, and reflects the heritage and cultural development of the City, region, State, or Nation.
- The property is associated with an historical event.
- The property is associated with an important individual or group who contributed in a significant way to the political, social, and/or cultural life of the community.
- The property is associated with a significant industrial, institutional, commercial, agricultural, or transportation activity.
- A building is directly associated with broad patterns of local area history, including development and settlement patterns, early or important transportation routes or social, political, or economic trends and activities. Included is the recognition of urban street pattern and infrastructure.
- A notable historical relationship between a site, building, or property's site and its immediate environment, including original native trees, topographical features, outbuildings, or agricultural setting.

To be considered architecturally significant, a property must meet at least one of the following criteria:

- The property characterizes an architectural style associated with a particular era and/or ethnic group.
- The property is identified with a particular architect, master builder or craftsman.
- The property is architecturally unique or innovative.
- The property has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.
- The property has a visual symbolic meaning or appeal for the community.
- A building's unique or uncommon building materials, or its historically early or innovative method of construction or assembly.
- A building's notable or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, details, fenestration, ornamentation, artwork or functional layout.

St. Mark's Church was designed by and is identified with William n. (Bill) May AIA- Architect. Bill May practiced architecture in the local area and was a member of St. Mark's Episcopal Church.

The church has a unique and innovative feature in the use of cast concrete arches for a religious building. Additionally, the church building has an uncommon use of formed concrete arches in the structural system of the building and has a notable aesthetic in the fenestration inset with rectangles of colored glass in an abstract pattern. Therefore, the church on-site meets four of the criteria for local archeological significance.

In summary, based on the findings of the Department of Parks and Recreation analysis forms, the St. Mark's Episcopal complex is not eligible for listing in the California Register of Historical Resources or National Register of Historic Places. Additionally, the complex of buildings is not an eligible historic resource in the City of Santa Clara, however, the church building on the east side of the site features unique architectural design features and was created by William May, an architect of merit in the Santa Clara area. Therefore, the church building is found to be eligible for local significance in Santa Clara.

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*

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

The buildings on-site would not meet the criteria for National Register of Historic Places, because the buildings on-site are not associated with historical events or people, do not feature significant distinctive characteristics, and would not yield information important in prehistory or history. Further the buildings on-site are not significant on the California Register of Historic Resources because of the same reasons noted above.

The church building in the St. Marks Church Complex is considered to be eligible for local historical significance in the City of Santa Clara because this structure meets four criteria elements under the Architectural Significance criteria. These included being identified with a particular architect, master builder, or craftsman, being architecturally unique or innovative, having unique or uncommon building materials or a historically early or innovative method of construction or assembly, and being on a property that is architecturally unique or innovative. Therefore, the resources on-site would be considered a historical resource pursuant to CEQA Guidelines Section 15064.5.

The proposed project would require the removal of all structures on-site which would result in the demolition of a historical resource. Therefore, the proposed project would cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

Impact CUL-1.1 The proposed project would require the demolition of the church building on-site which would result in a substantial adverse change to a locally eligible historical resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure: The proposed project would implement the following measures to reduce impacts on historic resources.

MM CUL-1.1 Prior to issuance of any grading, demolition, or building permits the project applicant shall prepare and submit, for review and approval by the Director of Community Development or the Director's designee, a Historic Resources Mitigation Action Plan (Action Plan) demonstrating that the following steps, actions, and documents have been completed for the historic structure in accordance with the Action Plan timeline. The Action Plan shall include roles and responsibilities between the project applicant, City staff, and outside individuals, groups, firms, and consultants.

Documentation (HABS): The structure and associated features on the project site shall be documented in accordance with the guidelines established for the Level III Historic American Building Survey (HABS) consistent with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall consist of the following components:

A. Drawings – Prepare sketch floor plans of the buildings and site plan.
B. Photographs – 35 mm digital photographs meeting the digital photography specifications.
C. Written Data – a historical report with the history of the property, property description and historical significance.

A qualified architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs, research and written data.

The documentation shall be submitted to the Director of Community Development or the Director's designee and the City's Historic Preservation Officer for review and approval. After approval, the required documentation shall be filed with the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System.

MM CUL-1.2 Documentation (Digital Scans): Prior to issuance of any grading, demolition, or building permits, the structure and associated features on the project site shall be documented by a qualified architectural historian through a series of digital scans and video production. The architectural historian shall meet the Secretary of the Interior's Professional Qualification Standards. A plan of the

proposed procedures for the digital scans shall be submitted to the City's Director of Community Development or the Director's designee prior to commencement of preparing the digital scans for review and approval. The digital scans must be submitted to the City and filed the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System prior to the issuance of occupancy permits.

MM CUL-1.3: Relocation by the Project applicant and/or a Third Party: Prior to issuance of any demolition permits, the project applicant, or an interested third party, shall be required to advertise the availability of the church for relocation for a period of no less than 60 days. The advertisements must include notification in a newspaper of general circulation, on a website, and notice placed on the project site. The project applicant shall provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the City's Director of Community Development or the Director's designee that this condition has been met prior to the issuance of demolition permits.

If the project applicant or third party agrees to relocate the structure, the following measures must be followed:

1. The Director of Community Development or Director's designee must determine that the receiver site is feasible for the building based on the existing setting.
2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study that establishes the baseline condition of the church prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Director of Community Development or the Director's designee prior to the structure being moved.
3. To protect the building during relocation, the project applicant shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine how the building needs to be reinforced/stabilized before the move.
4. Once moved, the building shall be repaired and rehabilitated, as needed, by the project applicant or third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be retained in a manner that preserves the integrity of the building for the long-term preservation and reuse.

Upon completion of the repairs, a qualified architectural historian shall document and confirm that work to the structure was completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and character-defining features were preserved. The project applicant shall submit a memo report supplement to the Action Plan to the City's Director of Community Development or the Director's designee documenting the relocation, repair, and reuse prior to issuance of any occupancy permits for the proposed project.

MM CUL-1.4: Salvage: If the project applicant and/or a third party cannot agree to relocate the structure within the specified time, the structure shall be made available for salvage to companies facilitating the reuse of historic building materials prior to the issuance of any demolition permits. The time frame available for salvage shall be established by the City's Director of Community Development or the Director's designee in accordance with the Action Plan. The project applicant must provide evidence to the City's Director of Community Development or the Director's designee and Director of Community Development, or Director's designee, that this condition has been met prior to the issuance of any demolition permits.

Even with MM CUL-1.1 through MM CUL-1.4 the proposed project would result in the relocation or demolition of a historic structure. Therefore, the proposed project would have a significant and unavoidable impact on historic resources pursuant to CEQA Guidelines Section 15064.5. **(Significant and Unavoidable Impact with Mitigation Incorporated)**

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

There are no recorded archeological sites located within the boundaries of the project site. However, as stated above, the site has had multiple historical uses and the project site has moderate sensitivity for historical archaeological resources. Therefore, based on the findings of the Archeological Sensitivity Assessment prepared for this project, the proposed project would have a potential significant impact on archaeological resources on the project site.

Impact CUL-2.1 Construction of the proposed project would result in excavation in an area which has moderate sensitivity for archeological resources, and could disturb unrecorded archaeological resources. **(Significant Impact)**

Mitigation Measures

MM CUL-2.1 Prior to commencement of any ground-disturbing activity on-site, the project applicant shall retain a registered professional archaeologist to be

present during all ground-disturbing activity associated with the project. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of the existing structure or site improvements within the development area shown on the project plans. A registered professional archaeologist shall be given five days' written notice prior to the start of any ground-disturbing activity. The project applicant shall document receipt of notification in writing.

MM CUL-2.2 In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. 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 within a radius determined by the archaeologist shall not recommence until the assessment is complete.

a. Any treatment other than preservation in place must be approved by the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in resource.
b. The culturally affiliated tribe(s) who consulted on the project, or if no consultation occurred the tribe identified by the Native American Heritage Commission (NAHC), shall determine the disposition of any tribal cultural resources (TCR) artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be subject to approval by the culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant.
c. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site.

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

With implementation of the above mitigation measures, the project would have a less than significant impact on archeological resources. **(Less than Significant Impact with Mitigation Incorporated)**

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c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The project site has a moderate potential for the discovery of human remains during the excavation of the project site based on the site location in the City of Santa Clara which has recorded historic archeological activity and scattered burial areas within a quarter mile of the project site.

Impact CUL-3.1 The proposed project could result in the disturbance of human remains during excavation of the project site. **(Significant Impact)**

Mitigation Measures

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 will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

With implementation of mitigation measure MM CUL-3.1, the proposed project would result in a less than significant impact on human remains. **(Less than Significant Impact with Mitigation Incorporated)**

3.5.2.2 *Cumulative Impacts*

a) Would the project result in a cumulatively considerable contribution to a significant cumulative cultural resources impact?

The geographic area for cumulative cultural resources impacts is the project site and adjacent parcels.

Historic Structures

Implementation of the proposed project would result in the loss of the eligible local historic resource at 1957 Pruneridge Avenue. While the cumulative projects would not result in the loss of a historic structure with a similar architectural style, the project would demolish a building with a unique architectural style which is not common within the City of Santa Clara. Due to the unique nature of the building, the loss of this building would be cumulatively considerable.

Impact CUL - 4.1 The proposed project would result in the demolition of the church building on-site which would cause a substantial adverse cumulative change in a historical resource pursuant to CEQA Guidelines Section 15064.5.

The proposed project would implement Mitigation Measures MM CUL-1.1 through MM CUL-1.5 which would reduce impacts to the historical resources on-site. Demolition of the resource would, however, still result in a significant unavoidable impact on the church.

Subsurface Resources

The cumulative projects would require excavation and grading or other activities that may affect unknown prehistoric cultural resources and/or historic resources. Impacts to subsurface resources from the project would be mitigated to less than significant with implementation of the mitigation measures MM CUL-2.1 – MM CUL-2.3 and MM CUL-3.1 identified above. All other cumulative projects would be required to implement comparable mitigation, consistent with the archaeological sensitivity of each site. Therefore, the proposed project would not have a cumulatively considerable impact on subsurface archaeological resources.

While the project would not have a cumulatively considerable impact on subsurface archaeological resources, the demolition of the church building would be cumulatively considerable. **(Significant and Unavoidable Cumulative Impact)**

3.6 Energy

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 To Achieve Carbon Neutrality

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

California Building Standards Code (CBC)

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately

every three years.[17] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[18]

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[19]

Local

Santa Clara General Plan

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

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

Santa Clara Reach Code

Reach Codes are local ordinances adopted by the local government that exceed and enhance the current version of state's Energy and Green Building standards codes. By adopting the City Reach Code ordinance, the City of Santa Clara utilized this opportunity to not only meet local climate

[17] California Building Standards Commission. "California Building Standards Code." Accessed February 1, 2023. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[18] California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed February 1, 2023. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency.
[19] California Air Resources Board. "The Advanced Clean Cars Program." Accessed February 1, 2023. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program.

action goals to reduce greenhouse gas emissions, but also to achieve greater energy savings and accelerate decarbonization through the all-electric requirements. The Santa Clara Reach Code includes all-electric building electrification requirements and mandatory measures for Electrical Vehicle Charging are applicable to all new building permit applications filed with the City.

Construction and Demolition Debris Recycling Program

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

3.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,923.6 trillion British thermal units (Btu) in the year 2020, the most recent year for which this data was available.[20] Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 21.8 percent (1,507.8 trillion Btu) for residential uses, 19.6 percent (1,358.4 trillion Btu) for commercial uses, 24.6 percent (1,701.3 trillion Btu) for industrial uses, and 34 percent (2,356.1 trillion Btu) for transportation.[21] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2020 was consumed primarily by the non-residential sector (75 percent), followed by the residential sector consuming 25 percent. In 2021, a total of approximately 16,904 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[22]

Silicon Valley Power (SVP) is the City of Santa Clara's energy utility and would provide electricity service to the project site. Starting in January 2018, SVP provides residential customers with carbon-free power as their standard, default power supply. This means the power generation produces no net carbon emissions. For commercial customers, SVP offers several options for participation in green energy programs, including a carbon-free energy option.[23]

Natural Gas

PG&E provides natural gas services within the City of Santa Clara. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply

[20] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed November 22, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[21] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed November 22, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[22] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed November 22, 2022. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[23] Silicon Valley Power. "Did you Know." Accessed November 22, 2022. https://www.siliconvalleypower.com/svp-and-community/about-svp/faqs.

was imported from other western states and Canada.[24] In 2020 California used 2,144 trillion Btu of natural gas.[25] In 2020, Santa Clara County used less than one percent of the state's total consumption of natural gas.[26]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[27] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020.[28] 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. [29,30]

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) Result in a substantial increase in demand upon energy resources in relation to projected supplies?

[24] California Gas and Electric Utilities. 2020 *California Gas Report.* Accessed November 22, 2022. https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.
[25] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed November 22, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[26] California Energy Commission. "Natural Gas Consumption by County." Accessed November 22, 2022. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[27] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed November 22, 2022. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[28] United States Environmental Protection Agency. "The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1010U68.pdf
[29] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed February 1, 2023. http://www.afdc.energy.gov/laws/eisa.
[30] United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed February 1, 2023. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026

3.6.2.1 *Project Impacts*

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction Impacts

Construction requires efficiency in processes and resource use to optimize construction operations and ensure that the building process isn't wasteful. This means that the energy consumption and use of materials on a construction site would be as minimal as possible and would not be wasteful and inefficient for the duration of the construction process. The project would also be mandated to comply with the City's requirements to recycle or salvage a minimum of 65 percent of nonhazardous construction and demolition waste for reuse, minimizing energy impacts from the production of new construction materials. Therefore, construction of the proposed project would not result in excessive or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Operational Impacts

The proposed project would construct a 22-unit residential development, replacing the church and office/school building which would increase energy consumption on-site. There would be no demand for natural gas on the project site because the development would be required to comply with the City's Reach Code which prohibits natural gas in new residential construction. The proposed project would be built according to California Building Code (CBC) and CALGreen Standards.

