

Initial Study/Mitigated Negative Declaration

Cheaney Street Townhomes Project



Prepared by



In Consultation with



December 2024

Cheeny Street Townhomes Project

DRAFT MITIGATED NEGATIVE DECLARATION (MND)

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

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2468

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

Project Information and Description

Project Name: Cheeny Street Townhomes Project

File Number: PLN2019-13847

Project Location and Description: The 0.5-acre (22,500-square foot) project site includes two parcels and is located on the east side of Cheeny Street, between Agnew Road and Ash Street, in the City of Santa Clara. The project site is surrounded by single-family residences to the north and south, two-story townhomes to the east, and Cheeny Street to the west.

The project proposes construction of nine two-story townhomes with individual at-grade garages. Each townhome would have three bedrooms. The proposed buildings would reach a maximum height of 25 feet to the top of the roof. The proposed buildings would include 15-foot setbacks from the rear property lines, minimum 20-foot setbacks from the front property lines, and five-foot side yard setbacks. In total, the buildings would provide 20,771 gross square feet and have a combined footprint of 10,211 square feet (45 percent lot coverage).

The nine townhome units would be situated in two rows separated by an L-shaped driveway. Two pairs of attached townhomes (four units), divided by a five-foot pedestrian walkway, would be located at the Cheeny Street frontage. Five attached townhome units would be located to the rear of the site. Each of the nine units would include a private yard. The project site has a General Plan designation of Very Low Density Residential and a zoning designation of Single-Family Residential (R1-6L). The project proposes to rezone the site to Low Density Residential (R2) to accommodate the project. A General Plan Amendment to Low Density Residential (8-19 du/ac) is also proposed to

accommodate the increase in residential density at the site and development of the townhomes. Additional project description details can be found in Section 3.0 of the Initial Study.

Assessor's Parcel Number: 104-12-025 & 104-12-26

Determination

A Mitigated Negative Declaration (MND) is proposed by the City of Santa Clara for the project. The Initial Study and supporting documents have been prepared to determine if the project would result in potentially significant or significant impacts on the environment. The Initial Study concludes, based on substantial evidence in the record, that with the implementation of mitigation measures, all project impacts would be less than significant. The mitigation measures are identified in Table 1 below. Based on the Initial Study and the whole record, it has been determined that the proposed action, with the incorporation of the mitigation measures described below, would not have a significant effect on the environment. The Draft MND, Draft Initial Study, and supporting technical reports that constitute the record of proceedings upon which this determination is made are available for public review on the City's website at www.santaclaraca.gov/CEQA and at the Central Park Library at 2635 Homestead Road. Before the MND is adopted, the City will prepare written responses to any public comments, and revise the Draft MND, if necessary, based on any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Signature

Steve Le, Senior Planner
City of Santa Clara

Date

TABLE 1 – SUMMARY OF PROJECT IMPACTS AND MITIGATION

Impacts	Mitigation Measures	Level of Impact
Air Quality		
<p>Impact AIR-3: Construction of the project could expose sensitive receptors to substantial pollutant concentrations.</p>	<p>MM AQ-3.1: All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on-site for more than two days continuously shall meet the U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines.</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>
Biological Resources		
<p>Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment, which would constitute a significant impact under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3800.</p>	<p>MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1 through August 31.</p> <p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or Fish and Game Code shall not be disturbed during project construction.</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>
Cultural Resources		
<p>Impact CUL-2: Construction of the proposed project could result in impacts to as yet unidentified buried archaeological</p>	<p>MM CUL-1.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Community Development Director will be notified, and a qualified archeologist will be retained. The archeologist will examine the find and make appropriate</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>

Impacts	Mitigation Measures	Level of Impact
resources and/or undiscovered human remains	<p>recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community Development Director.</p> <p>MM CUL-1.2: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once 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.</p>	
Hazards and Hazardous Materials		
<p>Impact HAZ-2: Construction of the project could expose construction workers and the environment to elevated levels of arsenic in the soil on-site.</p>	<p>MM HAZ-2.1: Due to the elevated levels of arsenic on-site, the applicant shall prepare a Health and Safety Plan and Soil Management Plan to be implemented during ground disturbing activities. The Health and Safety Plan and Soil Management Plan shall be reviewed by the Santa Clara Fire Department (SCFD) for approval prior to issuance of grading permits to confirm that adequate measures are included to protect construction workers and surrounding residents from elevated levels of arsenic in the shallow soil on-site.</p> <p>MM HAZ-2.2: Soil materials removed from the site shall be characterized and disposed of according to the California Hazardous Waste Regulations. Contaminated soil that exceeds regulatory thresholds shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, state and federal laws. Any contaminated soils that are removed from the site shall be disposed of at a licensed hazardous materials disposal site.</p>	Less than Significant Impact with Mitigation Incorporated

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- Appendix A: Historic Resources Evaluation
- Appendix B: Greenhouse Gas Reduction Strategy Checklist
- Appendix C: Phase I Environmental Site Assessment
- Appendix D: Limited Agricultural Investigation Report
- Appendix E: Transportation Demand Management Plan

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

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Santa Clara, as the Lead Agency, has prepared this Initial Study for the Cheeney Street Townhomes Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Santa Clara, California.

The project proposes a General Plan Amendment and rezoning to allow nine townhomes to be developed on a vacant 0.5-acre project site. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

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

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Santa Clara will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Santa Clara will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Cheaney Street Townhomes Project

2.2 LEAD AGENCY CONTACT

Steve Le
Community Development Department
1500 Warburton Avenue
Santa Clara, CA 95050
Email: SLe@SantaClaraCA.gov
Phone Number: (408) 615-2468

2.3 PROJECT APPLICANT

Saul Flores
MFA Construction, Inc.
1190 Park Avenue,
San José, CA 95126
Phone Number: (408) 710-6725

2.4 PROJECT LOCATION

The proposed project is located on the east side of Cheaney Street, between Agnew Road and Ash Street, in the City of Santa Clara.

Regional and vicinity maps of the site are shown below on Figure 2.4-1 and Figure 2.4-2, respectively, and an aerial photograph of the project site and the surrounding land uses is shown on Figure 2.4-3.

2.5 ASSESSOR'S PARCEL NUMBERS

104-12-025 & 104-12-026

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

Current City of Santa Clara 2010-2035 General Plan (General Plan) designation: Very Low Density Residential (0 to 10 dwelling units/acre [du/ac])

Current Zoning: Single-Family Residential (R1-6L)

Proposed General Plan designation: Low Density Residential (8 to 19 du/ac)

Proposed Zoning: Low Density Residential (R2)

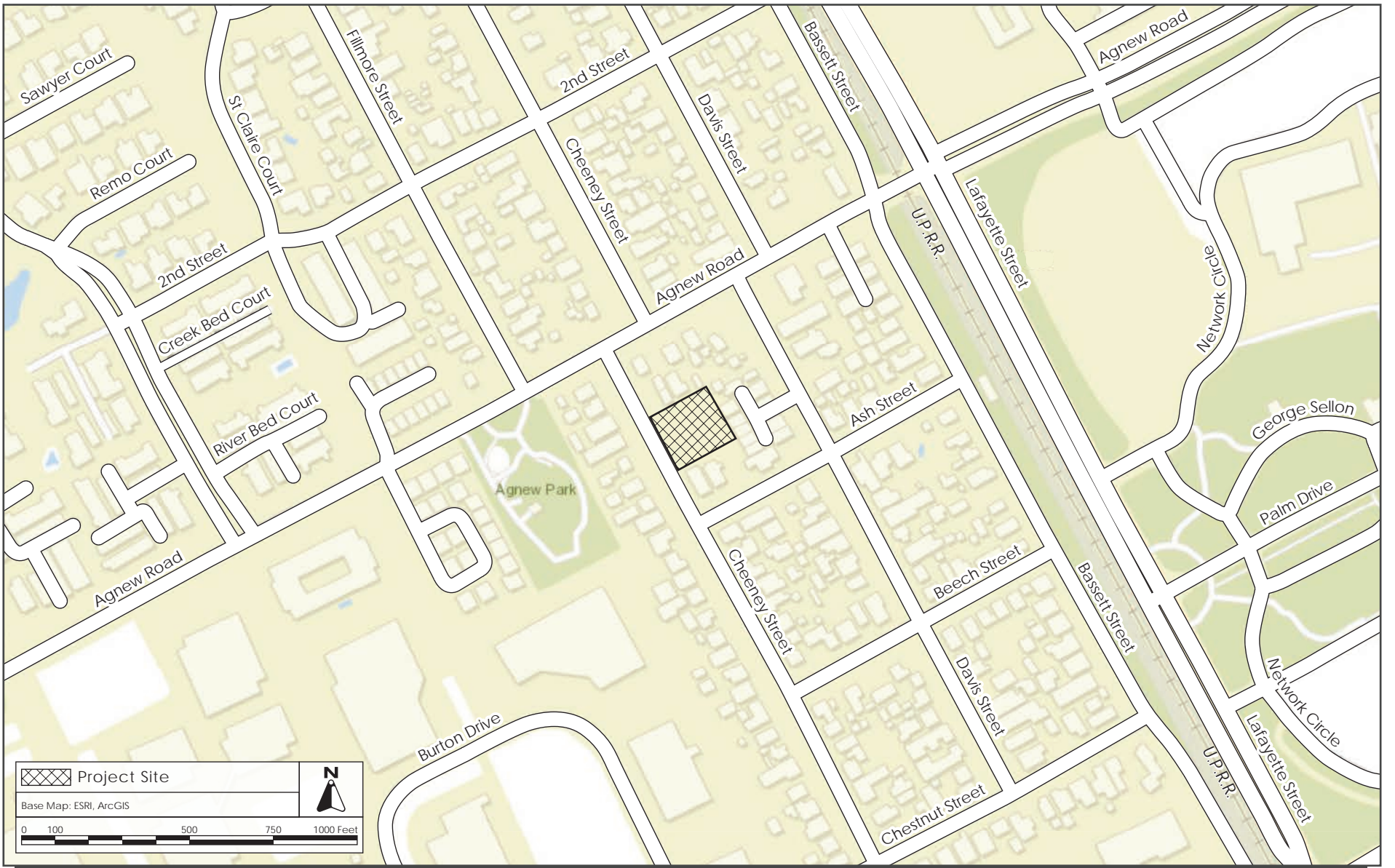
2.7

PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Grading Permit(s)
- Building Permit(s)
- Site Development Permit
- Architectural Review
- Subdivision Map
- General Plan Amendment
- Rezone



REGIONAL MAP FIGURE 2.4-1



 Project Site	
Base Map: ESRI, ArcGIS	
	

VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 EXISTING SITE

The 0.5-acre (22,500-square foot) project site includes two parcels (APNs: 104-12-025 & 104-12-26) and is located on the east side of Cheeney Street, between Agnew Road and Ash Street, in the City of Santa Clara. The project site has a General Plan designation of Very Low Density Residential and a zoning designation of Single-Family Residential (R1-6L).