The 22 units would create a demand for approximately 4,614 kWh/year per dwelling unit.[31] Therefore, the whole development would result in approximately 101,508 kWh/year. The proposed project would be consistent with the General Plan designation for the project site of very low-density residential use. For this reason, the proposed project would not exceed the predicted energy consumption for the project site identified within the General Plan, which determined that the planned development in the General Plan would not result in wasteful energy consumption. Therefore, the proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project operations. **(Less than Significant Impact)**

[31] CalEEMod. Emission Factors and Data Tables: Appendix C. https://www.caleemod.com/documents/handbook/appendices/appendix_c.pdf. Accessed May 24, 2023

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The project would not result in a substantial energy increase, because it would be consistent with the General Plan land use designation for the site and would result in a small overall contribution to the County energy consumption, and would implement energy efficiency standards consistent with the CBC and CALGreen. Therefore, the project would comply with state and local plans for renewable energy and energy efficiency. **(Less than Significant Impact)**

c) Would the project result in a substantial increase in demand upon energy resources in relation to projected supplies?

The proposed project would construct a low-density residential project at 8.9 du/ac on a site designated in the General Plan as Very Low Density Residential that allows up to 10 du/ac. Therefore, the proposed project would be consistent with the expected growth and development intensity for the project site. Additionally, as stated above the structures constructed on-site would be built with energy efficient measures consistent with CBC and CALGreen. Based on this information, the proposed project would not result in a substantial increase in demand upon energy resources in relation to projected supplies. **(Less than Significant Impact)**

3.6.2.2 *Cumulative Impacts*

a) Would the project result in a cumulatively considerable contribution to a significant cumulative energy impact?

The cumulative impact area for energy impacts is the energy provider's territory.

The General Plan EIR determined that Santa Clara would have suitable energy resources for planned growth in the General Plan. As stated above, the proposed project is consistent with the General Plan designation for the site and would not result in a substantial increase in energy resources in relation to supplies for the City. Therefore, the proposed project would have a less than significant cumulatively considerable contribution to a cumulative energy impact. **(Less than Significant Cumulative Impact)**

3.7 Geology and Soils

Information in this section is based in part on the Web Soil Survey prepared for the project. This document is included as Appendix E of this document.

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.

Local

Santa Clara General Plan

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

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

3.7.1.2 *Existing Conditions*

The City of Santa Clara is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and San Francisco Bay to the north. The topography of the Santa Clara Valley rises from sea level at the south end of San Francisco Bay to elevations of more than 2,000 feet to the east. The average grade of the valley floor ranges from nearly horizontal to about two percent generally down to the northwest. Grades are steeper on the surrounding hillsides which border the valley.

Soils Description

The project site is underlain by Urbanland-Flaskan complex and zero to two percent slopes. These soils are well drained with low runoff potential and the upper layers consist primarily of sandy clay

loam and gravely sandy clay loam.[32] This soil profile has moderate potential for shrink swell action due to an average of 15 to 30 percent clay content throughout the Flaskan soil description.

Earthquake Conditions

As the San Francisco Bay Area contains numerous active and potentially active faults, there is a high potential for seismic events such as fault surface ruptures and ground shaking, which can cause ground failure (landslides), settlement, erosion, liquefaction, lateral spreading, and soil expansion. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher. There are several major faults located near the project site which include the Monte Vista-Shannon fault located approximately 5.2 miles southwest of the site, the North San Andreas fault located approximately 9.2 miles southwest of the site, the Hayward-Rodgers Creek fault located approximately 10.3 miles north of the site, and the Calaveras fault approximately 11.2 miles northeast of the site.

During a major earthquake on a segment of one of the nearby faults, moderate to severe ground shaking is expected to occur at the project site. The ground shaking intensity felt at the project site would depend on the size of the earthquake (magnitude), the distance from the site to the fault source, the directivity (focusing of earthquake energy along the fault in the direction of the rupture), and the site-specific soil conditions. The project site is not located within a State of California Earthquake Fault Zone or a Fault-Rupture Hazard Zone.[33]

Soil Stability

Soil liquefaction can be defined as a complete loss of strength that causes otherwise solid soil to take on the characteristics of a liquid. The types of soil most susceptible to this hazard are loose, saturated, uniformly graded, fine-grain sands that comprise the soil layer within approximately 45 to 50 feet of the ground surface. Soils saturated with groundwater are more likely to experience liquefaction. Liquefaction mostly frequently occurs under vibratory conditions, such as those created by seismic events. The project site is not located in a designated landslide hazard zone or compressible soil hazard zone; however, it is located in a state and County liquefaction hazard zone.[34]

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. There are no open faces in proximity to the project site where lateral spreading could occur.

[32] United States Department of Agriculture. "Web Soil Survey". Web Soil Survey - Home (usda.gov) Accessed November 11, 2022.
[33] Santa Clara County Planning & Development. "Geologic Hazard Zones Mapping Application". 2021.
[34] Santa Clara County Planning & Development. "Geologic Hazard Zones Mapping Application". 2021.

Groundwater Conditions

Groundwater depth at the project site is estimated to be between 20 to 30 feet below ground surface (bgs).[35]

Paleontological Resources

The City (including the project site) is situated on alluvial fan deposits of the Holocene age. These deposits are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not typically considered fossils. Although these sediments have low potential to contain significant nonrenewable paleontological resources, older Pleistocene sediments underneath the Holocene age deposits have a high potential to contain paleontological resources.[36]

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?
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?

[35] Santa Clara Valley Water District. "Santa Clara County Depth to First Groundwater Mapping Application". January 24, 2017. Accessed November 11, 2022. Available at: https://data-valleywater.opendata.arcgis.com/datasets/santa-clara-county-depth-to-first-groundwater/explore.
[36] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. January 2011. Page 328.

6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

3.7.2.1 *Project Impacts*

a) Would the project 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?

Fault Rupture

The project site is not located in an Alquist-Priolo Earthquake Fault Zone and no known faults cross the site. While existing faults that are currently considered active are located within 15 miles of the site (i.e., the Monte Vista, Hayward, San Andreas, and Calaveras faults), the proposed project is located outside of their fault rupture zones. For these reasons, the project would not directly or indirectly cause substantial adverse effects from rupture of a known earthquake fault. **(No Impact)**

Seismic Ground Shaking, Liquefaction, and Lateral Spreading

There are several major fault lines within approximately 15 miles of the project site that have the potential to produce a major earthquake during the lifespan of this project. During a major earthquake, this site is expected to experience moderate to severe ground shaking. The level of intensity of ground shaking at the project site would depend on a variety of factors such as the magnitude, distance from the site to the fault source, and the site-specific soil conditions. The ground shaking could potentially damage structures and threaten the safety of occupants in the proposed development.

As discussed previously in Section 3.7.1.2, the project site is located within a state and County designated liquefaction hazard zone. The most likely liquefaction impact that a large seismic event would cause on-site is settlement of the ground.

There are no adjacent bodies of water, channels, or excavations in the vicinity of the site that would increase the potential for lateral spreading, therefore, the project would not exacerbate such conditions off-site.

Impact GEO-1.1: Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake or other geologic events.

Mitigation Measures

MM GEO-1.1: Consistent with General Plan Policy 5.10.5-P6 and General Plan Policy 5.10.5-P7, the project would be built using standard engineering and seismic safety

design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a geotechnical report to the City. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process. The building shall meet the requirements of applicable Building and Fire Codes, including the current California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including liquefaction and shrink swell capacity of soils, and the project shall be designed to reduce the risk to life or property in compliance with the Building Code.

The project would be required to adhere to the current CBC and recommendations in the site-specific geotechnical report prepared for the project, as described in mitigation measure MM-GEO 1.1, to reduce seismic and seismic-related hazards (including ground shaking and liquefaction,) to a less than significant level by requiring the project be properly designed, engineered, and constructed. As such, the existing seismic hazards on the project would not be exacerbated by the project and would not worsen off-site conditions. **(Less than Significant Impact with Mitigation Incorporated)**

Landslides

As discussed under Section 3.7.1.2, the project site is not located in a designated landslide hazard zone. The project site is relatively flat and is not located in the vicinity of steep embankments that could increase the risk of landslides affecting the site. Construction of the project would not include substantial earthwork that would create unstable slopes that would exacerbate any existing landslide risks. **(No Impact)**

b) Would the project result in substantial soil erosion or the loss of topsoil?

The project will result in ground disturbance related to the demolition of the existing buildings and improvements on-site and excavation and construction of the proposed residential units. Transportation of construction materials and equipment to and from the project site could also result in disturbance of soil. These activities would increase the exposure of soil to wind and water erosion and increase sedimentation.

Because the project would disturb more than one acre, the project would be required to obtain coverage under the State of California Construction General Permit prior to issuance of a demolition permit or a grading permit from the City. This would require preparation of a Stormwater Pollution Prevention Plan (SWPPP), which would outline the erosion control and site stabilization BMPs to be implemented on-site. In addition, the project would comply with grading and excavation requirements in the Santa Clara City Building Code and the following Conditions of Approval:

Conditions of Approval

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

By complying with the Construction General Permit and the Conditions of Approval, erosion and sedimentation impacts would be less than significant. **(Less than Significant Impact)**

c) Would the project 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?

As discussed under Impact GEO a), adherence to the current CBC and recommendations in the site-specific geotechnical report (as required by General Plan Policy 5.10.5-P6 and General Plan Policy 5.10.5-P7) regarding ground improvements and construction methods would reduce the risk of liquefaction at the project site to a less than significant level.

Valley Water actively monitors for land subsidence through surveying, groundwater elevation monitoring, and data from compaction wells. Valley Water reduces the potential for land subsidence throughout the Santa Clara Valley by recharging groundwater basins with local and imported surface water. The project would be connected to the City's water system and would not require permanent groundwater extraction wells on-site. For this reason, the project is expected to have a less than significant impact on subsidence. As discussed under Section 3.7.1.2 and Impact GEO-1, the project site is not subject to landslide, lateral spreading, or other forms of ground failure. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

Expansive soils possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may result over a long period of time, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils. As discussed previously in Section 3.7.1.2, the soil profile on-site is generally comprised of layers of sandy clay loam and gravely sandy clay loam which have a moderate potential for shrink swell action due to their clay content. Although expansive soils can be a hazard, the risk is reduced through implementation of standard engineering and building practices, implementation of techniques specified in the CBC, and adherence to the recommendations in the site-specific geotechnical report.

As required by General Plan Policy 5.10.5-P6 and General Plan Policy 5.10.5-P7, the project shall implement all structural recommendations provided in the design-level geotechnical investigation report. Therefore, through adherence to these recommendations and the current CBC, the project would not create substantial direct or indirect risks to life or property due to expansive soils. **(Less than Significant Impact)**

e) Would the project 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?

The project would connect to the City's existing sanitary sewer system. Therefore, the project would not need to support septic tanks or alternative wastewater disposal systems on-site. **(No Impact)**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City, including the project site, is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources. As discussed in Section 3.7.1.2, older Pleistocene sediments underneath the Holocene age deposits (which can be found at depths of approximately 10 feet bgs, depending on the location) have a high potential to contain paleontological resources.

It is improbable that paleontological resources would be discovered on-site given its prior disturbance from the existing development and the estimated depth of excavation of 7.5 feet, therefore, construction activities would not result in the disturbance and/or accidental destruction of unknown paleontological resources on-site. **(No Impact)**

3.7.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant geology and soils impact?

The geographic area for cumulative impacts for geology and soils is the project site and surrounding parcels.

As discussed above, the proposed project's impacts to geology and soils are less than significant with mitigation incorporated. In addition, there are no projects immediately adjacent to the project site, which could combine with the project to exacerbate existing geologic issues. Therefore, the

proposed project would result in a less than significant cumulative impact with mitigation incorporated. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.8 Greenhouse Gas Emissions

The information in this section references the Greenhouse Gas Reduction Strategy Checklist for the proposed project. This is included in Appendix F of this document.

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 carbon dioxide (CO2) and water vapor but there are also several others, most importantly methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO2 and N2O are byproducts of fossil fuel combustion.
- N2O is associated with agricultural operations such as fertilization of crops.
- CH4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more 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 CO_2E ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of CO_2 by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The

jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Santa Clara General Plan

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

Policies	Description
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.8.5-P1	Require new development and City employees to implement TDM programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.
5.8.5-P5	Encourage TDM programs that provide incentives for the use of alternative travel modes to reduce the use of single-occupant vehicles.

City of Santa Clara Climate Action Plan

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

Silicon Valley Power

Silicon Valley Power (SVP) is the City of Santa Clara's energy utility and would provide electricity service to the project site. Starting in January 2018, SVP provides residential customers with carbon-free power as their standard, default power supply. This means the power generation produces no net carbon emissions. For commercial customers, SVP offers several options for participation in green energy programs, including a carbon-free energy option.[37]

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

[37] Silicon Valley Power. "Santa Clara Green Power." Accessed February 1, 2023 https://www.siliconvalleypower.com/sustainability/santa-clara-green-power.

accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns. The existing project site has a church which is not in use, therefore it does not currently produce GHG emissions or result in trips which would release GHGs.

3.8.2 Impact Discussion

For the purpose of determining the significance of the project's impact on greenhouse gas (GHG) 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*

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

GHG emissions associated with construction were computed to be 52.5 MT of CO_2e for the total construction period.[38] These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. Construction of the project would be temporary and would not result in a permanent increase in emissions. Therefore, the project would not interfere with the implementation of SB 32 or AB 32.

Operational Emissions

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The project is part of planned growth from build-out of the General Plan FEIR and would comply with all applicable 2022 CAP actions (see below under Impact GHG-2). Therefore, the project would result in a less than significant GHG emissions impact. **(Less than Significant Impact)**

[38] Illingworth & Rodkin. 1957 Pruneridge Avenue Residential Project Construction Health Risk Assessment. January 11, 2023

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

2017 Clean Air Plan

As discussed in Section 3.3 Air Quality, the project would not conflict with the 2017 CAP because it would not exceed the BAAQMD CEQA Air Quality Guidelines screening size of 451 townhouses for operational criteria pollutant. Therefore, the proposed 22 townhouse units would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

2022 Climate Action Plan

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. Therefore, 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. The project's conformance with applicable reduction measures for new development in the CAP are summarized below. Refer to Appendix F for more detail about the project's conformance with the 2022 CAP Compliance Checklist.

The project would comply with the City's Reach Code by constructing all-electric buildings with mechanical systems and equipment. The project would be required to be built in accordance with the most recent CALGreen requirements. As mentioned on the City's website, City of Santa Clara residents would be compliant with SB 1383 since organic waste is collected in the garbage container and is delivered to a mixed waste processing facility where it is separated from the garbage and made into compost material. [39] Therefore, the project would comply with SB 1383.[40] The project would be consistent with the Pedestrian and Bicycle Master Plans and would have space for bicycle parking in each residence. The proposed project would not comply with Action N-3-5, because on-site irrigation system would not be able to connect with recycled water lines which are too far from the project site. To reduce stormwater pollution, the project proposes flow-through planters along the project frontage.

The project includes transit-oriented measures such as providing bicycle parking and on-site amenities, such as rideshare parking, and construction of a paseo connecting to the sidewalk, and would comply with Actions T-3-1 and T-3-3. The project would not comply with Action M-3-4 because the development does not include parking areas where these materials would be used. The project would demolish the church complex buildings on-site and would reuse some of the stained glass windows for other church facilities elsewhere, if feasible; therefore, the project would be consistent with Action M-3-1. Per the applicant, reuse of other building materials will be

[39] City of Santa Clara. "Mixed Waste Processing." Accessed February 13, 2023. https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/residential-garbage-recycling/mixed-waste-processing.

[40] AB 1826 and AB 341 are not applicable to the project since the project does not include any commercial uses.

determined when demolition occurs. Therefore, the proposed project would/would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

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

3.8.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant GHG emissions impact?

As discussed in Section 3.8 Greenhouse Gas Emissions, GHG emissions have a broader, global impact. No single project is sufficient in size, by itself, to change the global average temperature.[41] Therefore, due to the nature of GHG impacts, if a project does not result in a significant GHG impact, then the project would not result in significant cumulative GHG impact. As discussed above, the proposed project would not generate GHG emissions that would have a significant impact on the environment or conflict with a plan, policy, or regulation adopted for the purpose of reducing GHG emissions. The project, therefore, would not result in a cumulatively considerable contribution to a GHG impact. **(Less than Significant Cumulative Impact)**

[41] Bay Area Air Quality Management District. *CEQA Guidelines*. May 2017. Page 2-1.

3.9 Hazards and Hazardous Materials

The information in this section is based in part on the Phase I Environmental Site Assessment and Phase II Environmental Site Assessment prepared by Geosolve, Inc. dated May 9, 2022 and June 9, 2022 respectively. These are included as Appendix G and H 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

<u>Federal Aviation Regulations Part 77</u>

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.

<u>Comprehensive Environmental Response, Compensation, and Liability Act</u>

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.[42]

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

[42] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed July 11, 2022. https://www.epa.gov/superfund/superfund-cercla-overview.

authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[43]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[44]

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

[43] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed July 11, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[44] California Environmental Protection Agency. "Cortese List Data Resources." Accessed November 11, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.

CCR Title 8, Section 1532.1

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

Regional and Local

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

The Norman Y. Mineta International Airport is located approximately 2.2 miles northeast of the project site. Given this distance, the project site is not located within the Airport Influence Area (AIA) of the Norman Y. Mineta International Airport, as defined by the Comprehensive Land Use Plan (CLUP).

Municipal Regional Permit Provision C.12.f

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

With the adoption of the San Francisco Bay Region Municipal Regional National Pollution Discharge Elimination System (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.[45] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

Santa Clara General Plan

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

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

Policies	Description
5.10.5-P23	Require appropriate clean-up and remediation of contaminated sites.
5.10.5-P24	Protect City residents from the risks inherent in the transport, distribution, use and storage of hazardous materials.
5.10.5-P25	Use Best Management Practices to control the transport of hazardous substances and to identify appropriate haul routes to minimize community exposure to potential hazards.

Santa Clara Emergency Operations Plan

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

3.9.1.2 *Existing Conditions*

Historical On-site Uses

The Phase I Environmental Site Assessment utilized aerial imagery, historical topographic maps and Sanborn Fire Insurance Maps to analyze past uses of the project site.

From 1889 to 1899, the project site was mapped as vacant land on the southwestern outskirts of the town of Santa Clara and the railroad tracks for Southern Pacific Railroad were mapped northeast of the property. In 1939, the project site was occupied by orchards and contained no structures. North Winchester Boulevard and Pruneridge Avenue can be seen as dirt roads. By 1956, the orchards were removed and grading for St. Luke's Episcopal Church can be seen in aerial imagery. The project site remained unchanged from 1963 onward.

Historical Surrounding Uses

Development in the surrounding areas was observed in 1948 and 1950. The primary development surrounding the project site were auto repair facilities (which operated in the 1960's and 1970's), and a dry cleaner to the southwest of the site which operated from 1970 to 2008. Housing was constructed surrounding the site and a drycleaner was operated at 1823 Pruneridge Avenue from 1992 to 2014. Other development continued throughout the 1990s including construction of the adjacent commercial buildings to the east and west of the site.

Existing Sources on On-site Contamination

The project site is currently occupied by a church building and parish hall/ two-story classroom building. These uses are not sources of hazardous materials, and no hazardous materials were noted on-site during the site visit conducted by GeoSolve, Inc. on Wednesday, April 27, 2022. The

site visit did not note the presence of underground storage tanks (UST), groundwater wells, or transformers. Additionally, a search conducted of the regulatory databases did not uncover any hazardous materials cleanups, site closures, or other handling of hazardous materials on-site.

Due to presence of agricultural uses on-site from 1939 to 1953, the use of organochlorine pesticides and other fertilizers or agricultural chemicals may have resulted in the presence of arsenic, lead, and chemical residue in the soils on-site. A Phase II environmental site assessment was carried out by Geo Solve Inc. dated June 9, 2022, and soil sampling performed on-site determined that the levels of pesticides and lead in soil were below the Environmental Screening Levels (ESL) for residential development, included on page 3 of Appendix H. Additionally, arsenic was found at levels above the ESL for residential development. However, based on the background levels of arsenic present in the native soils in this area of the Santa Clara Valley, the level of arsenic found on-site is not related to the agricultural uses on-site and is not a recognized environmental condition.

Off-site Sources of Contamination

The Phase I identified 20 nearby hazardous sites identified on regulatory databases within 0.13 miles of the project site. All sites were determined not to effect the project site due to the lack of hazardous materials releases from the sites or their location in relation to the groundwater flow under the project site (cross- or up-gradient).

Lead Based Paint and Asbestos Containing Materials

Lead Based Paint (LBP) and ACMs can cause hazards during demolition of structures if these materials were used in the original construction of on-site structures. Because the buildings on-site were constructed before 1980, it is reasonable that the existing buildings contain paint with lead and ceiling and floor tiles containing ACMs.

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*

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction

A review of available records determined that the project site does not have soil contamination above any residential ESLs, although the structures on-site may contain lead and asbestos in the building materials. The handling of these materials is discussed below in Impact b). There are no other hazardous conditions identified on-site. Therefore, the off haul of soil from the site would not result in transport or disposal of hazardous materials during construction. **(Less than Significant Impact)**

Operations

The proposed project would construct a residential development on-site which would not introduce new sources of hazardous materials to the site. Residential uses typically contain domestic cleaning supplies and small amounts of solvents or waste materials which would not represent a hazard to the public or environment. Therefore, during operations of the proposed project, there would be a less than significant impact resulting from the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

b) Would the project 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?

Based on the findings of the Phase I and Phase II reports, the project site does not have soil contamination above any residential ESLs. In addition, no off-site releases have been identified which would result in a recognized environmental condition on the project site. As a result,

construction of the proposed project would not create a significant hazard to the public or the environment through the disturbance of contaminated soils. **(Less than Significant Impact)**

Asbestos-Containing Materials and Lead-Based Paint

The project proposes the demolition of buildings constructed prior to the 1980s. Since the buildings on-site were constructed prior to 1980 they likely to contain ACMs and LBP. During demolition, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of asbestos. If the LBP is still bonded to the building materials, its removal is not required prior to demolition.

If the LBP is flaking, pealing, or blistering, it should be removed prior to demolition. It will be necessary to follow applicable OSHA regulations and any debris containing lead must be disposed of appropriately. Demolition of the existing buildings could expose construction workers or occupants of adjacent buildings to harmful levels of ACMs or lead. Therefore, the project would be required to implement the following Conditions of Approval below consistent with OHSA regulations.

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 ACSMs and/or LBP.
- During demolition activities, all building materials containing LBP shall be removed in accordance with 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 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 abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

With implementation of the Conditions of Approval, the risk associated with the disturbance of ACMs and LBP on-site during construction would be reduced to a less than significant level. **(Less than Significant Impact)**

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The proposed project would be constructed within a quarter mile of three school sites: Stratford School, Action Day Schools preschool, and Pacific Autism Center for Education. The proposed project would result in the construction of a residential development which would not result in the emission or handling of hazardous materials. Therefore, the proposed project would have a less than significant impact on nearby schools. **(Less than Significant Impact)**

d) Would the project 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?

As stated in section 3.9.1.2, the proposed project was not found on any lists of hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, the proposed project would not create a significant hazard to the public or environment and would have a less than significant impact. **(Less than Significant Impact)**

e) If 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is located approximately 2.2 miles from the Norman Y. Mineta International Airport and is outside of the Airport Safety Zone established in the Comprehensive Land Use Plan. The proposed project would be substantially under the FAR Part 77 Surfaces height for safe plane operations at the project site, and would not interfere with flight operations or pose a hazard to residents. Additionally, the proposed project is not located within the noise contours of the airport and would not experience excessive noise from airport operations. Therefore, the project would not expose people residing or working in the project area to a safety hazard or excessive noise. **(Less than Significant Impact)**

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project would be constructed in accordance with current building and fire codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan to avoid unsafe building conditions. The proposed project would not alter routes of access, nor would it create impediments to existing emergency response plans or emergency evacuation plans in the City of Santa Clara. Therefore, the proposed project would have no impact on any adopted emergency response plan or emergency evacuation plan. **(No Impact)**

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The proposed project is located in the center of the City of Santa Clara and is not within a fire hazard severity zone.[46] Therefore, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

3.9.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant hazards and hazardous materials impact?

The geographic area for hazards and hazardous materials impacts is the project site and parcels within one mile of the project site. The proposed project would not result in any significant impacts and would not contribute to a cumulative impact in concert with other projects because there are no nearby projects with hazards or hazardous materials impacts. Therefore, the proposed project would have a less than significant cumulative hazards and hazardous materials impact. **(Less than Significant Cumulative Impact)**

[46] California Department of Forestry and Fire Protection. Fire and Resource Assessment Program. Very High Fire Hazard Severity Zones in LRA: As Recommended by Calfire. https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf. October 8, 2008.

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 Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San

Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the MRP in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[47] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[48] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

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

Water Resources Protection Ordinance and District Well Ordinance

The Santa Clara Valley Water District (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.

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.

2021 Groundwater Management Plan

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

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[49]

City of Santa Clara 2010 – 2035 General Plan

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

Policies	Description
5.10.5-P11	Require that new development meet stormwater and water management requirements in conformance with state and regional regulations.
5.10.5-P13	Require that development complies with the Flood Damage Protection Code.

[49] Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

Policies	Description
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.

City Code

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

3.10.1.2 *Existing Conditions*

Storm Drainage

The City of Santa Clara owns and maintains the municipal storm drainage system serving the project area. The project site stormwater drainage is connected to a 24-inch storm drain in Pruneridge Avenue and eventually releases into the Saratoga Creek and subsequently the San Francisco Bay. The project site is currently developed with two buildings and a parking lot, with approximately 32,748 square feet (30 percent) of the site covered with pervious surfaces.

Groundwater

The project site is located in a confined area of the Santa Clara Valley groundwater basin and does not contribute to the recharging of the groundwater aquifer used for water supply. The depth to groundwater can vary seasonally, and can be influenced by underground drainage patterns, regional fluctuation, and other factors. The depth to groundwater, as measured within the groundwater monitoring wells, was estimated to be approximately 20 to 30 feet below the ground

surface. The groundwater flow was reported to be to the northeast. The project site is not located within a designated groundwater recharge area.[50]

Flooding

The project site is not located within a 100-year flood hazard area. Based on the FEMA flood maps, the project site is located in Zone X which is an area of 0.2 percent chance of flood, or areas of one percent annual chance of 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 of flood.[51] This area is not a special flood hazard area.

Dam Failure

According to Valley Water dam failure maps, the project site is located within the James J. Lenihan Dam failure inundation hazard zone with depths of two to five feet. The site is not located within the Anderson Dam failure inundation hazard zone.[52]

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?

[50] Valley Water. Groundwater Management Plan 2021 for the Santa Clara and Llagas Subbasins. November 2021.
[51] FEMA. Flood Insurance Rate Map. Santa Clara County, California and Unincorporated Areas. Panel 229 of 830. Map Number 06085C0229H. May 18, 2009.
[52] Department of Water Resources. Dam Breach Inundation Map Web Publisher. Dam Breach Inundation Map Web Publisher (ca.gov). Accessed November 18, 2022.

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?

3.10.2.1 *Project Impacts*

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction Impacts

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

Conditions of Approval

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

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

Post-Construction Impacts

To reduce post-construction water quality impacts, the project is required to comply with the MRP. The proposed project includes LID measures to treat water flowing from 100 percent of the site. The stormwater treatment measures include a bioretention area in the center of the site and flow through planters located at the rear of each of the houses.

The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. As stated above the project would include all LID features and would not need Reduction Credits to be applied. Therefore, the proposed development project, in compliance with existing regulations and would not result in significant impacts to water quality. **(Less than Significant Impact)**

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The proposed project would not be constructed within an area defined as a groundwater recharge area. Additionally, the project includes only a shallow excavation of the site for utilities installation and would not encounter groundwater during construction because the shallowest groundwater is at least 20 feet below grade. Further the project would increase the pervious surfaces on-site, as shown in Table 3.10-1, and would allow more water to infiltrate on-site during storm events. Therefore, the proposed project would result in less than significant impacts on groundwater supply and would not impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

c) Would the project 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?

The proposed project is located within a watershed[53] made up of more than 65 percent impervious surfaces. Therefore, an increase in impervious surfaces on the proposed project would not cause hydromodification of any waterway in compliance with Santa Clara County C.3 technical guidance. Therefore, the proposed project would not result in the alteration of streams or rivers near the project site.

[53] A watershed is an area in which all water drains to one body of water.