The project site is currently undeveloped, consisting primarily of open soil surfaces, intermittent ruderal vegetation, pavement remnants, a small shed and a pole-mounted lighting fixture. There are 16 trees and additional shrubs located at the southern and northern property lines of the project site. The site is bordered by chain-link fences, with access currently provided via a driveway on Cheeney Street. Existing sidewalks are located at the western boundary of the project site along Cheeney Street.

3.2 SURROUNDING USES

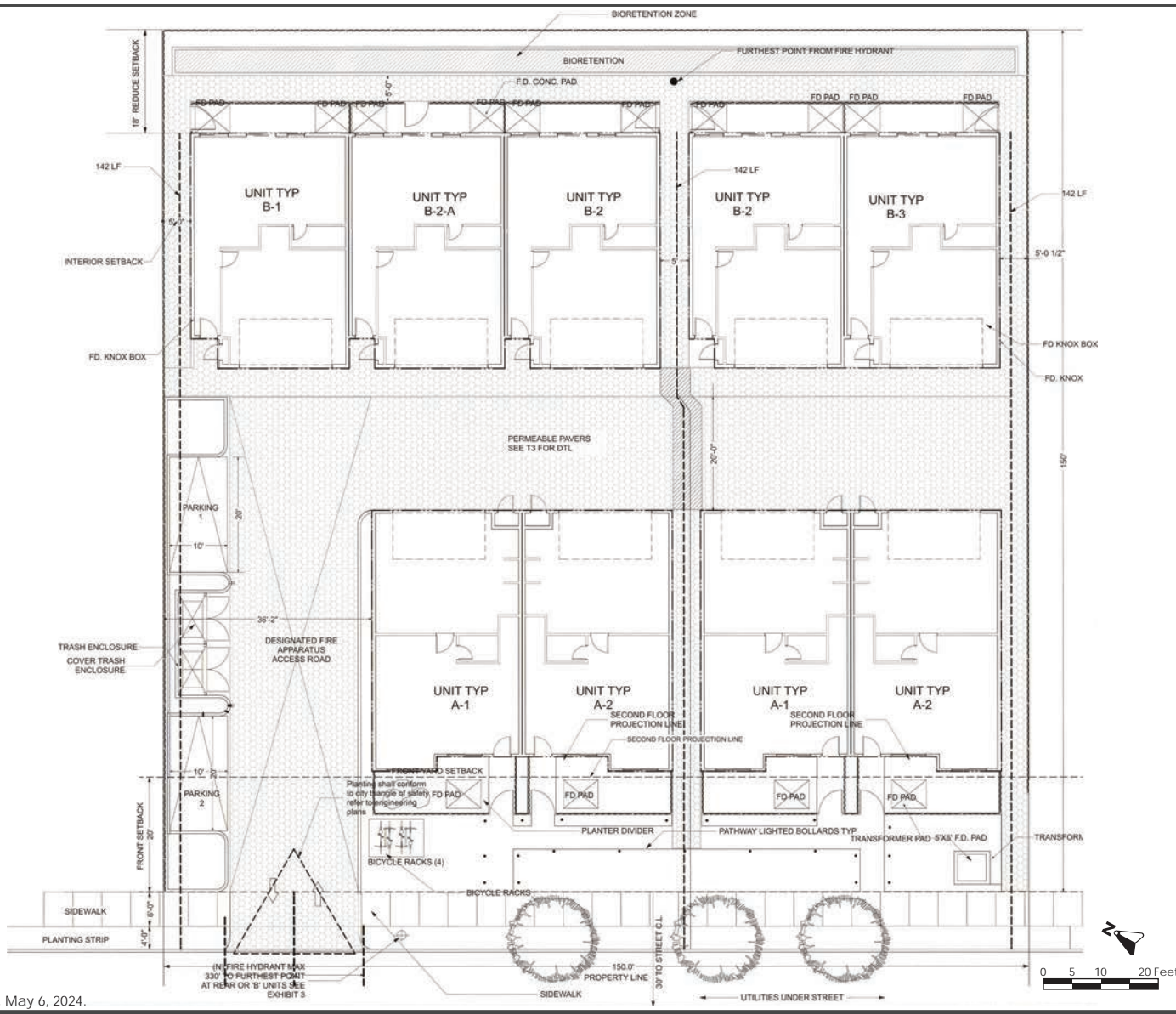
The project site is surrounded by single-family residences to the north and south, two-story townhomes to the east, and Cheeney Street to the west. The project is located in a developed suburban area of Santa Clara. The land uses immediately bordering the project site are all designated Very Low Residential in the General Plan. Surrounding zoning designations include the following:

- Moderate Density Multiple Dwelling (R3-25D) and Single-Family Residential (R1-6L) to the north.
- Moderate Density Multiple Dwelling (R3-25D) and multi-family residential PD Planned Development to the east.
- Moderate Density Multiple Dwelling (R3-25D) and Single-Family Residential (R1-6L) to the south.
- Moderate Density Multiple Dwelling (R3-25D), Low Density Multiple Dwelling (R3-18D), Single-Family Residential (R1-6L) and Duplex (R2-7L) to the west.

3.3 SITE DESIGN

The project proposes to construct nine two-story townhomes with individual at-grade garages. Each townhome would have three bedrooms. The proposed buildings would reach a maximum height of 25 feet to the top of the roof. The proposed buildings would include 15-foot setbacks from the rear property lines, minimum 20-foot setbacks from the front property lines, and five-foot side yard setbacks. In total, the buildings would provide 20,771 gross square feet and have a combined footprint of 10,211 square feet (45 percent lot coverage).

The nine townhome units would be situated in two rows separated by an L-shaped driveway. Two pairs of attached townhomes (four units), divided by a five-foot pedestrian walkway, would be located at the Cheeney Street frontage. Five attached townhome units would be located to the rear of the site. Each of the nine units would include a private yard. The proposed project's site plan and elevations are shown in Figures 3.3-1 and 3.3-2, respectively.

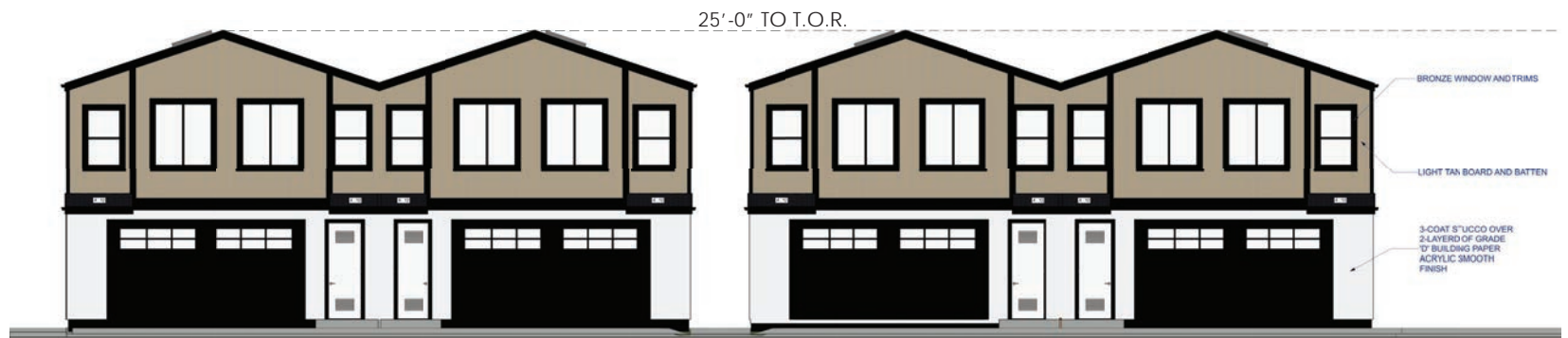


Source: MFA Engineers & Associates, May 6, 2024.

PROPOSED SITE PLAN

FIGURE 3.3-1

UNITS "A"



REAR ELEVATION



FRONT ELEVATION

UNITS "B"



REAR ELEVATION



FRONT ELEVATION

Source: MFA Engineers & Associates, May 7, 2024.

3.3.1 Site Access and Parking

The project site would be accessed by one 24-foot-wide common driveway from Cheeney Street. Guest parking would be provided on-site via two parking spaces on the north side of the project site parallel to the proposed driveway accessed via Cheeney Street. Four bicycle parking spaces would be provided adjacent to Cheeney Street on the western side of the project site. The proposed project would include a new six-foot wide sidewalk on Cheeney Street and a pedestrian path that would connect to the interior of the site from the project entrance.

3.3.2 Landscaping

As it currently exists, the project site contains no landscaping and predominantly consists of sparse ruderal vegetation and 16 trees. The project would install new landscaping that would primarily consist of drought tolerant trees, shrubs and groundcover. Landscaped areas would be included at the project site frontage on Cheeney Street, the site perimeter, and intermittently throughout.

3.4 GENERAL PLAN AND ZONING DESIGNATIONS

The current Very Low Density Residential General Plan designation is intended for single-family units with a density of up to 10 du/ac. The proposed project would develop nine townhomes on a 0.5-acre site, corresponding to a density of 19 du/ac. A General Plan Amendment to Low Density Residential (8-19 du/ac) is proposed to accommodate the increase in residential density at the site and development of the townhomes.

The Single Family Residential (R1-6L) zoning designation is intended to stabilize and protect the residential character of the district and to promote and encourage a suitable single-family residential environment. The nature of the proposed use of the project site (nine single-family townhomes on a common lot) is inconsistent with the development standards set forth by the existing zoning designation; therefore, the project proposes a modification of the existing zoning to allow for development of the site with nine townhome units. The project site would be rezoned to Low Density Residential (R2) to accommodate the project.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

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

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

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

Streets and Highway Code Sections 260 through 263

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

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

¹ An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA." January 20, 2016. Accessed December 13, 2022. https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf.

² California Department of Transportation. "Scenic Highways." Accessed December 13, 2022. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

Local

Architectural Review Process and Community Design Guidelines

The City of Santa Clara has established an architectural review process intended to ensure development within the City occurs in a manner that is considerate to aesthetic appearance, functional relationships, neighborhood compatibility, and excellent design quality. The Director of Community Development or a designee reviews plans and drawings submitted for architectural review for consistency with the Community Design Guidelines at a Development Review Hearing prior to submittal for Building Permits.