Additionally, the proposed project would replace approximately 64 percent of the project site with impervious surfaces and would be required to provide stormwater treatment for the totality of the project site area. The proposed project would include four drainage areas treated by flowthrough planters for each of the houses and one large self-treating bioretention area for the remainder of the site which is located in the paseo. The existing project site is 30 percent pervious, and the proposed project would increase pervious surfaces by five percent, to 35 percent of the site. A summary of the impervious surfaces is included in Table 3.10-1 below.

Table 3.10-1: Impervious and Pervious Surface Areas in Square Feet

	Existing Conditions	Project Conditions	Change
Impervious Surfaces	74,767	69,830	-4937
Pervious Surfaces	32,748	37,685	+4937
Total	107,515	107,515	---

The flow-through planters and the bioretention area would be sized compliant with Provision C.3 of the MRP and would treat all stormwater for the project site during normal storm conditions. These bioretention areas provide landscaping designed to allow water to filter through the planter, and also allow for some water to evaporate away as it would in normal soil mediums. This slows the release of water into the stormwater system and would limit the surge of water from the impervious surfaces during storm events. Additionally, the project proposes to result in decreased impervious surface area than under existing conditions which means more area would be available for infiltration and less runoff would occur on-site. Therefore, the proposed project would not result in flooding or runoff exceeding the capacity of existing or planned stormwater drainage. Additionally, the treatment features would filter stormwater and the proposed project would not contribute to polluted runoff. The proposed project would have a less than significant impact. **(Less than Significant Impact)**

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

The project site is not located within tsunami hazard areas or located near an inland body of water which may result in seiches during seismic activity. The proposed project is located within the Lexington dam inundation zone, therefore, in the event of a dam failure the project site would be at risk of flooding. Valley Water maintains and repairs the reservoirs in their jurisdiction. As such, the risk of the site being inundation is minimal.

Additionally, the project site is located within the Zone X flood hazard zone, which means that the project site would experience flooding as a result of a 500-year storm event. This is not a special Flood Hazard Zone and the proposed project would not have a significant risk of being flooded during storm conditions. Additionally, the proposed project would not increase the presence of

uses on-site which contribute significant pollutants which may enter floodwaters during inundation. Therefore, the proposed project would result in a less than significant impact from the release of pollutants during an inundation event. **(Less than Significant Impact)**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

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

3.10.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant hydrology and water quality impact?

The geographic area for hydrology and water quality impacts would be the Saratoga Creek Watershed.

The proposed project would capture and treat runoff on-site through LID measures and would limit erosion and sediment release through Conditions of Approval during construction. As a result, the proposed project would comply with regional stormwater policies which limit the regional impacts of projects on watersheds. Because the proposed project would have a less than significant impact and all other cumulative projects in the vicinity would be required to comply with the same regulations, the proposed project would have a less than significant cumulative impact on hydrology and water quality. **(Less than Significant Cumulative Impact)**

3.11 Land Use and Planning

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Regional and Local

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

The Norman Y. Mineta San José International Airport CLUP, adopted by the Santa Clara County Airport Land Use Commission, is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport, as well as aircraft occupants.[54] The CLUP is also intended to ensure that surrounding new land uses do not affect airfield operations. The CLUP identifies the Airfield's Airport Influence Area (AIA). The AIA is a composite of areas surrounding the Airfield that are affected by noise, height, and safety considerations. Within the AIA, the CLUP establishes a (1) noise restriction area, (2) height restriction area, and (3) safety restriction area.

Santa Clara General Plan

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

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

City of Santa Clara Zoning Code

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

[54] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan.* November 16, 2016.

Provisions for parking, landscaping, lighting, and other rules that guide the development of projects in the city are also included.

3.11.1.2 *Existing Conditions*

The project site is currently developed with a church and an associated office/school building. The site has a General Plan land use designation of Very Low Density Residential and is zoned Public, Quasi Public, and Public Park or Recreation (B).

The Very Low Density Residential General Plan designation is primarily intended for residential densities of up to 10 du/ac. Residential developments within this General Plan designation would typically include single-family detached units, setbacks between structures, parking, landscaped yards, and tree lined streets.

The Public, Quasi Public, or Recreation (B) zoning designation permits public utility facilities and public parks by right, and conditionally permits public or private schools, churches and other non-profit facilities, municipal facilities, and other public and quasi-public facilities such as cemeteries and airports.

The land uses around the project site include a mix of residential, office, and commercial uses. An office use is located directly west of the project site, a commercial shopping center is located directly east of the site, and residential uses are located north and south of the site. There is also a neighborhood of single-family residences west of the project site beyond the office use.

The project site is located approximately 2.2-miles southwest of the Norman Y. Mineta San José International Airport. The site is not located within the AIA, 65 dBA noise contour area, or airport safety zones; however, it is located within the mapped Part 77 362-foot above mean sea level (amsl) horizontal surface. The elevation on-site is approximately 119 feet amsl.

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*

a) Would the project physically divide an established community?

A physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community or between communities.

The project would redevelop a church property with a residential use and would not construct physical features or close an existing street that would impair community mobility. For these reasons, the project would not physically divide an established community. **(Less than Significant Impact)**

b) Would the project 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?

General Plan and Zoning Code

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

Because residential uses are not allowed in the Public, Quasi Public, or Recreation (B) zoning designation, the proposed project would include a rezoning of the project site to Planned Development (PD).

The Planned Development (PD) zoning designation allows for most land uses, including residential uses. Under this zoning designation, development projects must be designed to provide a similar character to the surrounding neighborhood and allow for integration with the existing architecture and quality of surrounding properties. In addition, the number of dwelling units proposed for a residential property under the Planned Development (PD) zoning designation should not substantially deviate from what is allowed under the General Plan designation for the site.

The proposed project is consistent with the type of residential development identified under the Very Low Density Residential General Plan designation, which is meant for residential developments with densities of up to 10 du/ac. The 22 detached residential units would be constructed on a 2.47-acre site, which would result in a residential density of 8.9 du/ac. The proposed project would, therefore, be consistent with the General Plan designation.

As discussed in Section 3.1**Error! Reference source not found.**, the project would be subject to the City's architectural review process prior to the issuance of any building permits to ensure compliance with the City's Community Design Guidelines. This architectural review process would ensure that the proposed project would be designed in a manner that is compatible with the architectural character and quality of the surrounding neighborhood, consistent with Zoning Code requirements. For these reasons, the project would not cause a significant environmental impact due to a conflict with the General Plan or Zoning Code.

Norman Y. Mineta San José International Airport CLUP

The Norman Y. Mineta San José International Airport CLUP relies on the FAR Part 77 Notification Surface review process to regulate height restrictions. The proposed maximum building height of 32.75 feet would not require notification and review by the FAA to determine potential aviation hazard. Although it is unlikely given the scale of the proposed project, if the project's construction equipment (i.e., cranes) has the potential to exceed 210 feet in height, it would be subject to FAA's review. Compliance with FAA's regulations would reduce aviation hazards to a less than significant level. For these reasons, the project would not conflict with the Norman Y. Mineta San José International Airport CLUP. **(Less than Significant Impact)**

3.11.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant land use and planning impact?

The geographic area for land use and planning impacts is citywide.

Like the proposed project, construction of the cumulative projects would generally consist of redevelopment of previously developed sites. Development of some of these sites would result in a change in use and/or an intensification of development. The compatibility of new development with adjacent land uses, and the general character of surrounding areas are considered as part of Santa Clara's architectural and environmental review processes. Through appropriate site design review of these urban projects, impacts due to conflict with applicable plans and policies would be avoided.

The proposed project and all other cumulative projects would be required to comply with the General Plan. Since the General Plan is the regulatory document for land use impacts, the proposed project's compliance with this document would mean that the project would not result in cumulative impacts to land use. Therefore, the proposed project would have a less than significant cumulative impact on land use. **(Less than Significant Cumulative Impact)**

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*

The City of Santa Clara is located in an area zoned MRZ-1, which classifies an area where adequate information indicates that no significant mineral deposits are present. The area is not known to support significant resources of any other type. No mineral resources are currently being extracted in the City. The State Office of Mine Reclamation's list of mines (the AB 3098 List) regulated under the Surface Mining and Reclamation Act (SMARA) does not include any mines within the City.[55]

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?

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

3.12.2.1 *Project Impacts*

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

There are no known mineral resources on-site, nor are there any in the immediate vicinity of the project area. The proposed project, therefore, would not result in impacts to mineral resources. **(No Impact)**

b) Would the project 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?

As discussed in Section 3.12.1.2, there are no locally important mineral resources and no known mineral resources within the City (including the project site). The project, therefore, would not result in impacts to locally important mineral resource recovery sites. **(No Impact)**

3.12.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant mineral resources impact?

The geographic area for mineral resources is any mineral resource area.

The proposed project is not located within a mineral resource area and would not have an impact on mineral resources. Therefore, the proposed project would not have a cumulative impact on mineral resources. **(No Cumulative Impact)**

3.13 Noise

The information in this section is based in part on the Noise and Vibration Assessment prepared by Illingworth & Rodkin Inc. dated December 12, 2022. This report is included as Appendix I of this document.

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.[56] 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.

[56] 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}.

3.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 3.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 3.13 1: Groundborne Vibration Impact Criteria for Different Frequencies of Events

Land Use Category	Frequent Event (VdB inch/sec)	Occasional Events (VdB inch/sec)	Infrequent Events (VdB inch/sec)
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.

State and Local

California Building Standards Code

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

City of Santa Clara General Plan

The City's General Plan contains noise goals and policies in Chapter 5, Section 5.10.6 and Appendix 8.14. These goals and policies identify Normally Acceptable noise exposures for various land uses, including limits of 60 dB CNEL for residential exteriors and 45 dB CNEL for residential interiors. The standards also specify an interior limit of 50 dB CNEL for offices, retail and other less sensitive indoor spaces.

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

Policy	Description
5.10.6-P1	Review all land use and development proposals for consistency with the General Plan Compatibility standards and acceptable noise exposure levels.
5.10.6-P2	Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan "normally acceptable" levels.
5.10.6-P3	New development should include noise control techniques to reduce noise to acceptable levels, including site layout (setbacks, separation and shielding), building treatments (mechanical ventilation system, sound-rated windows, solid core doors and baffling) and structural measures (earthen berms and sound walls).
5.10.6-P4	Encourage the control of noise at the source through site design, building design, landscaping, hours of operation and other techniques.
5.10.6-P5	Require noise-generating uses near residential neighborhoods to include solid walls and heavy landscaping along common property lines, and to place compressors and mechanical equipment in sound-proof enclosures.

Santa Clara City Code

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

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

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

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

3.13.1.3 *Existing Conditions*

The existing noise environment of the project site was determined based on two long term noise measurements and two short term noise measurements taken November 2 through November 4, 2022. The noise in the area of the project site is primarily associated with car traffic and overhead airplane noise. The locations of the noise monitoring areas are diagramed in Figure 3.13-1 below.

The noise environment at one long term noise measurement located 250 feet from Pruneridge Avenue, shielded by the church, was determined to range between 40 and 56 dBA. The CNEL was determined to be 55 dBA. At the other long term noise measurement location, approximately 60 feet north of Pruneridge Avenue, noise ranged from 49 to 67 dBA with a CNEL of 67 dBA.

The short-term measurements were taken at the east and west sides of the site 155 feet from Pruneridge Avenue. Noise at the east location ranged from 49 to 63 dBA with an average of 54 dBA. The western monitoring location had a range of noise from 54 to 67 dBA with an average of 56 dBA. These measurements are summarized in Table 3.13-2 below.

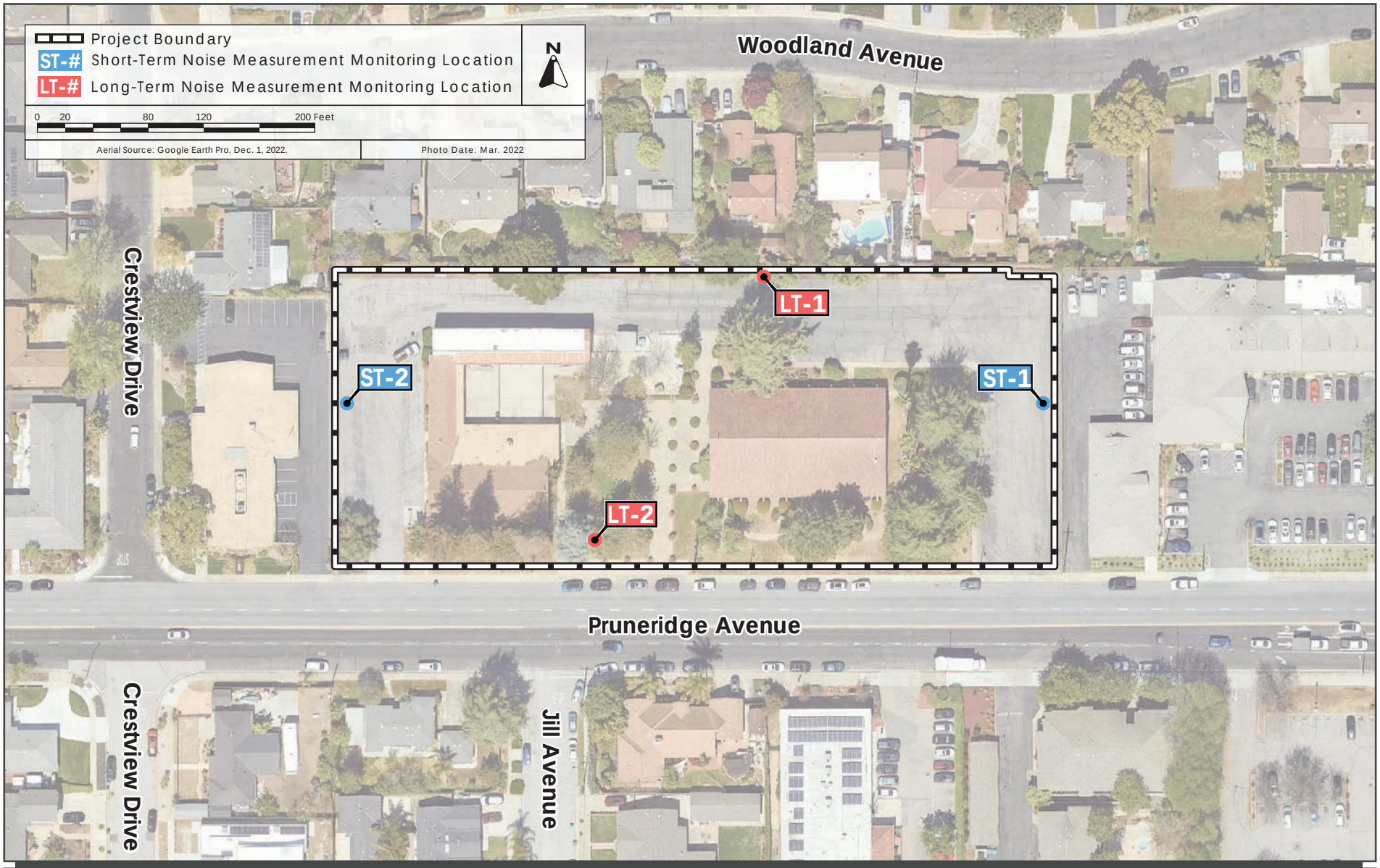
Table 3.13-2: Noise Measurements at Monitoring Locations

Location	Lower Range	Upper Range	Average
Long Term Measurement - North	40 dBA	56 dBA	55 dBA
Long Term Measurement - South	49 dBA	67 dBA	67 dBA
Short Term Measurement - East	49 dBA	63 dBA	54 dBA
Short Term Measurement - West	54 dBA	67 dBA	56 dBA

3.13.2 Impact Discussion

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

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



NOISE MEASUREMENT MONITORING LOCATIONS | FIGURE 3.13-1

3.13.2.1 *Project Impacts*

a) Would the project 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?