Santa Clara General Plan

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

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

4.1.1.2 *Existing Conditions*

The project site is currently undeveloped and is surrounded by one- to two-story residential development of various ages and architectural styles to the north, east, and south, with the Cheeney Street right-of-way to the west. The project site consists of ruderal vegetation, open soil surfaces, pavement remnants, a small shed, and a lighting fixture. There are trees located intermittently throughout the site. The site is surrounded by chain link fences and provides access to an adjacent corrugated metal outbuilding to the north via an existing driveway. The existing condition of the project site is shown in photo exhibits on the following pages.

Views of the project site and the surrounding area are shown in Photos 1-4 below.



Photo 1: Viewing east from Cheeney Street.



Photo 2: Viewing the site interior along the northern property line.

PHOTOS 1 AND 2



Photo 3: Viewing the residential neighborhood to the south of the site.



Photo 4: Viewing the historic former Agnew School building to the north of the site.

PHOTOS 3 AND 4

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Aesthetic values are subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best methods for assessing what constitutes a visually acceptable standard for new buildings are the City’s Community Design Guidelines and their implementation through the City’s architectural review process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community’s assessment of the aesthetic values of a project design.

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

The project site is located on the floor of the Santa Clara Valley and is not proximate to scenic vistas designated as scenic resources by the City. The project site is flat and public views are limited to the parcels located in the immediate vicinity. Thus, the proposed project would not directly impact a scenic vista because there are none on or in the vicinity of the project site. **(No Impact)**

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

The nearest designated state scenic highway is SR 9, which is located approximately 10 miles to the south and is not visible from the project site.³ Development of the project site would not result in

³ California Department of Transportation. "Scenic Highways." Accessed December 13, 2022. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

damage to any scenic resources located within a state scenic highway. There are no trees or rock outcroppings within, or adjacent to, the project site that qualify as scenic resources. One historic building, the former Agnew School building, is adjacent to the site to the north and is included on the City's Preservation and Resource Inventory. Construction and operation of the proposed project would not damage this historic building. **(Less than Significant Impact)**

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

The project site is currently vacant (with the exception of a 33-sf shed and a pole-mounted lighting fixture) and views of the site from the surrounding areas are limited to the parcels in the immediate vicinity due to the flat topography of the area. The site is located in a predominantly residential area of Santa Clara. The adjacent development is characterized by one- and two-story residences, including five, two-story townhome buildings at the eastern property line and a two-story residence at the southern property line. The project would develop the site with a total of nine two-story townhome units. The units would be located in two rows, oriented north to south, and would be separated by an L-shaped driveway. The proposed development would be of a similar size and scale to the surrounding uses and would not degrade the visual character or quality of public views in the area.

The City of Santa Clara has established Community Design guidelines which govern the future development of the City in a manner that considers the aesthetic compatibility of projects with the surrounding environment. The proposed project would be subject to the Architectural Review process for consistency with the aforementioned guidelines. The City's Multi Family Residential Design Guidelines would be applicable to the project. These guidelines require new residential development to be in scale with the existing neighborhood and for nearby single-family residences to be protected from the impact of multi-family projects, including parking, noise, lighting, shadows and loss of privacy due to second story construction. Additionally, the guidelines stress the importance of orienting residential units towards the street and discourage the use of plain and repetitive architectural styles. As described above, the project is not out of character with the size and scale of surrounding development. The proposed project would generate minimal vehicle trips (as discussed further in Section 4.17 Transportation) and would provide two-car garages for each unit, which would minimize parking spillover into the neighborhood. The proposed residential units would be two stories and would include 15-foot setbacks from the rear property lines, 20-foot setbacks from the front property lines, and five-foot side yard setbacks. The proposed setbacks would minimize visual intrusion on surrounding land uses. As described below under Impact AES-4, the project would include lighting that is comparable to the existing ambient lighting in the neighborhood. The project incorporates various architectural forms and patterns to articulate the building exteriors and would avoid the use of plain and repetitive architectural styles. For these reasons, the proposed project would be consistent with the City's Multi Family Residential Design Guidelines and would not conflict with any other regulations governing scenic quality. **(Less than Significant Impact)**

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

The project would include outdoor lighting bollards on the pathways to the townhome buildings and outdoor security lighting on the front porches and garages. The outdoor lighting proposed for the project would be comparable in brightness to the ambient residential and street lighting in the surrounding area.

As mentioned, as part of the City’s architectural review process, the building materials and lighting plan for the project would be reviewed by the Director of Community Development at a Development Review Hearing prior to issuance of building permits to ensure that the project would not create a substantial new source of light or glare that could impact nearby residences or persons traveling on local roadways. For these reasons, the project would result in a less than significant light and glare impact. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is 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.⁴

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁵

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁶ Programs such as CAL FIRE’s Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.⁷

4.2.1.2 *Existing Conditions*

The project site is located in a suburban area of the City of Santa Clara. The site itself is undeveloped. According to the Santa Clara County Important Farmlands 2018 Map, the project site is designated as Urban and Built-up Land.⁸

⁴ California Department of Conservation. “Farmland Mapping and Monitoring Program.” Accessed December 13, 2022. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁵ California Department of Conservation. “Williamson Act.” Accessed December 13, 2022. <http://www.conservation.ca.gov/dlrp/lca>.

⁶ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

⁷ California Department of Forestry and Fire Protection. “Fire and Resource Assessment Program.” Accessed December 13, 2022. <http://frap.fire.ca.gov/>.

⁸ California Department of Conservation, Farmland Mapping and Monitoring Program. *Santa Clara County Important Farmland 2018*. September 2018.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The proposed project would develop a vacant site in a suburban area of Santa Clara. The site is surrounded on all four sides by development; there are no farmlands on or in the vicinity of the site. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. **(No Impact)**

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

The project site is not under a Williamson Act contract, and it is zoned for residential use. Therefore, developing the site with nine townhomes would not conflict with existing zoning for agricultural use, nor would it conflict with a Williamson Act contract. **(No Impact)**

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

As mentioned previously, the site is located in a suburban area that is zoned for residential uses. Developing the site for residential use is consistent with the intent of the current zoning; no zoning conflicts or rezoning of forest land or timberland would result from implementation of the project. **(No Impact)**

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

No forest land or timberland would be impacted by the proposed development of the site. **(No Impact)**

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

The project would alter the existing environment to accommodate the development of the nine townhomes; however, the changes would be localized at the project site and would not affect any farmland or forest land offsite. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.⁹ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Pollutants	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Cancer• Chronic eye, lung, or skin irritation• Neurological and reproductive disorders

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and

⁹ 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.

fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁰ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

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

4.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead.

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

¹⁰ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed December 13, 2022. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

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

Regional 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.¹¹

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.

¹¹ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Santa Clara General Plan

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

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

4.3.1.3 Existing Conditions

The Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM₁₀ under the state act, but not the federal act. 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 O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5}, and apply to both construction period and operational period impacts. The project site is currently undeveloped and does not contribute to regional concentrations of air pollutants.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where population groups that are particularly sensitive to the effects of air pollutants (i.e., children, the elderly, and people with illnesses) are likely to be located. Examples include schools, hospitals, and residential areas. The adjacent residences to the north, east, and south of the proposed project would be considered sensitive receptors.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.3.2.1 Thresholds of Significance

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Santa Clara has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	
Notes: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = coarse particulate matter with a diameter of 10 micrometers (µm) or less, and PM _{2.5} = fine particulate matter with a diameter of 2.5 µm or less.			

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

2017 BAAQMD Clean Air Plan

The proposed project would not conflict with the 2017 CAP because it would be smaller than the BAAQMD CEQA Air Quality Guidelines Operational Criteria Pollutant Screening Size of 451 dwelling units for condos/townhouses (shown in Table 3-1 of the Guidelines), is considered urban infill, and would be located near transit with regional connections (refer to Section 4.17 Transportation). Because the project would not exceed the BAAQMD screening criteria, it would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-1. 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. **(Less than Significant Impact)**

Operational Emissions

Criteria Pollutants

According to the BAAQMD thresholds, a project that generates more than 54 pounds per day of ROG (reactive organic gases), NO_x, or PM_{2.5}, or 82 pounds per day of PM₁₀ would be considered to have a significant impact on regional air quality. The BAAQMD developed screening criteria to provide lead agencies with an indication of whether a project could result in significant operational air quality impacts (e.g., daily or annual emissions above stated thresholds). Screening criteria are used to determine the extent of additional analysis required for a specific project. If a project is determined to be below the BAAQMD's screening criteria for a specific pollutant, then the project is said to have less than significant operational air quality impacts and no further analysis is required under CEQA.

The proposed project would construct nine townhomes on an undeveloped site. Operational emissions of the project would be generated by energy and water use on-site, solid waste disposal, and vehicular trips to and from the site. While emissions at the project site would be increased relative to its current undeveloped state, this increase would be considered less than significant because the size of the project is below BAAQMD screening levels for operational emissions for condo/townhouse land uses (637 dwelling units).¹² Projects that are smaller than the relevant screening level are considered to have a less than significant operational air quality impact due to criteria pollutant emissions. **(Less than Significant Impact)**

Carbon Monoxide

According to the BAAQMD's screening criteria for localized CO, impacts are considered less than significant if:

¹² Bay Area Air Quality Management District. *CEQA Air Quality Guidelines*. Table 4-1, Single Land Use Construction and Operational Criteria Air Pollutant and Precursor Screening Sizes. Updated April 2023. p. 4-3.

- 1) The project is consistent with an applicable congestion management program established by the county's congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- 2) The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The project would generate a maximum of approximately 65 new daily trips¹³ which is insufficient to increase the traffic volume at any local intersection above the threshold of 44,000 vehicles per hour. Implementation of the project would not result in significant CO impacts. **(Less than Significant Impact)**

Construction Emissions

Criteria Pollutants

The BAAQMD Guidelines also include screening criteria that provides a conservative indication of whether construction activities associated with a project could result in a potentially significant air quality impact from emissions of criteria air pollutants and their precursors. For construction impacts from criteria pollutants at condo/townhouse land uses, the screening size is 416 dwelling units. The project proposes a total of nine townhomes units, which is below the screening criteria for the proposed land use. The project would have a less than significant air quality impact due to criteria air pollutants and precursors released during on-site construction activities. **(Less than Significant Impact)**

Construction Dust

Construction activities on the project site would include grading and trenching for utilities, which would generate dust and other particulate matter. The generation of dust and other particulate matter during construction could impact nearby residents. General Plan Policy 5.10.2-P6 requires that "Best Management Practices" be implemented for construction dust abatement. The following Conditions of Approval, consistent with BAAQMD guidance, will be implemented by the project to reduce impacts from dust generated during construction.

Conditions of Approval:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

¹³ Institute of Transportation Engineers. *Trip Generation Manual, 11th Edition*. September 27, 2021.

- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the Conditions of Approval above, construction dust and other particulate matter would have a less than significant construction air quality impact. **(Less than Significant Impact)**

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

As discussed under Impact AIR-1, the proposed project’s construction and operational criteria pollutant emissions would not exceed the BAAQMD significance thresholds. Therefore, the project would not result in a cumulatively considerable net increase of criteria pollutants for which the region is in non-attainment. **(Less than Significant Impact)**

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

Construction Emissions

Construction TACs

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of DPM, organic TACs from vehicles, and PM_{2.5}, which is a regulated air pollutant. Project activities, such as paving, grading, and trenching for utilities, would require the use of various diesel-powered vehicles and equipment within 20 feet of adjacent sensitive receptors. Construction activities associated with the project have the potential to expose sensitive receptors in the project vicinity to substantial TAC concentrations; this would constitute a significant impact.

Mitigation Measure

The following mitigation measures would be applied to the proposed project to reduce potentially significant air quality impacts from TACs emitted during project construction.

MM AIR-3.1: All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on-site for more than two days continuously shall meet the US EPA particulate matter emissions standards for Tier 4 engines.

By ensuring construction equipment meets Tier 4 standards, TAC emissions would be reduced by up to 85 percent.¹⁴ With implementation of the above-listed mitigation measure, in addition to the dust control measures discussed below, the proposed project would ensure that construction TAC emissions do not present health risks to adjacent sensitive receptors. **(Less than Significant Impact with Mitigation Incorporated)**

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

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable by adjacent residences; however, the odors would be localized and temporary and are not likely to affect people off-site. The proposed residences would not be a source of odor emissions during operation. The proposed project would result in a less than significant odor impact. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

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

The policies of the Santa Clara 2010-2035 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. The project would comply with the following policy to reduce TAC emissions effects on future residents of project:

- **5.10.5-P34:** Implement minimum setbacks of 500 feet from roadways with average daily trips of 100,000 or more and 100 feet from railroad tracks for new residential or other uses with sensitive receptors, unless a project-specific study identifies measures, such as site design, tiered landscaping, air filtration systems, and window design, to reduce exposure, demonstrating that the potential risks can be reduced to acceptable levels.

¹⁴ Personal correspondence – E-mail. James Reyff, Principal. Illingworth & Rodkin. August 11, 2020.

The proposed project would establish new residences at a vacant site in Santa Clara. Future sensitive receptors occupying the proposed residences could be exposed to substantial concentrations of air pollutants, primarily TACs from stationary and mobile sources in the region. The City has identified the primary sources of TAC emissions within its jurisdiction as vehicular traffic on Highway 101, industrial uses, and the Norman Y. Mineta San José International Airport. Additionally, BAAQMD's Community Air Risk Evaluation (CARE) program has identified six priority communities in the Bay Area where there are high TAC exposures and high densities of sensitive populations. Portions of Santa Clara fall within a priority community boundary.

The proposed project is not located within 1,000 feet of Highway 101 (the nearest highway/roadway with 100,000 or more average daily trips) or the San José International Airport, nor is it located within the priority community boundaries delineated in the BAAQMD's CARE program. The project site is not located within a focus area of the City of Santa Clara (General Plan FEIR Figure 4.10-2) where significant concentrations of TAC emitting sources have been identified. Therefore, future residents of the proposed project would not be exposed to substantial concentrations of TACs from existing sources.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

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

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, 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.

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.

¹⁵ United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed July 6, 2022. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara General Plan

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

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

4.4.1.2 Existing Conditions

The project site is located in a developed, suburban area of the City of Santa Clara. The site consists of ruderal vegetation, sparse trees and shrubs, a small storage shed, pavement remnants, and a pole-mounted lighting fixture. There are no sensitive habitats or wetlands on or adjacent to the project site. Biological resources on-site consist of the aforementioned ruderal vegetation and 16 trees, the largest of which is a 12-inch diameter orange tree located at the northwest corner of the site. Other trees present include an apple tree, three privet trees, two English walnut trees, five avocado trees, a date palm, hackberry, Brazilian pepper tree, and a black walnut tree. Based on the City’s definition of protected trees set forth in General Plan Policy 5.10.1-P4, there are two protected trees on-site (Brazilian pepper tree and orange tree).

Most special status animal species occurring in the Bay Area use habitats that are not present on the project site, such as salt marsh, freshwater marsh, and serpentine grassland habitats. Since the project site is in an urbanized area surrounded by existing development, and the land cover consists of ruderal vegetation and pavement remnants, special status plant and animal species are unlikely to occur. There is potential for nesting birds to be located in trees on or in the vicinity of the project site.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Special Status Species and Sensitive Habitats

The project site is located in a suburban area and is surrounded on all sides by development. The project site lacks suitable habitat for designated special status species, as the land cover is

predominantly ruderal vegetation and trees that commonly occur in urban environments. Development of the project site would not result in impacts to special status species or sensitive habitats. **(Less than Significant Impact)**

Nesting/Migratory Birds

If tree-nesting raptors or migratory birds were to nest on or adjacent to the site, construction activities could result in the abandonment of active nests or direct mortality to these birds. Nesting birds, including raptors, are protected by the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or could otherwise lead to nest abandonment. Nest abandonment and/or loss of reproductive effort caused by disturbance are considered “take” by the CDFW and, therefore, would constitute a significant impact.

Mitigation Measure

The following mitigation measure will avoid possible impacts to nesting birds during construction:

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

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

During this survey, the ornithologist shall inspect all tress and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game Code shall not be disturbed during project construction.

Implementation of the identified mitigation measure requiring a pre-construction survey for nesting birds and raptors would reduce potential impacts to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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

The project proposes an infill development on a vacant site in a suburban area of the City. There are no riparian habitats, or other identified sensitive natural communities, on or in the vicinity of the site. Therefore, development of the site as proposed by the project would not adversely affect riparian habitat or sensitive natural communities. **(No Impact)**

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

The proposed project is not located in the vicinity of any federally protected wetlands. Therefore, implementation of the project would not result in an impact to wetlands. **(No Impact)**

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

The project site is located in a suburban environment and is removed from any riparian corridors or other wildlife corridors that allow fish or other wildlife to carry out natural migratory patterns. The project would not impede the use of native wildlife nursery sites because there are none on or in the vicinity of the site. Therefore, native resident or migratory fish or wildlife species would not be impacted by the project, either directly or indirectly through removal of land used for migratory purposes. **(Less than Significant Impact)**

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

The proposed project would result in the removal of all 16 existing trees on-site. One orange tree on-site is considered a protected tree due to its DBH of 12", as is one Brazilian pepper tree, per City of Santa Clara General Plan Policy 5.10.1-P4 and Section 12.35.080 of City Code.^{16, 17}

¹⁶ Policy 5.10.1-P4 protects all trees over 36 inches in circumference measured from 48 inches above-grade. Converting from circumference to diameter, this leads to a diameter of approximately 11.46 inches.

¹⁷ Per City Code Section 12.35.080, protected trees include: 1) Heritage trees in all zoning districts, 2) All specimen trees with a diameter of 12 inches or more when measured at 54 inches above natural grade of the following species: *Aesculus californica* (California buckeye), *Acer macrophyllum* (big leaf maple), *Cedrus deodara* (deodar cedar), *Cedrus atlantica* "Glauca" (blue Atlas cedar), *Cinnamomum camphora* (camphor tree), *Platanus racemosa* (western sycamore), *Quercus agrifolia* (coast live oak), *Quercus lobata* (valley oak), *Quercus kelloggii* (black oak), *Quercus douglasii* (blue oak), *Quercus wislizeni* (interior live oak), *Sequoia sempervirens* (coast redwood), and *Umbellularia californica* (bay laurel or California bay), 3) Approved development trees, 4) A private tree which has a trunk with a diameter of 38 inches or more measured at 54 inches above natural grade, and 5) A multibranch

The project will be required to replace removed (or damaged) trees with new trees in accordance with City policy. The City of Santa Clara's General Plan lists several tree-related policies and programs, including programs to continue the City's street tree program and to require landscaping in all private development (with an emphasis on native and drought-tolerant landscaping). Chapter 12.35 of the City Code also identifies further procedures and policies for tree protection and replacement.

The project would be required to replace trees on-site (or off-site) in conformance with the City's General Plan Policy requirements and the required replacement ratio of 2:1 for multi-family residential projects as outlined in Chapter 12.35 of the City Code. Nineteen trees are proposed as part of the project, which satisfies all but 13 of the required 32 replacement trees. The City will require the project to meet the replanting requirements of the additional 13 trees off-site, or require payment of a fee sufficient to allow the City to replace the trees off-site. In compliance with General Plan Policy 5.3.1-P10 and Chapter 12.35 of the City Code, the replacement of removed trees would reduce impacts to urban trees to a less than significant level. **(Less than Significant Impact)**

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

The proposed project is located outside of the study area of the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan). Therefore, the project would not conflict with any provisions of the Habitat Plan. There are no other applicable habitat conservation plans with which the project would conflict. **(No Impact)**

private tree which has major branches below 54 inches above the natural grade with a diameter of 38 inches or more measured just below the first major trunk fork.

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on an Archaeological Sensitivity Assessment completed for the project by Archaeological/Historical Consultants and a Historic Resource Evaluation prepared by TreanorHL. A copy of the Archaeological Sensitivity Assessment, dated January 2023, is on file at the City of Santa Clara's Community Development Department. The Historic Resources Evaluation, dated January 17, 2023, is included in this Initial Study as Appendix A.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act (NHPA) of 1966 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 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 follow:

- 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.
 - Has yielded, or may yield, information important to prehistory or history.

The Secretary of the Interior Standards for Rehabilitation

The 1995 U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties outlines specific standards and guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic properties. Each set of standards provides specific recommendations for the proper treatment of specific building materials, as well as parts of building construction. CEQA references

these standards relative to consideration of the significance of project impacts, or lack thereof, on historic resources.

The Secretary of the Interior Standards includes 10 Standards for Rehabilitation; of the 10 standards, only #9 and #10 apply to new construction. These standards are described below.