Construction Noise

The project proposes the demolition of all structures on-site to construct 22, two-story residential buildings. The construction of the project would take approximately seven months and varying amount of construction equipment and activities would be required for demolition, site preparation, grading, trenching, building construction, and paving. Noise impacts would also change based on the location of construction activities and the distance between those activities and surrounding uses.

The Santa Clara City Code limits construction activities within 300 feet of residential uses to between 7:00 am and 6:00 pm on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays, with full restriction of construction on Sundays and holidays. The City does not, however, have adopted construction noise impact thresholds. For the purposes of this analysis, the FTA thresholds were used to quantify possible noise impacts. Based on these standards, during daytime hours, an exterior threshold of 80 dBA Leq would apply at residential land uses and 90 dBA Leq would apply at commercial and industrial land uses. Based on the equipment expected for construction of the proposed project, the noise levels in Table 3.13-3 are expected for each phase of construction.

Table 3.13-3: Hourly Average Construction Noise Levels

Phase	North Residential (110 feet)	South Residential/ School (185 feet)	East Commercial (260 feet)	West Residential/ Commercial (260 feet)
Demolition	71	72	69	69
Site Preparation	66	70	68	68
Grading	71	72	69	69
Trenching	66	67	64	64
Building Exterior	62	63	60	60
Building Interior/ Architectural Coating	55	56	53	53
Paving	64	65	62	62

Source: Illingworth and Rodkin. 1957 Pruneridge Avenue Noise and Vibration Assessment. December 12, 2022.

Based on the noise levels in the table above, the average noise produced by construction would not exceed the FTA thresholds for the residential or commercial uses surrounding the project site.

Additionally, the proposed project would include the following Conditions of Approval to further reduce construction noise.

Conditions of Approval

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

- Ensure that excavating, grading and filling activities, and other construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property, including hotel properties, are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause

of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site fronting the public right-of-way and include in it the notice sent to neighbors regarding the construction schedule.

Through incorporation of the Conditions of Approval above and due to the fact that the noise levels would be below FTA thresholds, the impacts associated with construction noise would be less than significant. **(Less than Significant Impact)**

Operational Noise

An operational noise impact would occur if the project results in an increase of three dBA for ambient noise levels exceeding 60 dBA or an increase of five dBA for ambient noise levels lower than 60 dBA. Additionally, City Municipal Code Section 9.10.040 establishes noise level performance standards for fixed sources of noise to 55 dBA during daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA at night (10:00 p.m. to 7:00 a.m.) for residential uses.

Traffic Noise

The traffic study prepared for the proposed project determined that there would be a net increase in traffic volumes of approximately 207 trips per day. This increase in daily trips would not measurably increase traffic noise levels along the surrounding roadways. Additionally, noise from vehicles utilizing the driveway entrance would be similar to existing noise levels produced by the church parking lot. The overall change in the noise environment due to vehicles associated with the project would be less than one dBA on average. Therefore, the proposed project would not create a significant increase in operational noise and would result in a less than significant operational noise impact. **(Less than Significant Impact)**

Mechanical Equipment Noise

For the purposes of this analysis, one HVAC unit is assumed to be provided per unit, located at the ground level and shielded by property line noise barriers, which would contain the noise on the property where it is generated.

Noise levels produced by a typical residential air conditioning is approximately 66 dBA at a three-foot distance during operation. Based on the assumptions above, air conditioning condensers would need to be located 10 feet or more from the residential property line to the north to meet the 50 dBA nighttime limit established in the City Code, accounting for the existing six-foot tall perimeter fence. Mechanical equipment noise levels would result in 50 dBA or less of noise at off-site residential land uses shielded by property line noise barriers, meeting the 50 dBA limit established in the City Code.

Therefore, the proposed project would result in a less than significant operational noise impact. **(Less than Significant Impact)**

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction of the proposed project would result in the use of heavy equipment on-site which would cause vibration at nearby residential and commercial uses. Based on California Department of Transportation standards, 0.3 inches per second of peak particle velocity (PPV) is the threshold for significant vibration levels. Vibration is modified by the soils on-site and is reduced the further the recipient is from the source of vibration. Based on the construction equipment and distance from sensitive uses, the proposed project would generate vibration levels seen in Table 3.13-4 below. This does not include any reductions which may occur as a result of soil media.

Table 3.13-4: Construction Vibration Levels

Equipment	Vibration at 25 feet (baseline)	North Residential (20 feet)	East Commercial (30 feet)	West Commercial/ Residential (35 feet)	South Residential/ School (100 feet)
Clam Shovel Drop	0.202	0.258	0.165	0.140	0.044
Hydromill In soil	0.008	0.010	0.007	0.006	0.002
Hydromill In rock	0.017	0.022	0.014	0.012	0.004
Vibratory Roller	0.210	0.268	0.172	0.145	0.046
Hoe Ram	0.089	0.114	0.073	0.061	0.019
Large Bulldozer	0.089	0.114	0.073	0.061	0.019
Caisson drilling	0.089	0.114	0.073	0.061	0.019
Loaded trucks	0.076	0.097	0.062	0.052	0.017
Jackhammer	0.035	0.045	0.029	0.024	0.008
Small bulldozer	0.003	0.004	0.002	0.002	0.001
Illingworth and Rodkin. 1957 Pruneridge Avenue Noise and Vibration Assessment. December 12, 2022.					

The estimated maximum vibration level expected for structures near the proposed project is 0.268 inches per second at 20 feet which would not exceed the threshold of 0.3 inches per second. Therefore, vibration would not result in structural damage to nearby uses and the proposed project would have a less than significant vibratory impact. **(Less than Significant Impact)**

c) 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?

The project site is located more than two miles from the Norman Y. Mineta International Airport and lies outside of the Airport Master Plan 60 dBA noise contour. Therefore, the aircraft noise would be below the residential compatibility level of 65 dBA for exterior uses and the proposed project would result in a less than significant impact. **(Less than Significant Impact)**

3.13.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant noise impact?

The geographic area for cumulative noise impacts would include the project site and adjacent parcels. As stated above, the proposed project would not result in significant impacts from construction or operational noise on adjacent parcels. Further, there are no projects within 250 feet which would be constructed during the same time frame as the proposed project or that would result in significant operational noise impacts. Therefore, the proposed project would have a cumulatively considerable contribution to a significant construction or operational noise impact. **(Less than Significant Cumulative Impact)**

3.13.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Santa Clara has General Plan Policies 5.10.6-P2, 5.10.6-P3, 5.10.6-P4, and 5.10.6-P5 which address existing noise conditions affecting a proposed project.

Future Exterior Noise Environment

The noise levels of Pruneridge Avenue are estimated to reach 69 dBA by 2035. The design of the proposed project does not include common open space and private outdoor areas which face toward the public street are not subject to the City of Santa Clara outdoor noise standards since they are small, private, outdoor spaces. Furthermore, the patio areas included in each residential unit would be shielded from roadway noise and would not experience noise exceeding the 55 dBA thresholds. The paseo area would experience sound levels in excess of the General Plan performance standards, however, this area is not defined as an outdoor activity area and would not be occupied for recreation or long-term action. Therefore, this area would not require noise protection.

Future Interior Noise Environment

Standard building construction provides approximately 15 dBA noise attenuation of ambient noise levels. Based on this reduction, the proposed project would experience maximum interior noise levels of approximately 54 dBA which would exceed the 45 dBA requirement in the General Plan. To reduce interior noise levels, the proposed project would implement the following Conditions of Approval.

Conditions of Approval

The following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA CNEL or less at residential interiors:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards. Preliminary calculations indicate that worst-case units along Pruneridge Avenue would require windows and doors having a minimum rating of 26 STC in order to achieve the interior noise threshold of 45 dBA CNEL.
- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the Santa Clara General Plan. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA CNEL or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City's Building Department, along with the building plans and approved design, prior to issuance of a building permit.

Therefore, through compliance with the above conditions of approval the proposed project would meet General Plan requirements of noise levels below 45 dBA and would be consistent with the City policies.

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 housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[57] The City of Santa Clara Housing Element and related land use policies was adopted on June 27, 2023.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[58]

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 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.

[57] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed December 9, 2022. http://hcd.ca.gov/community-development/housing-element/index.shtml.

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

Santa Clara General Plan

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

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

3.14.1.2 *Existing Conditions*

According to the California Department of Finance, the City had a population of approximately 132,476 residents in 53,370 households as of January 2023.[59] In 2035, it is estimated that the City will have approximately 154,825 residents, 54,830 households, 154,300 jobs and 72,080 employed residents.[60]

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

The General Plan focuses on increased housing and the placement of housing near employment. As a result, the jobs to housing ratio is projected to slightly decrease to 2.48 by 2040[61] Some employees who work within the City are, and still would be, required to seek housing outside the community with full implementation of the General Plan.

The project site currently contains a church building and parish hall/ two-story classroom building. These structures do not currently contribute to the permanent resident population of the City of Santa Clara.

3.14.2 Impact Discussion

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

[59] California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2020. Accessed: May 2023. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[60] City of Santa Clara. 2010-2035 General Plan. December 2014.
[61] City of Santa Clara 2010-2035 General Plan Final Environmental Impact Report. 2011.

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*

a) Would the project 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)?

The project site is designated under the General Plan as Very Low Density Residential. This allows for the development density of up to 10 du/ac on-site which would equate to a maximum development density of approximately 24.7 units for the site. The project proposes 22 dwelling units which is consistent with the General Plan designation assigned to the site. This development would add approximately 58 people to the project site and City population.[62] Therefore, this proposed project would not result in substantial unplanned population growth and would have a less than significant impact. **(Less than Significant Impact)**

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project would require the removal or demolition of the existing church complex on-site to construct the proposed development. As described above, the project would result in a net increase of 22 residential units within the project site. For these reasons, the proposed project would not have a significant impact due to the displacement of people or the construction of replacement housing. **(No Impact)**

3.14.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant population and housing impact?

The geographic area for population and housing impacts is citywide.

[62] 22 residential units x 2.63 residents per unit = 57.86 residents
Source: California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, available at http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. Accessed November 18, 2022.

The regulatory document for these impacts is the General Plan which identifies planned land uses and population growth within the City of Santa Clara. The proposed project would be consistent with the Santa Clara General Plan and would not result in unplanned growth in the City of Santa Clara. Therefore, the proposed project would not result in a cumulative population or housing impact because it would be consistent with the General Plan designation for the site. **(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 (AB1600), adding Section 66000 et seq. to the California Government Code (the "Mitigation Fee Act"), which sets forth requirements for local agencies to follow if they collect fees from developers to defray the cost of the construction of public facilities related to development projects. These legal requirements are frequently referred to as "AB 1600 requirements." Each local agency imposing such development impact fees must prepare an annual report providing specific information about these fees (i.e., a "nexus study") that shows the proper connection of the fees to the project and how accounting and reporting for the fees collected are regulated.

School Impact Fees

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

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

Regional and Local

City of Santa Clara 2010 – 2035 General Plan

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

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

Countywide Trails Master Plan

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

Parkland Dedication Ordinance

On July 15, 2014, the Santa Clara City Council adopted Ordinance Number 1928 adding Chapter 17.35 Park and Recreational Land to Title 17 Development of the Santa Clara City Code. The

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

City of Santa Clara City Code Chapter 17.35

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

3.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services are provided by the City of Santa Clara Fire Department (SCFD). The SCFD is comprised of 120 sworn firefighters and nine fire stations. The nearest station to the project is Station No. 4, located at 2323 Pruneridge Avenue, approximately 0.5 miles west of the site.

Police Protection Services

Police protection services are provided by the Santa Clara Police Department (SCPD). The SCPD is divided into four divisions: Services, Field Operations, Investigations, and Special Operations, and has approximately 159 sworn officers and 80 civilians.[63] There are currently two police stations, the headquarters located at 601 El Camino Real and a substation located at 3992 Rivermark Parkway. The distance between the project site and the police headquarters is approximately 1.8 miles. The distance between the project site and substation is approximately 4.5 miles.

Schools

Schools that serve grades K-12 in the City of Santa Clara are operated by six school districts: the Santa Clara Unified School District (SCUSD), San José Unified School District, Cupertino Union School District, Fremont Union High School District, Campbell Union School District, and Campbell Union High School District. The project site is located within the service area of the SCUSD. Students in the project area attend Westwood Elementary School, located at 435 Saratoga Avenue, approximately 0.45 miles northwest of the project site; Buchser Middle School located at 1111 Bellomy Street,

[63] City of Santa Clara, Police Department. Fact Sheet. Accessed November 18, 2022. https://www.santaclaraca.gov/ourcity/departments-g-z/police-department/about-us/fact-sheet.

approximately 1.1 miles northeast of the project site; and Santa Clara High School, located at 3000 Benton Street, approximately two miles northwest of the project site.