9. New addition, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹⁸

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.

¹⁸ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” Accessed December 13, 2022. <http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf>.

Public Resources Code Sections 5097 and 5097.98

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

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

Local

City of Santa Clara 2010-2035 General Plan

The City’s General Plan contains the following policies pertaining to cultural resources.

Policy	Description
5.6.1-P1	Discourage the demolition or inappropriate alterations of historic buildings and ensure the protection of historic resources through the continued enforcement of codes and design guidelines.
5.6.1-P2	Protect the historic integrity of designated historic properties and encourage adaptive reuse when necessary to promote preservation.
5.6.1-P3	Protect historic resources from demolition, inappropriate alterations and incompatible development.
5.6.2-P1	Evaluate any proposed changes to properties within 100 feet of historic resources on the City’s list of Architecturally or Historically Significant Properties for potential negative effects on the historic integrity of the resource or its historic context.
5.6.2-P2	Require that changes to properties that contribute to the context of a historic resource are compatible in scale, materials, design, height, mass and use with the historic resource or its context.
5.6.2-P6	Provide notification and information to owners and developers of properties near historic resources in order to increase awareness of potential constraints on new development and/or uses.
5.6.3-P1	Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
5.6.3-P2	Encourage salvage and preservation of scientifically valuable paleontological or archaeological materials.

Policy	Description
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.

City of Santa Clara Historic Preservation Ordinance (Chapter 18.106)

The City has adopted a Historic Preservation Ordinance to promote the identification, protection, enhancement and perpetuation of buildings, structures and properties within the City that reflect the special elements of the City’s social, economical, historical, architectural, engineering, archaeological, cultural, natural, or aesthetic heritage. Section 18.106.070 requires referral to the Historical and Landmarks Commission (HLC) for projects that are located within 200 feet of a property that has been identified on the City’s Historic Resources Inventory (HRI).

4.5.1.2 Existing Conditions

The City of Santa Clara contains a total of 34 cultural resource sites (13 prehistoric and 21 historic) and a total of 286 historic properties within city limits.¹⁹ Prehistoric and historic archaeological sites are dispersed throughout the City, with a large concentration of sites located in southeastern Santa Clara.

The project site is vacant and contains no structures aside from a small shed. According to the mapped culturally sensitive resources in the City, there is one historic site (P-43-001475) in the vicinity of the project site.²⁰ This site, located at 4423 Cheeney Street, was documented as a simple folk Victorian home constructed in the 1870s or 1880s and is one of the oldest houses in the area. This structure is 930 feet north of the project site. In addition, in its Preservation and Resource Inventory the City identifies the former Agnew School building, just north of the site at 2086 Agnew Road, as a historic property. The Agnew School building was constructed in 1890 and is also recognized as a historic resource by the CA State Office of Historic Preservation (OHP). The school building is approximately 90 feet north of the site’s northernmost property line.

The Archaeological Sensitivity Assessment prepared for the project found there are no documented cultural resources on or within one quarter mile of the project site. In this portion of Santa Clara County, Native American sites have been identified adjacent to springs or within a one-half mile of the two major waterways, Guadalupe River and Coyote Creek, and their major tributaries. Within the general area surrounding the project site, buried archaeological sites have been identified near both sides of the Guadalupe River. The project site is located on a gently sloping valley terrace 0.9 miles west of the channelized Guadalupe River. Based on the distance from the river and the lack of historic development on-site, the project site has a low potential for prehistoric or historic resources.

¹⁹ Albion Environmental. *Cultural Resources Sensitivity of the City of Santa Clara*. May 2010.

²⁰ Ibid.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

The project site is 930 feet south of the recorded historic site at 4423 Cheeney Street. This structure is not visible from the project site and the project would have no effect on its historical significance.

The proposed project is proximate to an identified historic structure, the former Agnew School building at 2086 Agnew Road. The project would develop the vacant site with nine townhome units, paved drives, and landscaping. As new construction adjacent to a historic structure, the project was evaluated against the applicable Secretary of the Interior’s Standards for Rehabilitation (Standards #9 and #10, described previously in Section 4.5.1.1 Regulatory Framework) to determine if it would cause a substantial adverse change in the significance of the nearby historic resource. The project’s compliance with the applicable standards is discussed below.

The proposed development would not significantly alter the immediate surroundings of the property. The density and the scale of the proposed buildings would be appropriate with the height of the historic resource at 2086 Agnew Road. The proposed design is modern with simple, cubic forms; therefore, it is easily distinguished from the historic structure. The proposed materials (i.e., wood and cement plaster) are compatible with the adjacent historic resource and its vicinity. Overall, the proposed project would be compatible with the massing, size, scale, and architectural features of the historic resource at 2086 Agnew Road. Therefore, the proposed project complies with Standard 9.

The proposed development would be constructed approximately 90 feet south of the historic resource at 2086 Agnew Road. The project would not diminish the integrity of the subject building or its surroundings. If new construction were to be removed in the future, the essential form and integrity of the historic property will be unimpaired. Therefore, the proposed project complies with Standard 10.

While construction activities would occur adjacent to the Agnew School building, development of the proposed project would not result in secondary impacts to the historic building. Construction

would be limited to within the project site and would not require demolition, excavation, impact pile driving, or other activities which could generate ground-borne vibration and adversely affect a historical building (refer to Section 4.13, Noise).

The proposed project would be subject to the City’s architectural review process at a Development Review Hearing conducted by the Director of Community Development or a designee. The project would also be reviewed by the HLC due to its location within 200 feet of an HRI property. Prior to submittal to the Director of Community Development for architectural review, the proposed project would first be referred to the HLC. The HLC would review the project for neighborhood compatibility and consistency with the City’s Design Guidelines and make a recommendation to the Director. As discussed above, the proposed project would comply with the applicable Secretary of the Interior Standards for Rehabilitation, Standards 9 and 10; therefore, the project would not cause a substantial adverse change in the significance of a historical resource. **(Less than Significant Impact)**

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

The proposed project is located within an area of low archaeological sensitivity and there are no recorded archaeological resources within a quarter-mile of the project site. While it is unlikely that archaeological resources would be impacted by the project, there exists the possibility that grading and trenching for utilities could damage as-yet unrecorded subsurface resources.

Mitigation Measures

The following mitigation measures will be implemented during construction to avoid significant impacts to unknown subsurface cultural resources.

MM CUL-2.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Community Development Director will be notified, and a qualified archeologist will be retained. The archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community Development Director.

MM CUL-2.2: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native

American Heritage Commission (NAHC) immediately. Once 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.

Implementation of the mitigation measures described above would reduce impacts to archaeological resources to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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

The proposed project has the potential to disturb as-yet unidentified archaeological resources, including human remains. Adherence to MM CUL-2.2 above would ensure that an appropriate process is followed in the event that human remains are unearthed during project construction activities. Therefore, the proposed project would not result in a significant impact to human remains. **(Less than Significant Impact with Mitigation Incorporated)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 To Achieve Carbon Neutrality

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

California Building Standards Code

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

²¹ California Building Standards Commission. “California Building Standards Code.” Accessed December 14, 2022. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

²² California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed December 14, 2022. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

California Green Building Standards Code

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

Advanced Clean Cars and Advanced Clean Cars II Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.²³ On November 30, 2022, the Advanced Clean Cars II program was approved and filed with the Secretary of State. This update to the program requires that all new passenger cars, trucks, and SUVs sold in California be zero emissions by 2035.²⁴

Local

Reach Code

The proposed project would be subject to the City’s “Reach Code,” adopted in 2021 (Ord. No. 2034) and updated in November 2022 (Ord. No 2056), to reduce energy related GHG emissions consistent with the goals of City’s Climate Action Plan. The Reach Code applies to new construction projects. The Reach Code requires EV charging infrastructure for residential and non-residential buildings and solar readiness for non-residential buildings.

City of Santa Clara 2010-2035 General Plan

The following General Plan policies pertain to energy resources and are applicable to the proposed project.

Policy	Description
5.10.3-P1	Promote the use of renewable energy resources, conservation and recycling programs.
5.10.3-P3	Maximize the efficient use of energy throughout the community by achieving adopted electricity targets and promoting natural gas efficiency, consistent with the CAP.
5.10.3-P4	Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities.

²³ California Air Resources Board. “The Advanced Clean Cars Program.” Accessed December 22, 2022. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

²⁴ California Air Resources Board. “Advanced Clean Cars II.” Accessed December 22, 2022. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii>.

Policy	Description
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.

4.6.1.2 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.²⁵ 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.²⁶ 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.²⁷

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.²⁸

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 was imported from other western states and Canada.²⁹ In 2020 California used 2,144 trillion Btu of

²⁵ United States Energy Information Administration. “State Profile and Energy Estimates, 2020.” Accessed December 22, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁶ United States Energy Information Administration. “State Profile and Energy Estimates, 2020.” Accessed December 22, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁷ California Energy Commission. Energy Consumption Data Management System. “Electricity Consumption by County.” Accessed December 22, 2022. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

²⁸ Silicon Valley Power. “Did you Know.” Accessed November 22, 2022. <https://www.siliconvalleypower.com/svp-and-community/about-svp/faqs>.

²⁹ California Gas and Electric Utilities. 2020 *California Gas Report*. Accessed December 22, 2022. [https://www.socalgas.com/sites/default/files/2020-10/2020 California Gas Report Joint Utility Biennial Comprehensive Filing.pdf](https://www.socalgas.com/sites/default/files/2020-10/2020%20California%20Gas%20Report%20Joint%20Utility%20Biennial%20Comprehensive%20Filing.pdf).

natural gas.³⁰ In 2020, Santa Clara County used less than one percent of the state’s total consumption of natural gas.³¹

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.³² 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 2020.³³ 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.^{34,35}

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

The proposed project would be constructed in accordance with the latest CALGreen and 2022 Title 24 Building Energy Efficiency Standards. CALGreen establishes voluntary and mandatory measures for residential developments which reduce water use and waste generation, and conserve energy

³⁰ United States Energy Information Administration. “State Profile and Energy Estimates, 2020.” Accessed December 22, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³¹ California Energy Commission. “Natural Gas Consumption by County.” Accessed December 22, 2022. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

³² California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed December 22, 2022. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

³³ 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>.

³⁴ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed December 22, 2022. <http://www.afdc.energy.gov/laws/eisa>.

³⁵ United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026.” Accessed December 22, 2022. <https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026>

through building design and site planning. Adherence to CALGreen would ensure that the project includes measures to reduce energy use and increase the operational efficiency of the townhomes. The 2022 Title 24 Building Energy Efficiency Standards set forth the latest energy and water efficiency requirements for new residential developments. The proposed project would incorporate measures into its final design that would meet the requirements of Title 24, subject to verification by the City at the time of permit issuance, thereby ensuring the proposed buildings are energy efficient.