Parks

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of July 2023, the Department maintains and operates Central Park, a 45.04-acre community park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 31 neighborhood parks (125.57 acres improved and 5.22 acres unimproved resulting in 130.79 acres), 13 mini parks (2.59 acres improved and 3.18 acres unimproved resulting in 5.78 acres), public open space (16.32 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.89 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 (48.58 acres) throughout the City totaling approximately 269.41 improved acres and 83.62 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

Santa Clara City Code Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in-lieu of parkland dedication, at the City's discretion, and pursuant to the State of California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA) to help mitigate the impacts of the new resident demand on existing parkland and recreational facilities.

The City is meeting the standard of three acres per 1,000 residents per the Quimby provisions of the City Code and 2.60 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks.

The nearest park to the project site is Everett Alvarez Jr. Park, approximately 0.5 miles northwest of the project site and it is within a half-mile and a ten-minute walk of the project. The park includes a large children's play area, picnic facilities, basketball court, open grass area, and restrooms.

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 1.3 miles northwest of the project site. The nearest library is Mission Library Family Reading Center, located at 1098 Lexington Street, approximately 1.25 miles northeast of the project site. The third is the Northside Branch located at 695 Moreland Way 4.5 miles northeast of the project site.

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*

a) 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 fire protection services?

The certified General Plan EIR concluded that the existing fire station facilities have capacity for additional fire personnel without the need to expand or construct new facilities.[64] As described above in Population and Housing, the proposed project, which is consistent with the growth assumed in the General Plan, would result in a net increase of approximately of 58 residents. The project site is currently within the service area of SCFD and could be served by existing facilities without requiring the construction of new or altered facilities because any additional staffing , if necessary to maintain performance objectives, could be accommodated within the existing fire facilities.[65] In addition, the proposed project would be constructed in accordance with current fire codes, including those specifying emergency vehicle access and reduction of fire hazards and would pay fees for the expansion of fire services. Therefore, the proposed project would result in a less than significant impact on fire protection services. **(Less than Significant Impact)**

[64] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011. Pages 206 to 207.
[65] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011. Pages 209.

b) 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 police protection services?

As described in Impact PS-1, the project would result in a small increase in the resident population of the City and a resultant increase in the demand for public services, including police protection. The General Plan FEIR concluded that, if additional police officers are needed to serve the anticipated growth, they could be housed in the existing facilities. There would be no need for the construction of new or expanded facilities.[66] The project, which is consistent with the planned growth of the City, would be adequately served by existing police protection facilities. Therefore, the proposed project would result in a less than significant impact on police protection services. **(Less than Significant Impact)**

c) 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 schools?

The project site is located within the service area of the SCUSD. The General Plan FEIR concluded that the planned increase in City residents will eventually require the construction of additional school facilities.[67] However, the SCUSD currently has four closed school sites that could be employed to serve students generated by new residential development.[68]

A net increase of 22 residential units at the project site would result in approximately three students who would attend local schools.[69] The addition of three students would be incremental and would not result in a substantial adverse impact to school facilities, nor would it require the construction of new facilities. In addition, as required by state law (Government Code Section 65996), the project shall pay the appropriate school impact fees to SCUSD to offset the increased demands on school facilities caused by the project. Therefore, the proposed project would result in a less than significant impact on schools. **(Less than Significant Impact)**

[66] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011. Page 207.
[67] City of Santa Clara. 2010-2035 General Plan. December 2014.
[68] City of Santa Clara. 2010-2035 General Plan Integrated FEIR. January 2011. Page 208
[69] 0.11 students per household for single-family detached homes and townhomes
0.11 x 22 townhome units = 2.42 students
Santa Clara Unified School District. Projected Enrollments from 2015 to 2025. February 13, 2016. Page 17.

d) 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 parks?

As described above, the project would result in a small population increase and a resultant increase in demand for public services. It is assumed that some future residents of the project site would make use of local park facilities because the proposed project does not include substantial residential recreational areas. The increase in population associated with the proposed project would contribute to increased use of existing parks near the project site, but an additional 58 residents would not substantially impair park facilities or impact the City's performance objectives. The proposed project would be required to pay an in-lieu fee for parkland dedication to help reduce the impacts of the new resident demand on existing parkland and recreational facilities. Therefore, the proposed project would result in a less than significant impact. **(Less than Significant Impact)**

e) 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 other public facilities?

The addition of approximately 58 residents on-site would result in an incremental increase in demand for public library facilities. The increase would not, however, result in substantial adverse impacts to existing library or other facilities, and would not require the construction of new facilities because the General Plan determined that existing library facilities have capacity for this increased use within the planned General Plan growth predictions. Therefore, the proposed project would result in a less than significant impact on these resources. **(Less than Significant Impact)**

3.15.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant public services impact?

The geographic area for public services impacts is the City of Santa Clara.

The Santa Clara General Plan EIR found that the existing public services in the City would meet service criteria for development within the planned General Plan growth estimates. This growth is determined by the General Plan designated land uses and density definitions. The proposed project is consistent with the General Plan land use designation for the project site and would not, therefore, conflict with the cumulative demand for public services Citywide. Therefore, the

proposed project would have a less than significant cumulative contribution to cumulatively significant public services impacts. **(Less than Significant Cumulative Impact)**

3.16 Recreation

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (Government Code Section 66477) authorizes local governments to require residential developers to set aside parkland and/or payment of fees in-lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in-lieu of parkland dedication, or perform a combination of the two, at the City's discretion.

Mitigation Fee Act.

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

Local

City of Santa Clara 2010 – 2035 General Plan

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

Policies	Description
5.1.1-P20	Prior to 2023, identify the location for new parkland and/or recreational facilities to serve employment centers and pursue funding to develop these facilities by 2035.
5.9.1-P2	Develop new parks to serve the needs of the surrounding community based on the criteria for mini (less than one acre, appropriate for all areas), neighborhood (1-15 acres, appropriate for medium- and high-density residential areas serving individual neighborhoods), and community (over 15 acres, appropriate for medium- and high-density residential areas serving the City as a whole) parks.
5.9.1-P5	Encourage public visibility for all parks, trails and open spaces.

Policies	Description
5.9.1-P14	Encourage publicly accessible open space in new development.
5.9.1-P15	Provide opportunities for private maintenance of publicly accessible open space and trails.
5.9.1-P17	Foster site design for new development so that building height and massing do not overshadow new parks and plazas.
5.9.1-P18	Promote open space and recreational facilities in large-scale developments in order to meet a portion of the demand for parks generated by new development.
5.9.1-P20	Promote the continuation of parks per population ratio of 2.4 per 1,000 residents and explore the potential to increase the ratio to 3.0, based on the Parks and Recreation Needs Assessment (Parks Master Plan), referenced in Plan Prerequisite 5.1.1-P24.

City of Santa Clara City Code Chapter 17.35

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

3.16.1.2 *Existing Conditions*

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of July 2023, the Department maintains and operates Central Park, a 45.04-acre community park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 31 neighborhood parks (125.57 acres improved and 5.22 acres unimproved resulting in 130.79 acres), 13 mini parks (2.68 acres improved and 3.18 acres unimproved resulting in 5.87 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.40 acres), recreational facilities (23.89 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 (48.58 acres) throughout the City totaling approximately 269.41 improved acres and 83.62 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

Santa Clara City Code Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in-lieu of parkland dedication, at the City's discretion, and pursuant to the State of California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA) to help mitigate the impacts of the new resident demand on existing parkland and recreational facilities.

The City is meeting the standard of three acres per 1,000 residents per the Quimby provisions of the City Code and 2.60 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks.

The nearest park to the project site is Everett Alvarez Jr. Park, approximately 0.5 miles northwest of the project site at 2280 Rosita Avenue, and is within a half mile and ten minute walk of the project. The park includes a large children's play area, picnic facilities, basketball court, open grass area, and restrooms.

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*

a) 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?

.The City's Parks and Recreation Department is meeting the Parkland Dedication Standard of 2.6 acres of park and recreational facilities per 1,000 residents (per the Mitigation Fee Act provisions of the City Code) and 3.0 acres per 1,000 residents (per the Quimby Act provisions of the City Code) with regard to neighborhood parks.[70] [71] This ratio has been developed by the City in order to deliver parkland as the City's population grows, so that overcrowding and excessive use of the City's park facilities does not occur.

The proposed project would result in a population increase and a resultant increase in demand for public services. It is assumed that some future residents of the project site would make use of existing local park facilities. The addition of 58 residents would result in an increase in usage but would not result in the accelerated deterioration of existing park facilities or other recreational facilities.

Based on the number of units being proposed, a fee paid in-lieu of parkland dedication would be required to reduce the impacts of the new residential demand on the City's existing parks and recreational facilities and to provide for the necessary parkland to serve the increased population. As a result, the impact of the proposed project is less than significant. **(Less than Significant Impact)**

[70] City of Santa Clara. About Parks and Recreation. Accessed November 18, 2022. https://www.santaclaraca.gov/ourcity/departments-g-z/parks-recreation/about-parks-recreation.
[71] City of Santa Clara. 2010-2035 General Plan Integrated FEIR. January 2011. Page 241

b) 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?

The proposed project would increase the population on the project site. The additional residents would increase the use of recreational facilities near the project site, however the increase in use would not be substantial enough to require the creation of new parks and recreation facilities. Furthermore, the project would be required to pay in-lieu fees to support existing recreational facilities. Therefore, the proposed project would not have an adverse physical effect on the environment resulting from the construction or expansion of recreation facilities. **(Less than Significant Impact)**

3.16.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant recreation impact?

The geographic area for recreation impacts is the City of Santa Clara.

The Santa Clara General Plan EIR found that the existing recreational facilities in the City would meet the performance objectives for development within the planned General Plan growth estimates. This growth is determined by the General Plan designated land uses and density definitions. The proposed project is consistent with the General Plan land use designation for the project site and would not, therefore, conflict with the cumulative demand for recreational facilities Citywide. Therefore, the proposed project would have a less than significant cumulative contribution to cumulatively significant recreation impacts.
(Less than Significant Cumulative Impact)

3.17 Transportation

The following is based, in part, on a Transportation Analysis (TA) prepared by Hexagon Transportation Consultants, Inc. dated October 13, 2022. This report is attached as Appendix J to this EIR.

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

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

Regional and Local

Congestion Management Program

The Santa Clara Valley Transportation Agency (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 (TDM) plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Climate Action Plan TDM

The City will require all new developments greater than 25 housing units or more than 10,000 nonresidential square feet to draft and implement a VMT reduction strategy that reduces drive-alone trips. The degree to which each project implements a TDM program as part of the VMT reduction strategy will be based on the location and land use of the proposed project. The VMT reductions may be achieved through project design characteristics, land use, parking, access, or TDM best practices.

City of Santa Clara VMT Policy

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

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

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

City of Santa Clara Bicycle Plan

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

City of Santa Clara Pedestrian Master Plan

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

3.17.1.2 *Existing Conditions*

The proposed project site is located approximately 350 feet west of the Pruneridge Avenue and Winchester Boulevard intersection. East of the intersection, Pruneridge Avenue becomes West Hedding Street. Regional access to the project site is provided by San Tomas Expressway, I-880, and I-280 which are west, east, and south of the project site respectively. These regional roadways connect to Pruneridge Avenue, Winchester Boulevard, and West Hedding Street which provide access to local streets around the project site. The existing site is accessible via two driveways located on Pruneridge Avenue.

Bicycle Facilities

There are north-south oriented bicycle lanes west of the project site on Los Padres Boulevard and east-west oriented bicycle lanes east of Winchester Boulevard on West Hedding Street. According to the 2018 City of Santa Clara Final Bicycle Plan Update, Class II buffered bicycle lanes are planned on Pruneridge Avenue that would connect the project site to other existing bicycle facilities on Los Padres Boulevard and West Hedding Street.[72]

Pedestrian Facilities

Pedestrian facilities near the project site consist of sidewalks and crosswalks. A continuous network of sidewalks is present along all surrounding streets. Crosswalks with pedestrian signals are located at all signalized intersections in the project vicinity. Crosswalks and curb ramps are present at each corner of the Winchester Avenue and Pruneridge Avenue intersection; however, the curb ramp located on the southwest corner of the intersection does not include truncated dome tiles that are used to assist visually impaired pedestrians.

Transit Services

VTA Frequent Route 60, which has a headway of 15 minutes during the morning and evening peak hours, runs along Winchester Boulevard. The nearest bus stop to the project site served by this route is approximately 500 feet northeast, at the intersection of Woodland Avenue and Winchester Boulevard.

[72] City of Santa Clara. *Bicycle Plan Update 2018 - High-Priority Recommendations & Existing Bikeways*. Page 64.

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*

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Roadway System

The project-specific TA calculated the amount of traffic that would be anticipated to be added to the roadway system in the vicinity of the project site resulting from project operations. According to the TA, the project would generate 207 daily trips, including 15 trips during the morning peak hour and 21 trips during the afternoon peak hour. As a result, the number of vehicles entering/exiting the site at any time would be minimal and would not disrupt traffic flow. In addition, the proposed project would not alter the roadway circulation network in the surrounding area. Therefore, the project would not conflict with any program, plan, ordinance, or policy addressing the roadway system, and would have a less than significant impact. **(Less than Significant Impact)**

Bicycle Facilities

As discussed in Section 3.17.1.2**Error! Reference source not found.**, the nearest bicycle facilities are located along West Hedding Street and Los Padres Boulevard. The proposed project would not remove these existing bicycle facilities or interfere with the future installation of the Class II buffered bicycle lane improvements along Pruneridge Avenue identified in the 2018 City of Santa Clara Final Bicycle Plan Update. Therefore, the project would not interfere with existing plans, policies, or ordinances corresponding to bicycle facilities. **(Less than Significant Impact)**

Pedestrian Facilities

The project would replace the existing monolithic sidewalk with a separated sidewalk and landscape buffer that would include tree planting along the frontage of Pruneridge Avenue. Pedestrian access to the residential units located along the southern portion of the project site would be provided by the new sidewalk along Pruneridge Avenue. A walkway along the northern

parcel boundary would provide pedestrian access to the residential units located on the northern portion of the project site. A north-south oriented paseo would be constructed in the center of the project site to connect the sidewalk along Pruneridge Avenue to the pedestrian walkway along the northern parcel boundary. The paseo would run parallel to a landscaped stormwater detention basin on the southern portion of the project site. The proposed project would not construct any new public pedestrian facilities or alter any existing facilities; therefore, the project would not conflict with a program, plan, ordinance, or policy controlling pedestrian facilities. **(Less than Significant Impact)**

Transit Facilities

Based on the proximity of VTA Frequent Route 60 to the project site, it is assumed that some residents would utilize existing transit services. As discussed in Section 3.14, the project would increase the population on-site by approximately 58 people. Although this could result in a slight increase in demand for transit services, this increase is not substantial and would be accommodated by existing transit facilities. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the transit circulation system. **(Less than Significant Impact)**

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b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

The VMT policy adopted by the City of Santa Clara has established screening criteria that are used to determine whether a development project would be required to conduct a VMT analysis. Although the proposed project is within one-half mile of a major transit stop, the proposed density of 8.9 du/ac would not meet the minimum density requirement (35 du/ac) to be considered a transit supportive project. Therefore, a VMT analysis was conducted for the proposed project.