Construction of the proposed project is estimated to take 18 months. Energy would be required during the construction period related to the transportation of building materials, preparation of the project site (i.e., grading), fuel use for worker travel and construction equipment, and actual construction of the two proposed buildings. Energy used during construction would not be used in a wasteful manner and would be limited to the hours allowed by the City Code for construction activities. The project does not require demolition nor major excavation, activities which would substantially increase the energy use necessitated by the project. In addition, the project is an infill development and would make use of underutilized land in an already developed area of the City. Therefore, the proposed project would not result in wasteful or inefficient energy use, either during construction or operation. **(Less than Significant Impact)**

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

As discussed in Section 4.3, Air Quality, the proposed project is below the screening size for operational pollutants according to BAAQMD Guidelines and would not be required to adhere to the project-specific control measures outlined in the 2017 Clean Air Plan. However, the City of Santa Clara Climate Action Plan is applicable to the proposed development, as the proposed use of the site would increase energy demand on the grid and generate greenhouse gases. As discussed further in Section 4.8 Greenhouse Gas Emissions, the City's Climate Action Plan requires electric vehicle (EV) charging stations in new multi-family developments, the installation of water-efficient landscaping, and utilization of sustainable pavement materials. The project would install one Level 2 EV Ready Space and one Level 1 EV Ready Space in each garage, use permeable pavers throughout the paved drive areas, and plant California native, non-invasive, low and moderate water-using plants throughout the site. These features of the project would serve to meet a number of the 2022 CAP's goals. Therefore, the proposed project would not preclude the City from meeting renewable energy and energy efficiency measures included in the CAP. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient

animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

City of Santa Clara 2010-2035 General Plan

The General Plan contains the following policies related to geology and soils which are applicable to the project.

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.
5.10.5-P10	Support efforts by the Santa Clara Valley Water District to reduce subsidence.

4.7.1.2 Existing Conditions

Soil Conditions

The proposed project site is underlain by Urbanland-Clear Lake complex soils.³⁶ These soils are very deep, poorly drained soils that formed in alluvium from mixed rock sources. The clayey soils on the site may have the potential for expansion.³⁷

The project site is flat and is not located adjacent to any embankments or elevated areas. The risk of erosion and landslides at the project site is considered low.

Seismicity and Seismic Hazards

Seismicity

The San Francisco Bay Area is one of the most seismically active areas in the United States. While seismologists cannot predict earthquake events, the United States Geological Survey’s Working Group on California Earthquake Probabilities estimates there is a 62 percent chance of at least one magnitude 6.7 earthquake occurring in the Bay Area region between 2002 and 2032. Higher levels of

³⁶ United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). Web Soil Survey: *Santa Clara Area, California Western Park*. Accessed December 14, 2022. <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

³⁷ USDA, NRCS. *Supplement to the Soil Survey of Santa Clara Area, California, Western Part*. 2015.

shaking and damage would be expected for earthquakes occurring at closer distances. The faults considered capable of generating significant earthquakes in the area are generally associated with the well-defined areas of crustal movement, which trend northwesterly.

The three major faults in the region are the Calaveras Fault (approximately 9.8 miles east of the site), the Hayward Fault (approximately seven miles northeast of the site) and the San Andreas Fault (approximately 11.6 miles west of the site).³⁸

Ground shaking at the project site is predicted to be strong to very strong as determined by the Association of Bay Area Governments (ABAG). The project site is not located within the limits of an Alquist-Priolo Earthquake Fault Zone and there are no known active faults within Santa Clara city limits.

Liquefaction

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

According to the Santa Clara County Geologic Hazard Zone Map, the project site is located within a liquefaction hazard zone and could be subject to liquefaction or differential settlement.³⁹

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open face, such as the steep bank of a stream channel.

There are no stream channels on or adjacent to the site, nor is the project located close to any steep embankments; therefore, the project site would not be subject to lateral spreading.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

³⁸ USGS. “The San Andreas and Other Bay Area Faults.” Accessed December 14, 2022. <https://earthquake.usgs.gov/earthquakes/events/1906calif/virtualtour/bayarea.php>.

³⁹ Santa Clara County Planning & Development. “Geologic Hazard Zones Mapping Application”. 2021. Accessed December 14, 2022. <https://sceplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbda5769494cfe373>.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Be located on expansive soil, as defined in the current edition of the California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

The proposed project is located within a seismically active region but is not located in an Alquist-Priolo fault zone. Rupture of one of the three regional faults could cause substantial ground-shaking at the project site. In addition, the project site is located within a Liquefaction Hazard Zone and is susceptible to seismically-induced liquefaction which could impact building integrity. The project would be required to adhere to the latest California Building Code and incorporate the design recommendations of a project-specific geotechnical investigation. The project would utilize standard

engineering techniques to increase the likelihood that the project could withstand minor earthquakes without damage and major earthquakes without collapse. The proposed project, therefore, would not expose people or structures to substantial risk from seismic related ground failures. **(Less than Significant Impact)**

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

Project construction activities could expose disturbed areas to erosion during rainfall events, leading to a loss of soil from the site and potential impacts on the City’s storm drain system. However, as discussed in Section 4.10, Hydrology and Water Quality, the project would be required to control erosion and sedimentation using Best Management Practices (BMPs) as required under the City’s Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit. The project would incorporate Low Impact Development (LID) stormwater treatment measures in accordance with the Municipal Regional Permit, which would reduce the rate and volume of runoff from the site. Additional measures in the City’s Grading Ordinance may also apply. Adherence to these measures would ensure that substantial erosion does not occur during construction and post-construction periods. **(Less than Significant Impact)**

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

As mentioned, the project site is located within an identified Liquefaction Hazard Zone and is underlain by soils that have the potential for expansion. There are no other identified geologic conditions affecting the project site in its current state. The project will conform to the requirements of a design-level geotechnical report which would take into consideration the potential for liquefaction (and other soil conditions) to affect the site and its surroundings. The geotechnical report will prescribe design features or engineering techniques to reduce the risk posed by existing geologic and soil conditions. The site is located on flat terrain and site development would not be at risk of landslides. For these reasons, the project would not risk exacerbating any geologic or soil conditions at the site. **(Less than Significant Impact)**

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

Although the clay soils underlying the project site have the potential for expansion, the geotechnical investigation to be prepared for the project would address this issue by identifying design features to be implemented by the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. With implementation of the recommendations in the design-level geotechnical report, the project would not expose people or property to significant impacts associated with the soil conditions on-site. **(Less than Significant Impact)**

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

The site is served by the City’s sanitary sewer system and implementation of the proposed project would not involve the use of alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

Paleontological resources are typically encountered at depths greater than 10 feet. The proposed project does not include below grade excavation and would not unearth soils beyond a depth of 10 feet. The City’s General Plan EIR identified geologic units of Pleistocene age and the Santa Clara Formation as strata with high paleontological sensitivity. Geologic units of Holocene age are not considered sensitive for paleontological resources because biological remains younger than 10,000 years are usually not considered fossils. The proposed project site is located in areas containing basin and levee deposits of Holocene age; therefore, it is considered to have a low sensitivity for paleontological resources. Although it is improbable that paleontological resources would be discovered on-site given its low sensitivity, construction activities could result in the disturbance and/or accidental destruction of unknown paleontological resources if any resources are on-site.

Condition of Approval

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Community Development or the Director’s designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Community Development or the Director’s designee.

With the implementation of the above Condition of Approval, the project would halt work and implement measures to preserve any undiscovered paleontological resources should they be encountered during construction, ensuring impacts to paleontological resources would be less than significant. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

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

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of 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.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of

GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂E (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050. Plan Bay Area 2050 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional

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.⁴⁰

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

⁴⁰ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

Local

City of Santa Clara 2010-2035 General Plan

The City's General Plan contains policies addressing greenhouse gasses. The following policies are applicable to the proposed project.

Policies	Description
5.3.1-P33	Implement, and regularly update, the City's adopted Climate Action Plan to reduce greenhouse gas emissions and meet the established goals consistent with State regulations.
5.8.1-P4	Expand transportation options and improve alternate modes that reduce greenhouse gas emissions.
5.10.2-P3	Encourage implementation of technological advances that minimize public health hazards and reduce the generation of air pollutants.
5.10.2-P4	Encourage measures to reduce greenhouse gas emissions to reach 30 percent below 1990 levels by 2020.
5.10.3-P1	Promote the use of renewable energy resources, conservation and recycling programs.
5.10.3-P4	Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities.
5.10.3-P5	Reduce energy consumption through sustainable construction practices, materials and recycling.
5.10.3-P6	Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development.

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 & land use, materials & consumption, natural resources & water resources, and community resilience & wellbeing. Projects that comply with the policies and strategies outlined in the 2022 CAP would have a less than significant GHG impact.

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.⁴¹

4.8.1.3 Existing Conditions

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns. The principal GHGs contributing to global warming include CO₂, methane, nitrous oxide, and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, manufacturing, utility, and agricultural sectors.

The project site is currently undeveloped and does not contribute to the City’s GHG emissions.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<u>Would the project:</u>				
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁴¹ Silicon Valley Power. “Green Power for your Home.” Accessed December 22, 2022. <https://www.siliconvalleypower.com/sustainability/santa-clara-green-power/green-power-for-your-home>.

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

Construction Emissions

GHG emissions would occur during grading of the site and construction of the project, including emissions associated with equipment, vehicles, and manufacturing materials used to construct the project. The project site is an infill site located within an urbanized area in proximity to construction material suppliers and equipment. This infill location and proximity would help to minimize GHG emissions generated from transport of construction materials and waste associated with the project. There is no reliable method to estimate construction-related emissions associated with the manufacturing of project materials.

As a Best Management Practice (BMP) and in conformance with General Plan Policy 5.10.3-P3, the project will participate in the City's Construction and Demolition Debris Recycling Program by recycling or diverting at least 65 percent of materials generated for discard by the project in order to reduce the amount of construction waste going to the landfill.

Neither the City of Santa Clara nor BAAQMD have quantified thresholds for construction-related GHG emissions. Because project construction will be a temporary condition (approximately 18 months) and would not result in a permanent increase in local or regional emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. **(Less than Significant Impact)**

Operational Impacts

The BAAQMD thresholds for GHG Emission established on April 20, 2022, state that a land use project which is consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b) would not make a cumulatively considerable contribution to global climate change. The City's 2022 CAP is a Qualified Climate Action Plan that outlines City policies, regulations, and required measures to be implemented by development projects in order to reduce GHG emissions.