A project's VMT impact is determined by comparing the project VMT to the appropriate threshold of significance based on the type of development. In Santa Clara County, the VMT thresholds of significance are established based on the existing countywide average VMT levels. For residential uses, the threshold of significance is 15 percent below the countywide average VMT per capita of 13.33, which results in a threshold of significance of 11.33 VMT per capita. The project would result in a significant VMT impact if it exceeds that threshold of 11.33 VMT per capita.

Based on the estimate generated by the countywide VMT Evaluation Tool, the residential uses surrounding the project site would have a VMT of 8.85 per capita and the proposed project would have a VMT of 8.82 per capita.[73] Because the development of residential units on-site would increase residential density and diversity in the vicinity, the project would result in a lower VMT per capita compared to the surrounding residential uses. The project-level VMT of 8.82 per capita is lower than the 11.33 VMT per capita threshold. Therefore, the project would result in a less than

[73] Hexagon Transportation Consultants. *Transportation Analysis for the Proposed Residential Project at 1957 Pruneridge Avenue*. October 13, 2022.

significant impact on the transportation system based on the City's VMT impact criteria. **(Less than Significant Impact)**

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Access to the project site is currently provided via two driveways located on Pruneridge Avenue that connect to an internal driveway along the perimeter of the project site. The proposed project would remove the existing driveway entrances and construct one new 26-foot wide, two-way driveways that would connect to the driveway between the proposed residential units. Per the design standards in Chapter 18.74 of the City Code, two-way driveways providing access to 25 or more residential parking spaces or garages must have a minimum width of 26 feet to ensure adequate site access. Therefore, the dimensions of both driveways would meet the minimum width requirement established in the City Code and would not result in a hazardous design feature.

The proposed project driveway would have reduced visibility if cars parked directly adjacent to the entrance of the site. In order to ensure adequate sight distance for vehicles entering and exiting the residential driveways, a 25-foot red curb would be painted on both sides of the driveway along Pruneridge Avenue to prohibit on-street parking.

Condition of Approval

A 25-foot long red painted curb will be painted on both sides of the site access driveway along Pruneridge Avenue to prohibit street parking and allow for adequate site distance for cars exiting the site.

Based on the relatively low number of project-generated trips estimated on-site, significant operational issues related to vehicle queueing and vehicle delay would not occur at the driveway for vehicles entering or exiting the site. The project would not alter the geometric design of the roadways surrounding the project site and would not substantially change circulation of vehicles on the project site. In addition, the project would comply with design requirements as outlined in the City Code.

The project site is surrounded by a mix of commercial and residential land uses; therefore, the proposed project would not introduce new land uses in the area. The project does not propose a use that is incompatible with the existing mix of uses in the project area or propose a use that would bring unusual equipment on the roadways (e.g., farm equipment). For this reason, the project would not result in a significant impact due to incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

Emergency vehicle access to the project site would be provided via the one new, two-way driveway located on Pruneridge Avenue. The proposed development would be reviewed for consistency with applicable CBC and Fire Code requirements for access and safety in addition to the site design requirements outlined in Chapter 18.74 of the Santa Clara City Code. Based on this discussion, the proposed project would have a less than significant emergency access impact. **(Less than Significant Impact)**

3.17.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant transportation impact?

The geographic area for cumulative transportation impacts is Citywide.

The proposed project is located near multiple modes of transportation and would have an average VMT below the City's threshold. The proposed project, together with other projects in the region, would not substantially impact the transit services in the area around the site. Additionally, the proposed project would not result in significant changes to pedestrian or bicycle facilities and would not cumulatively impact these facilities throughout the City. Further, the proposed project would not impact emergency access to the project area and would not cumulatively reduce emergency response in the City of Santa Clara. Therefore, the proposed project would have a less than significant cumulative impact because the proposed project would not result in a cumulatively considerable contribution to transportation impacts in the project area. **(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, in accordance with the City of Santa Clara Transportation Policy (Resolution No. 20-8861), the following discussion is included for informational purposes because the City of Santa Clara requires parking to be provided in quantities sufficient for the development.

Parking

The proposed project would provide covered parking spaces in each residential unit's ground-floor garage. Three of the units would have a two-car garage and 19 units would have a three-car garage. Additional uncovered guest parking spaces would be provided in each of the unit's driveways. The number of parking spaces provided for each residential unit would comply with the off-street parking requirements outlined in the City's Zoning Code for residential developments.

3.18 Tribal Cultural Resources

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

A resource determined by the lead agency to be a TCR.

3.18.1.2 *Existing Conditions*

According to the City of Santa Clara General Plan, all parts of the City have the potential to contain subsurface archeological resources including tribal burial grounds.[74] The Tamien Nation has requested notification of projects in the City of Santa Clara under AB 52.

3.18.2 Impact Discussion

For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

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

3.18.2.1 *Project Impacts*

a) Would the project 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)?

The project site does not contain any known tribal cultural resources listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Additionally, a request for tribal consultation was conducted for the project in June, 2023. None of the tribes contacted requested further consultation or mitigation. The project would not cause substantial adverse change in the significance of tribal cultural resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Additionally, the proposed project would implement the measures identified in Section 3.5 Cultural Resources in the event that Native American resources are discovered. Therefore, the proposed project would result in a less than significant impact with mitigation incorporated. **(Less than Significant Impact)**

b) Would the project 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?

The City of Santa Clara has not identified tribal cultural resources on the project site; therefore, the proposed project would not cause substantial adverse change in the significance of a tribal cultural resource as determined by the City. As stated above, if the proposed project encountered tribal resources the measures identified in Section 3.5 would be implemented to reduce impacts to a less than significant impact. **(Less than Significant Impact)**

3.18.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant tribal cultural resources impact?

The cumulative impact area for tribal cultural resources is the project site and adjacent parcels. The proposed project would not result in significant impacts to tribal cultural resources and would not result in a cumulatively considerable contribution to a significant tribal cultural resources impact because there are no existing impacts in areas surrounding the project site. **(Less than Significant Cumulative Impact)**

3.19 Utilities and Service Systems

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 in June 2021.

Assembly Bill 939

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

Assembly Bill 341

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

Senate Bill 1383

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

California Green Building Standards Code

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

categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

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

Local

Santa Clara General Plan

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

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

3.19.1.2 *Existing Conditions*

Water Supply

The City of Santa Clara has four sources of water. These sources include two treated water sources from SCVWD and the PUC, groundwater pumped from the Santa Clara sub-basin through the City's owned and operated groundwater wells, and recycled water purchased from South Bay Water Recycling.[75] In 2020, the City had a demand of approximately 16.3 million gallons per day (mgd) for potable water and 3.1 mgd for recycled water.[76]

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

The water system consists of approximately 335 miles of water mains, 26 active water wells and seven storage tanks with 28.8 million gallons of water storage capacity.[77] Drinking water is provided in the form of groundwater sourced from an underground aquifer (accessed by the City's wells) and by imported water from two wholesale water importers: SCVWD (imported from the Sacramento - San Joaquin Delta) and the PUC (imported from the Sierra Nevada). About 38 percent of the City's water comes from imported water supplies. The remaining 62 percent is pumped from the City's 26 active water wells. The three sources are used interchangeably or blended. The citywide water demand is approximately 19.5 mgd as estimated in the 2020 Urban Water Management Plan.

The project site does not currently use water because the buildings are unoccupied.

Recycled water serves as a fourth source of water supply and comprises approximately 16 percent of the City's overall water supply. Recycled water is supplied by South Bay Recycled Water, which provides advanced recycled water from the San José-Santa Clara Regional Wastewater Facility (RWF).

Demand for recycled water is approximately 3.2 mgd. The nearest recycled water lines are located 820 feet north of the project site at the intersection of Crestview Drive and Dolores Avenue.

Wastewater Services

Sanitary Sewer lines that serve the site are maintained by the City of San José Sewer Utility. Wastewater from the City of Santa Clara is treated at the RWF, which is owned jointly by the Cities of San José and Santa Clara and is operated by the City of San José's Department of Environmental Services. The facility is one of the largest advanced wastewater treatment facilities in California and serves over 1,400,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga and Monte Sereno. The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day.[78]

Approximately 10 percent of the RWF's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay. The NPDES permit for the RWF includes wastewater discharge requirements. Wastewater is not currently produced by the project site because the church facility is not in operation.

Stormwater Drainage

The City of Santa Clara owns and maintains the municipal storm drainage system which serves the project site. Existing storm drain lines are located in Pruneridge Avenue. A storm drain inlet is located in the parking lot of the project site, which primarily collects storm water from the

[77] City of Santa Clara. 2020 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted June 22, 2021.
[78] City of San José. San José-Santa Clara Regional Wastewater Facility. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility. Accessed November 22, 2022.

impervious surfaces and deposits them in the stormwater system. Approximately 70 percent of the project site consists of impervious surfaces.

Solid Waste

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System and is disposed of at Newby Island Landfill through a contract with the City. The Newby Island Landfill has remaining capacity of approximately 12.4 million cubic yards, as of May 2023, with a reasonable compaction rate of 1,850 pounds per cubic yard.[79]

Recycling services are provided through Stevens Creek Disposal and Recycling. The site currently contains an unoccupied church and associated office/school building which do not generate solid waste.

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?

[79] North, Daniel. General Manager, Republic Services. Personal communications. May 2023.

3.19.2.1 *Project Impacts*

a) Would the project 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?

Water

It is estimated that each of the residential units on the project site would use approximately 151 gallons per day (gpd), which equates to 3,319 gpd for all 22 units.[80] The project would utilize the existing water lines in Pruneridge Avenue and would not require expansion or relocation of City water facilities or installation of new water lines because the proposed project would be consistent with the water demand of the City under the existing General Plan designation. In addition, the project is within the projected growth identified in the Urban Water Management Plan.[81] Therefore, the proposed project would have a less than significant impact from the need for new or expanded water infrastructure. **(Less than Significant Impact)**

Wastewater

The proposed project would produce an estimated 2,821 gallons of wastewater per day.[82] This is less than one tenth of one percent of the City's total allocation of treatment capacity.[83] The proposed project would not increase the need for wastewater treatment beyond the capacity of the RWF which has capacity for future population growth. Therefore, the project would have a less than significant impact on the need for new wastewater facilities.

The project would connect to existing sewer lines in Pruneridge Avenue, which have adequate capacity to serve the project, as confirmed by the City of San José Public works department. Therefore, the project would not require the construction or relocation of new or expanded wastewater lines. The project would have a less than significant impact. **(Less than Significant Impact)**

[80] Bay Area Water Supply and Conservation Agency. Per Capita Water Use. https://bawsca.org/water/use/percapita. Accessed November 18, 2022.
2.61 persons per residence x 57.8 gallons per capita per day = 151 gallons per day per residence x 22 residences = 3,319 gallons per day.
[81] City of Santa Clara. 2020 Urban Water Management Plan. June 22, 2021
[82] Wastewater generated by the proposed project is assumed to be 85 percent of the total water demand.
[83] Based on the City's allocation of treatment capacity of 25 mgd as identified by the Tributary Agencies Estimated Available Plant Capacity – 2020. December 18, 2020. https://www.sanjoseca.gov/Home/ShowDocument?id=68283.

Electric Power, Natural Gas, and Telecommunication Facilities

The project would utilize existing utility connections to connect to the City's electric, and telecommunications systems.[84] Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed development project. As a result, the proposed project would have a less than significant impact on these facilities. **(Less than Significant Impact)**

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

As proposed, the project would use approximately 3,319 gpd of water. This use was accounted for in the UWMP because the proposed project is consistent with the General Plan land use of the project site. The total water use would be less than one tenth of one percent of the existing Citywide water use and would not impact the ability of the City to provide water in future years, including normal, dry, and multiple dry years. Therefore, the proposed project would have a less than significant impact on the City's water supply. **(Less than Significant Impact)**

c) Would the project 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?

As stated above, the proposed project would produce an estimated 2,821 gallons of wastewater per day. This represents less than one tenth of one percent of the City's total allocation of treatment capacity of 25 million gallons. The project is consistent with the planned growth of the City and would not impact the ability for the RWF to serve the City of Santa Clara as it would fall within the City's allocated capacity for wastewater treatment. Therefore, the project would have a less than significant impact on the wastewater treatment provider's existing commitments. **(Less than Significant Impact)**

d) Would the project 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?

Construction Impacts

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

[84] No natural gas connections would be established for the project, pursuant to the City's Reach Code.

Operational Impacts

The project is estimated to generate approximately 356 pounds of solid waste per day.[85] Santa Clara County's Integrated Waste Management Plan (IWMP) requires each jurisdiction in the County to achieve a landfill diversion requirement of 50 percent per year. The Newby Island Landfill has remaining capacity of approximately 12.4 million cubic yards, as of May 2023, with a reasonable compaction rate of 1,850 pounds per cubic yard.[86] Closure of the Landfill is expected to occur in 2041.[87] In total the proposed project would result in the production of 0.19 cubic yards of waste per day based on the weight of solid waste and compaction rate above. If the Newby Island Landfill is not available to accept waste after 2041, the City will prepare a contract with another landfill with capacity, such as Guadalupe Mines in San José, which is not anticipated to close until 2048.

Construction and operation of the proposed project would not result in a significant increase in solid waste generated within the City of Santa Clara and would not require that new landfill facilities be contracted with or constructed to serve the proposed project. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

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

3.19.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant utilities and service systems impact?

The geographic area for utilities and service systems impacts is the City of Santa Clara.

The Santa Clara General Plan EIR found that the existing utilities and service systems in the City would be adequate to serve existing development and planned General Plan growth. This growth is

[85] Calrecycle. California's 2017 Per Capita Disposal Rate. Accessed November 30, 2020. https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/mostrecent/. 2.61 existing residents per unit x 22 units x 6.2 lbs. per resident per day = 995 lbs. per day

[86] North, Daniel. General Manager, Republic Services. Personal communications. May 2023.

[87] North, Daniel. General Manager, Republic Services. Personal communications. May 2023.

determined by the General Plan designated land uses and density definitions. The proposed project is consistent with the General Plan land use designation for the project site and would not, therefore, conflict with the cumulative demand for utilities and service systems Citywide. Therefore, the proposed project would have a less than significant cumulative contribution to cumulatively significant utilities and service systems impacts. **(Less than Significant Cumulative Impact)**

3.20 Wildfire

3.20.1 Environmental Setting

3.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

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

California Fire Code Chapter 47

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

California Public Resources Code Section 4442 through 4431

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

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

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

Fire Management Plans

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

3.20.1.2 *Existing Conditions*

The project site is located in an urbanized area of the City of Santa Clara. This area is not located within a Fire Hazard Severity Zone as designated by Cal Fire's Fire and Resource Assessment Program.[88]

3.20.2 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

1) Substantially impair an adopted emergency response plan or emergency evacuation plan?
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?

[88] California Department of Forestry and Fire Protection. Fire and Resource Assessment Program. Very High Fire Hazard Severity Zones in LRA: As Recommended by Calfire. https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf. October 8, 2008.

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?

3.20.2.1 *Project Impacts*

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

3.20.2.2 *Cumulative Impacts*

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

Section 4.0 Growth-Inducing Impacts

Would the project foster or stimulate significant economic or population growth in the surrounding environment?

The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could "foster 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 Draft EIR is intended to evaluate the impacts of such growth in the surrounding environment. Examples of projects likely to have significant growth-inducing impacts include removing obstacles to population growth by extending or expanding infrastructure beyond what is needed to serve the project. Other examples of growth inducement include increases in population that may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.

The project proposes to demolish the existing church and administrative building on-site and develop 22 residential units. As discussed in Section 3.19 Utilities and Service Systems of this document, expansion of the existing utility infrastructure is not proposed or required because the existing utilities would have capacity for the growth which could occur under the proposed project. In addition, the site is an infill location within Santa Clara and would not require new public streets to be constructed to access the site (a new private street is proposed on-site to serve the development). For these reasons, the project would not foster or stimulate substantial economic growth or population growth, or the construction of additional housing in the surrounding environment. **(Less than Significant Impact)**

Section 5.0 Significant and Irreversible Environmental Changes

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the proposed project, should it be implemented." [§15126(c)] The project site is currently developed with a church, associated administrative/school building, and parking lot. The proposed project would construct a 22-unit residential development. Future development on-site would involve the use of non-renewable resources both during the construction phase and future operations/use of the site. Construction would include the use of building materials, including petroleum-based products and metals that cannot reasonably be re-created. Construction would also involve the significant consumption of energy, usually petroleum-based fuels that deplete supplies of non-renewable resources. Upon completion of new construction on-site, occupants may use non-renewable fuels to heat the buildings.

The City of Santa Clara encourages the use of building materials that include recycled materials and makes information available on those building materials to developers. The new buildings would be built to current codes, which require insulation and design to minimize wasteful energy consumption.

The proposed project would be constructed in compliance with CALGreen requirements and the City's policies and ordinances controlling wasteful energy use. In addition, the project would be constructed consistent with the RWQCB Municipal Regional Stormwater NPDES Permit to avoid impacts to waterways. The project site is centrally located which would provide future residents with access to existing transportation networks and other services. Therefore, the proposed project would facilitate a more efficient use of resources over the lifetime of the project compared to the existing structures on-site. The project would not result in significant and irreversible environmental changes to the project site.

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 proposed. The following significant unavoidable impacts has been identified as a result of the project:

Impact CUL-1.1: The proposed project would require the demolition of the church building on-site which would result in a substantial adverse change in a historical resource pursuant to CEQA Guidelines Section 15064.5.

Impact CUL-4.1 The proposed project would require the demolition of the church building on-site which would result in a substantial adverse cumulative change in a historical resource pursuant to CEQA Guidelines Section 15064.5.

Section 7.0 Alternatives

7.1 Overview

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.

7.2 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 objectives of the proposed project are to:

1. Provide a project that meets the strategies and goals of the City of Santa Clara General Plan. Specifically, providing a low-density development, such as single family detached residential housing units, on the approximately 2.5-acre underutilized infill site at a maximum density of 10 units per acre.

2. Provide three new single family detached affordable residential housing units in accordance with the City of Santa Clara's Affordable Housing Program.

3. Support the principles of "Smart Growth "by providing new housing at key transportation nodes.

4. Create a high quality, well-designed, low-density development that is compatible with the existing neighborhood and community of predominantly single-family houses and promotes the safety and well-being of its residents and the surrounding community.

5. Create a development resulting in a net reduction in impervious surface area and collect and treat all stormwater runoff on-site.

7.3 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:

- **Impact BIO-1.1:** Construction activities could disrupt nesting raptors, or other birds, resulting in abandonment of nests and loss of fertile eggs.
- **Impact BIO-5.1:** The proposed project would not comply with the City's tree protection policy.
- **Impact CUL-1.1:** The proposed project would require the demolition of the church building on-site which would result in a substantial adverse change in a historical resource pursuant to CEQA Guidelines Section 15064.5.
- **Impact CUL-2.1:** Construction of the proposed project could require excavation in an area which has moderate to high sensitivity for archeological resources and could disturb unrecorded archaeological resources.
- **Impact CUL-3.1:** The proposed project could result in the discovery disturbance of human remains during excavation of the project site.
- **Impact CUL-4.1**: The proposed project would require the demolition of the church building on-site which would result in a substantial adverse cumulative change in a historical resource pursuant to CEQA Guidelines Section 15064.5.
- **Impact GEO-1.1:** Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake or other geologic events.

7.4 Alternatives

The City considered the following alternatives to the proposed development project:

- Location Alternative
- No Project – No Development Alternative
- Preservation Alternative – Relocation of Historic Resource
- Reduced Development – Retain Historic Resources On-site

7.4.1 Feasibility of Alternatives

CEQA, the CEQA Guidelines, and 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) the suitability of an alternate site, 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)].

7.4.2 Alternatives Considered but Rejected

7.4.2.1 *Location Alternative*

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location". The project proposes to construct a 22, two-story single family houses on a 2.47-acre lot.

It is reasonable to assume that there are other sites available within City of Santa Clara that could be redeveloped to support the proposed residential development; however many of the sites with the General Plan designation for low density housing are sites which would be adjacent to existing residences. As such, air quality and noise construction-related impacts would be comparable to the proposed project. Furthermore, due to the known cultural sensitivity of the City, ground-disturbance on any site would have the potential to uncover unrecorded subsurface resources. Lastly, impacts to nesting birds could occur on any site which has trees or where there are trees nearby.

The relocation of the proposed project would protect the existing church structure on the project site and would prevent impacts to this historic resource. Although this is the case, changing the location of the project could still result in the change in significance of a historic resource since many of the buildings throughout Santa Clara are over 50 years in age.

Santa Clara is not a large geographic area and soil conditions are generally constant in that soils are susceptible to failures due to seismic activity. As such, geologic impacts from seismic activities would be found at any location. Hazardous materials contamination varies by location, but most of

Santa Clara has residual soil contamination from historic agricultural activities. Therefore, while contaminants may vary by site, any alternative location would likely have some contamination issues to be remediated.

For all these reasons, most of the impacts of the proposed project would not be reduced or avoided by constructing the project on a different parcel. Because of this, and due to the fact that the applicant does not control other parcels within the City suitable for the proposed project, this alternative was not considered further.

7.4.2.2 *Preservation Alternative – Relocation of Historic Resource*

The Preservation Alternative – Relocation of Historic Resource Alternative would find an alternative site for the church building and relocate the building for preservation and reuse elsewhere. The existing church is located within a residential neighborhood on a four-lane street and would need to be relocated to a site with a comparable setting and which would allow the building to be similarly oriented to an adjacent roadway with the same setbacks.

A structural assessment of the building, provided by the project applicant, determined that the structural elements of the building are in serviceable condition. They would, however, require retrofit for similar performance as new construction. Based on the size of the building any site for relocation would need to be approximately 46,000 square feet in size and not contain any potentially historic structures to support the church and associated parking areas. Additionally, the site should be in a residential area on a street similar in size and function to Pruneridge Avenue. Furthermore, the church structure would be required to be preserved consistent with Secretary of the Interior's Standards and be reused as a church or other use at the location it is relocated.

Based on a preliminary review of available sites in the City, there are very few vacant sites in the City of Santa Clara because most of the City is built out, especially in residential neighborhoods. Additionally, it would be likely that any underused site with adequate size for the church would already have structures present and these would require demolition to place the church on-site. Therefore, it is unlikely that relocating the church building would be feasible and the Preservation Alternative was not considered further.

7.4.3 Alternatives to the Proposed Project

7.4.3.1 *No Project – No Development Alternative*

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services."

The No Project – No Development Alternative would retain the existing church complex on-site as is. If the project site were to remain as is, there would be no significant impacts. This alternative

would not meet any of the project objectives. In addition, the City would lose the opportunity to redevelop an underutilized infill site near services and transit to meet the City's Regional Housing Allocation Needs targets for the production of housing for housing and the City's strategies and goals of the General Plan.

The project site has a zoning designation of Public, Quasi Public, or Recreation (B), which is intended to serve the needs of the general population. The public, quasi-public, and recreation zoning districts allow for a range of publicly service facilities or recreational spaces similar to the church already existing on-site. It is possible that in the future an alternative development proposal, such as an alternative public use or recreational buildings, may be presented for the project site. Any such project would be inconsistent with the General Plan land use designation and would be required to comply with existing zoning regulations. Construction of any new public use would have similar impacts related to construction. Any future development proposals for the site would require review and approval by the City of Santa Clara.

This alternative would not result in a residential development consistent with the project objectives because the zoning for the project site would not allow for a residential development.

7.4.3.2 *Reduced Development – Retain Historic Resources On-site*

The Reduced Development Alternative would reduce the number of residential units proposed on-site to allow for the church building to be retained in its existing location. This proposal would provide a maximum of 14 dwelling units to allow for proper circulation and access to unit driveways. The retained church would be available for adaptive reuse and would need to be retrofitted on the interior and structurally to ensure it is seismically safe for occupation. Any modifications to the building would need to meet the Secretary of the Interior's Standards for rehabilitation of a historic building and the building would need to be maintained for the life of the project.

This alternative would reduce the project impacts associated with historic resources to a less than significant level because it would not require demolition of the church structure. The impacts associated with biology, geology and soils, and subsurface cultural resources would remain the same because these are all associated with the project site location.

Reduction of the number of units on-site would reduce the amount of housing provided by the proposed project. However, this would still meet the project objective to provide low density development with a maximum density of 10 units per acre. These units could still include affordable residential housing in conformance with the City of Santa Clara's Affordable housing program. The proposed project would still be able to reduce impervious surfaces on-site and would provide "Smart Growth" consistent with the character of the surrounding community. Based on this information the Reduced Development Alternative would meet all project objectives and would reduce the impacts on historical resources.

Impacts	Proposed Project	No Project Alternative	Reduced Development-Retain Historic Resources On-site Alternative
Aesthetics	LTS	**NI**	LTS
Agricultural and Forestry Resources	NI	NI	NI
Air Quality	LTS	**NI**	LTS
Biological Resources	LTSM	**NI**	LTSM
Cultural Resources	SI	**NI**	**LTS**
Energy	LTS	**NI**	LTS
Geology and Soils	LTSM	**NI**	LTSM
Greenhouse Gas Emissions	LTS	**NI**	LTS
Hazards and Hazardous Materials	LTS	**NI**	LTS
Hydrology and Water Quality	LTS	**NI**	LTS
Land Use	LTS	**NI**	LTS
Mineral Resources	NI	NI	NI
Noise	LTS	**NI**	LTS
Population and Housing	LTS	**NI**	LTS
Public Services	LTS	**NI**	LTS
Recreation	LTS	**NI**	LTS
Transportation/Traffic	LTS	**NI**	LTS
Tribal Cultural Resources	LTS	**NI**	LTS
Utilities and Service Systems	LTS	**NI**	LTS
Wildfire	NI	NI	NI
Meets City's Objectives?	Y	N	Y

7.4.4 Environmentally Superior Alternative

The environmentally superior alternative is the alternative which would result in the least environmental impact while still achieving the objectives of the proposed project. The Reduced Development – Retain Historic Resources On-site alternative would achieve the objectives of the proposed project by constructing a low-density residential development and would avoid the impact to the historic building by retaining it in place. Therefore, this alternative would result in reduced environmental impacts and would be considered the environmentally superior alternative.

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Section 9.0 Lead Agency and Consultants

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Section 10.0 Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
ATCM	Asbestos Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
Bay Area	San Francisco Bay Area
Btu	British Thermal Unit
CAAQS	California Ambient Air Quality Standard
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	Methane
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO_2	Carbon Dioxide

CO_2e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gases
GHGRS	Greenhouse Gas Reduction Strategy
GWh	Gigawatt Hour
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan
HSWA	Hazardous and Solid Waste Amendments
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
L_{max}	Maximum A-weighted noise level during a measurement period
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per Gallon
MSL	Mean Sea Level
MTC	Metropolitan Transportation Commission

N_2O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_2	Nitrogen Dioxide
NOA	Naturally Occurring Asbestos
NOD	Notice of Determination
NO_x	Nitrogen Oxides
NRHP	National Register of Historic Places
O_3	Ozone
PCB	Polychlorinated Biphenyls
PCF	Perfluorocarbon
PDA	Priority Development Areas
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM_{10}	Particulate matter with a diameter of 10 microns or less
$PM_{2.5}$	Particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
R&D	Research and Development
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	State Bill
SCS	Sustainable Communities Strategy
SF_6	Sulfur Hexafluoride
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board

SMP	Site Management Plan
SO_x	Sulfur Oxides
SR	State Route
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
Title 24	Title 24, Part 6 of the California Code of Regulations
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
Williamson Act	California Land Conservation Act
WUI	Wildland-Urban Interface
ZNE	Zero Net Carbon Emission