The proposed project would substantially comply with the 2022 CAP by:

- Being 100 percent electric construction, complying with the Santa Clara Reach Code, including solar photovoltaic panels on the rooftops of the residences, and installing one Level 2 EV Ready Space and one Level 1 EV Ready Space in each garage;
- Being consistent with the Bicycle Master Plan by providing secure bicycle parking spaces in each garage and short-term bicycle parking in bicycle racks at the main entrance of the site;
- Preparing a Transportation Demand Management (TDM) program for the project to reduce drive-alone trips from future residents on-site;
- Complying with the City's adopted Model Water Efficient Landscaping Ordinance (MWELO) which requires water-efficient landscaping practices; and

- Constructing bio-retention areas throughout the site to capture stormwater and installing permeable pavers in the driveway areas to increase pervious surface area.

Based on this discussion, the project would substantially comply with the 2022 CAP; and therefore, would not generate a significant amount of GHG emissions. **(Less than Significant Impact)**

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

As discussed under Impact GHG-1, the proposed project would be required to comply with the City of Santa Clara 2022 CAP and Santa Clara Reach Code. Future residents would utilize carbon-free power as their standard, default power supply from SVP. In addition, the project would install water sustainable landscaping and would plant trees along the public right-of-way for additional shading on sidewalks around the project site. The proposed project would also comply with salvaging requirements during construction. All of these features would allow the project to reduce GHG emissions in compliance with the 2022 CAP and would contribute to overall GHG reductions for the life of the project.

Further, the project would not conflict with General Plan policies adopted to reduce GHG emissions. The project would incorporate sustainable building design and reduce energy consumption (and associated GHG emissions) by meeting the requirements of CALGreen (General Plan Policies 5.10.3-P4, 5.10.3-P5, and 5.10.3-P6). The project would increase renewable energy usage by sourcing electricity from SVP, which uses 100 percent renewable and/or GHG-free energy for residential uses (General Plan Policy 5.10.2-P3). The project would support technological advancements that reduce GHGs by using Tier 4 construction equipment, as described in Section 4.3, Air Quality (General Plan Policy 5.10.3-P1).

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. For the reasons described above, the project would not conflict with any applicable plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment and a Limited Agricultural Investigation Report prepared for the project site by *AEI Consultants*. These reports, dated December 30, 2022 and May 1, 2024, respectively, are attached to this Initial Study as Appendix C and Appendix D, respectively.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Federal Aviation Regulations Part 77

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

Comprehensive Environmental Response, Compensation, and Liability Act

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

CERCLA accomplished the following objectives:

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

The law authorizes two kinds of response actions:

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

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁴²

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 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

⁴² United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed December 14, 2022. <https://www.epa.gov/superfund/superfund-cercla-overview>.

⁴³ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed December 14, 2022. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

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 Fire Department reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

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

CCR Title 8, Section 1532.1

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

Local

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

The Norman Y. Mineta San José International Airport is located approximately 1.7 miles southeast of the project site. Development within the Airport Influence Area (AIA) can be subject to hazards

⁴⁴ California Environmental Protection Agency. "Cortese List Data Resources." Accessed December 14, 2022. <https://calepa.ca.gov/sitecleanup/corteselist/>.

from aircraft and also pose hazards to aircraft traveling to and from the airport. The County of Santa Clara Airport Land Use Commission (ALUC) adopted an Airport Comprehensive Land Use Plan (CLUP) in October of 2010, amended November 16, 2016, to address these potential hazards and establish review procedures for potentially incompatible land uses.

The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the CLUP. The CLUP set standards focused on three areas of ALUC responsibility: noise, objects in navigable airspace, and the safety of persons on the ground and in aircraft. Projects within the AIA are subject to an additional level of review by the ALUC to determine how policies established in the CLUP may impact the proposed development.

City of Santa Clara 2010-2035 General Plan

The City’s General Plan contains the following policies which pertain to hazards and hazardous materials and are applicable to the proposed residential development.

Policies	Description
5.10.5-P1	Use the City’s Local Hazard Mitigation Plan as the guide for emergency preparedness in Santa Clara.
5.10.5-P8	Encourage property owners to retrofit potentially hazardous structures, such as unreinforced masonry buildings, and to abate or remove structural hazards.
5.10.5-P22	Regulate development on sites with known or suspected contamination of soil and/or groundwater to ensure that construction workers, the public, future occupants and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations.
5.10.5-P23	Require appropriate clean-up and remediation of contaminated sites.
5.10.5-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.
5.10.5-P29	Continue to refer proposed projects located within the Airport Influence Area to the Airport Land Use Commission.
5.10.5-P33	Limit the height of structure in accordance with the Federal Aviation Administration Federal Aviation Regulations, FAR Part 77 criteria.

Santa Clara Emergency Operations Plan

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

4.9.1.2 Existing Conditions

The approximately 0.5-acre project site is comprised of two parcels (APNs 104-12-025 and 104-12-26) located in the City of Santa Clara. The site is currently vacant and consists of ruderal vegetation, several mature trees, pavement remnants, a small storage shed, and a pole-mounted lighting fixture. The site is surrounded by residential development to the north, east, and south, and Cheeney Street to the west.

Site History

The project site was used as agricultural land as early as 1939. Prior to 1939, the use of the site is unknown. By 1948, the site was no longer in use for agricultural purposes and consisted of vacant land with a storage yard or vegetation. From 1948 to the present, use of the site varied between a truck storage yard and vacant land with associated storage.

On-Site Hazardous Materials Conditions

Based on the Phase I Environmental Site Assessment (ESA) prepared for the site, there is one Recognized Environmental Condition (REC)⁴⁵ on-site. The former use of the site for agricultural purposes is considered a REC due to the potential release of agricultural chemicals, such as pesticides, herbicides and fertilizers, and the proposed future use of the site as a residential development. The Phase I ESA did not identify any other environmental conditions that warrant further discussion, such as the presence of Underground Storage Tanks (USTs), ACMs, Lead-Based Paints (LBPs), radon, or mold.

To determine whether the previous use of the site for agricultural purposes resulted in on-site contamination, a Limited Agricultural Investigation Report was prepared which involved collecting and testing shallow surface soils on-site for organochlorine pesticides (OCPs), arsenic, and lead, which are common persistent residual contaminants associated with historical agricultural land uses. Based on analysis of the soil samples, it was determined that none of the samples contained OCPs or lead at concentrations above their respective residential environmental screening levels (ESLs) or the typical background concentrations. However, two of the soil samples contained arsenic levels above the maximum naturally existing background concentration commonly found in California soils of 11.0 milligrams per kilogram (mg/kg). These two samples had concentrations of 20.6 mg/kg and 13.3 mg/kg.

During the site reconnaissance completed for the Phase I ESA, one pole-mounted transformer was observed directly adjacent to the project site. Transformers pose an environmental concern due to the historical use of toxic polychlorinated biphenyl (PCBs) in transformers, fluorescent lamp ballasts, and capacitors. While actual material samples would need to be collected to determine if the transformer contains PCBs, the transformer adjacent to the site did not exhibit any evidence of spills, staining or leaks and is in overall good condition. Therefore, the transformer does not represent a significant environmental concern.

⁴⁵ RECs are defined by the ASTM Standard Practice E1527-13 as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

Local and state agencies, such as environmental health departments, fire prevention bureaus, and planning and building departments, were contacted to identify and current or previous reports of hazardous substance use, storage, and/or unauthorized releases that may have impacted the project site. Agencies that were contacted regarding the project site were the Santa Clara County Department of Environmental Health, Santa Clara Fire Department, Santa Clara Building Department, Santa Clara Planning Department, and the Santa Clara County Assessor’s Office. Additionally, several databases were searched, including the CA State Water Resources Control Board (SWRCB) Geotracker, the CA Department of Toxic Substances Control (DTSC) Hazardous Waste Tracking System (HWTS), CA DTSC Envirostor, Bay Area Air Quality Management District (BAAQMD), Santa Clara Valley Water District (SCVWD) Wells, and SCVWD Fuel Leaks and Solvents Database. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Off-Site Hazardous Materials Conditions

A review of environmental databases was completed to evaluate whether contamination on any nearby properties (within one mile) could have impacted the project site. Sites that pose a potential environmental concern to the project site are evaluated against the following criteria; 1) whether the site has a documented hazardous materials release, 2) the site’s distance from, and/or topographic position relative to, the project site, and/or 3) the site has recently been granted “No Further Action” by the appropriate regulatory agency.

The project site is located within one mile of several sites that have been listed on regulatory databases, including the CERCLIS, state and tribal LUST, and RCRA CORRACTS databases. The Phase I ESA did not identify any of these sites as posing a hazardous materials concern to the project site based on their distance from the project site, direction of groundwater flow, and the nature of the database listings.

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> Would the project:				
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Future residential development at the project site would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities. The small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. **(Less than Significant Impact)**

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

The project site was historically used for agricultural purposes. Based on the findings of the Limited Agricultural Investigation Report, the site does not contain elevated levels of OCPs or lead in the shallow soils on-site. However, portions of the site contain soil with arsenic levels above the maximum naturally existing background concentration commonly found in California soils. Because the project includes grading for foundations and trenching for utilities, construction workers and the environment could be exposed to contaminated soil.

Mitigation Measures

The following mitigation measures shall be implemented during site clearing and construction.

MM HAZ-2.1: Due to the elevated levels of arsenic on-site, the applicant shall prepare a Health and Safety Plan and Soil Management Plan to be implemented during all construction-related ground disturbing activities. The Health and Safety Plan and Soil Management Plan shall be reviewed by the Santa Clara Fire Department (SCFD) for approval prior to issuance of grading permits to confirm that adequate measures are included to protect construction workers and surrounding residents from elevated levels of arsenic in the shallow soil on-site.

MM HAZ-2.2: Soil materials removed from the site shall be characterized and disposed of according to the California Hazardous Waste Regulations. Contaminated soil that exceeds regulatory thresholds shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, state and federal laws. Any contaminated soils that are removed from the site shall be disposed of at a licensed hazardous materials disposal site.

Adherence to mitigation measures MM HAZ-2.1 and MM HAZ-2.2 above would reduce hazardous materials impacts to the public and the environment to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(No Impact)**

There are no schools within one-quarter mile of the project site, therefore, the project would not emit hazardous emissions within one quarter mile of a school. **(No Impact)**

Impact HAZ-4: The project would not 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, create a significant hazard to the public or the environment. **(No Impact)**

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment.⁴⁶ **(No Impact)**

⁴⁶ California Environmental Protection Agency. "Cortese List Data Resources". Accessed December 14, 2022. <https://calepa.ca.gov/sitecleanup/corteselist>.

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

The project site is located within the AIA of the Norman Y. Mineta San José International Airport and was referred to the ALUC for additional review on January 22, 2020.⁴⁷ The maximum height of the proposed townhomes (25 feet above grade or 46 feet MSL) is below the elevation that would require review by the FAA under FAR Part 77 (212 feet MSL). The project site is located within an ALUC-defined safety zone (Outer Safety Zone)⁴⁸ and was determined to be in compliance with the density requirements and CLUP safety policies for projects within this zone (refer to Section 4.11 Land Use and Planning). Schools, hospitals, nursing homes, large day care centers, and uses where the majority of occupants are children, elderly, and/or disabled are prohibited in this zone. In addition, regional shopping centers, theaters, meeting halls, amphitheaters, stadiums and other uses involving very high concentrations of people are proscribed. Storage of fuel and other hazardous materials is discouraged. None of these uses are contemplated by the proposed project.

The project is located within the 65 dBA CNEL noise contours for the airport. Airport noise would exceed the City’s acceptable interior noise level standard for residential uses without appropriate noise insulation features. In accordance with City and CLUP policy, the project would be required as a condition of approval to detail the noise reduction measures necessary to reduce interior noise levels to an “normally acceptable” levels (refer to Section 4.13 Noise and Vibration for further discussion).

There are no private airstrips within the project vicinity. The project was determined by the ALUC to be in compliance with the policies set forth in the CLUP regarding safety and noise; therefore, the proposed project would not result in increased exposure of people living and working in the vicinity of the project site to airport safety hazards or excessive noise. **(Less than Significant Impact)**

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

The City of Santa Clara participates in the ABAG Local Hazards Plan and has adopted the City of Santa Clara Emergency Plan. The City does not maintain formal evacuation routes, as the appropriate routes would depend on the type of disaster and its location. Construction of the project could temporarily impede the circulation of adjacent roadways, but this would not prevent emergency responders from servicing the site or the surrounding areas. Once operational, the project would increase local traffic, but this increase would be minor and would not interfere with the City’s emergency response planning. Thus, the impact would be less than significant. **(Less than Significant Impact)**

⁴⁷ County of Santa Clara Department of Planning and Development. *Report 99757 – City of Santa Clara referral for a General Plan Amendment, Rezoning, and Tentative Subdivision Map*. January 22, 2020.

⁴⁸ Santa Clara County. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. Figure 7. Adopted May 25, 2011. Amended November 16, 2016.

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

The proposed project is not located in a Very High Fire Hazard Severity Zone, as delineated on Cal Fire maps.⁴⁹ Implementation of the proposed project would not expose people or structures to risks involving wildland fires. **(No Impact)**

⁴⁹ Office of the State Fire Marshal. *Fire Hazard Severity Zones Map*. Accessed December 14, 2022. <https://egis.fire.ca.gov/FHSZ/>.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁵⁰ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flowcontrolled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).⁵¹

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 Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin

⁵⁰ California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

⁵¹ The Hydromodification Applicability Maps developed the permittees under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

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.⁵²

City of Santa Clara 2010-2035 General Plan

The City has adopted policies in its General Plan which pertain to hydrology and water quality and are applicable to the proposed project. The relevant General Plan policies are listed below.

Policies	Description
5.10.4-P5	Prohibit new development that would reduce water quality below acceptable State and local standards.
5.10.4-P12	Encourage downspout disconnection and replacement of hardscapes with landscaping and permeable surfaces.
5.10.5-P11	Require that new development meet stormwater and water management requirements in conformance with state and regional regulations.
5.10.5-P13	Require that development complies with the Flood Damage Protection Code.
5.10.5-P15	Require new development to minimize paved and impervious surfaces and promote on-site Best Management Practices for infiltration and retention, including grassy swales, pervious pavement, covered retention areas, bioswales, and cisterns, to reduce urban water run-off.
5.10.5-P16	Require new development to implement erosion and sedimentation control measures to maintain an operational drainage system, preserve drainage capacity and protect water quality.
5.10.5-P17	Require that grading and other construction activities comply with the Association of Bay Area Governments’ Manual of Standards for Erosion and Sediment Control Measures and with the California Stormwater Quality Association, Stormwater Best Management Practice Handbook for Construction.
5.10.5-P18	Implement the Santa Clara Valley Nonpoint Source Pollution Control Program (SCVNSPC), Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and the Urban Runoff Management Plan (URMP).

⁵² Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

Policies	Description
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).

4.10.1.2 Existing Conditions

Surface Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

The project site is located within the San Tomas Aquino Creek watershed.⁵³ The San Tomas Aquino Creek watershed drains approximately 45 square miles between the cities of Saratoga, Cupertino, Sunnyvale, and Santa Clara. San Tomas Aquino Creek originates in the foothills of the Santa Cruz Mountains and flows northerly until its discharge into the Guadalupe Slough at the northwestern corner of the City, which ultimately flows to the lower South San Francisco Bay. San Tomas Aquino Creek is located approximately 0.3 miles west of the project site. Water quality impairment of San Tomas Aquino Creek is primarily due to trash dumped illegally or entering the creek via runoffs and storm sewers.⁵⁴ The Guadalupe River, another major waterway which passes through the City of Santa Clara, is located approximately 0.9 miles east of the project site. Stormwater runoff from buildings, hardscape, and local streets is collected and conveyed to San Tomas Aquino Creek from the areas surrounding the project site.

Groundwater

The project site overlies the Santa Clara subbasin, a 225 square-mile groundwater subbasin which extends from the northern border of Santa Clara County to the groundwater divide near the town of

⁵³ Santa Clara Valley Water District. "Santa Clara County Watersheds". Accessed December 14, 2022. <http://data-valleywater.opendata.arcgis.com/>.

⁵⁴ City of Santa Clara. *2010-2035 General Plan Integrated Final EIR*. January 2011.

Morgan Hill. The depth to first groundwater at the project site is estimated to be 10 to 16 feet below ground surface (bgs)⁵⁵, although groundwater levels are influenced by variations in precipitation, seasonal weather patterns, underground drainage patterns, and other factors. The project site is not located within, or adjacent to, a SCVWD recharge pond or facility.⁵⁶

Storm Drainage System

The City of Santa Clara owns and maintains the municipal storm drainage system serving the project area. The project site is comprised predominantly of pervious surfaces (84 percent) and there is minimal storm water runoff generated on-site, primarily from the pavement remnants and the metal shed. The minimal runoff that is generated enters the City’s storm drainage system via storm drain inlets in Cheeney Street, which drain to San Tomas Aquino Creek and the South San Francisco Bay.

Flooding

The project site is not located within a 100-year flood hazard area. According to the FEMA FIRM, the project site is located in Zone X which is an area with 0.2 percent annual chance of flood; areas with one percent chance of annual 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 flood.⁵⁷

Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche. The project site is not located near a large, enclosed body of water, near the ocean, or in a landslide hazard zone. Therefore, the project site is not vulnerable to inundation by seiche, tsunami, or mudflow.⁵⁸

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁵⁵ AEI Consultants. *Phase I Environmental Site Assessment*. December 30, 2022.

⁵⁶ Santa Clara Valley Water District. *2021 Groundwater Management Plan*. Figure 2-3. November 2021.

⁵⁷ Federal Emergency Management Agency. *Flood Insurance Rate Map 06085C0064H*. May 18, 2009.

⁵⁸ Association of Bay Area Governments. “Hazard Viewer.” Accessed December 14, 2022. <https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer>.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Construction-Related Water Quality Impacts

Construction activities, such as grading and hauling of materials, have the potential to result in temporary impacts to surface water quality in adjacent waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged into the storm drainage system after surface runoff flows across the site. Although the project would not disturb more than one acre of soil and would not be required to adhere to the requirements of the Construction General Permit, the proposed construction activities could still impact nearby waterways, such as San Tomas Aquino Creek. Therefore, measures shall be implemented by the project to reduce the potential for surface water quality impacts during the construction period. The City of Santa Clara has developed Standard Measures based on the RWQCB BMPs to reduce construction-related water quality impacts.

Standard Measures

The following standard measures (based on the RWQCB BMPs) will be implemented by the project to reduce identified construction-related water quality impacts to a less than significant level.

- 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 shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

The proposed project would be required to implement Standard Measures to avoid or reduce construction-related water quality impacts to a less than significant level. **(Less than Significant Impact)**

Operational-Related Water Quality Impacts

As proposed, the project would increase impervious surfaces on-site from approximately 16 percent to 57 percent (an approximate increase of 41 percent) and correspondingly increase the amount of surface runoff from the site. The proposed development would alter or increase the amount of impervious surfaces on the site by more than 5,000 square feet; therefore, the project would be required to comply with Provision C.3 of the MRP. Provision C.3 of the MRP requires applicable projects to manage stormwater runoff using LID methods and properly install, operate, and maintain all stormwater treatment measures.

In addition to treating stormwater in compliance with the MRP, the project includes design features which would further minimize water quality and drainage impacts. The project includes permeable pavers in the driveway and walkway and landscaped bioretention zones around the site perimeter. These features allow for natural infiltration of stormwater and a reduction of the total stormwater runoff generated on-site. The project would comply with the MRP and generate a minimal increase in stormwater runoff; therefore, the project would not result in a significant operational water quality impact. **(Less than Significant Impact)**

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

Groundwater under the project site is estimated at 10 to 16 feet below ground surface (bgs).⁵⁹ Substantial excavation is not proposed by the project and the depth of trenching required for utility connections would likely not encounter groundwater. The project would not require any dewatering of groundwater.

As discussed previously, the project site is not located in one of the SCVWD's designated groundwater recharge facilities or ponds. The water provided to the project site would be sourced from a combination of water purchases from the San Francisco Public Utilities Commission's (SFPUC) Hetch-Hetchy System and local groundwater wells that draw water from the Santa Clara Valley subbasin. The project does not propose auxiliary wells or other methods of groundwater extraction. The project would increase the demand for water in the City; however, this increase would be marginal and would not result in the overdraft of any groundwater basins. Therefore, the project would have a less than significant impact on groundwater supplies and recharge. **(Less than Significant Impact)**

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

The proposed project would not alter the existing drainage pattern of the site or alter the course of a stream or river. Impervious surfaces on the project site would increase following implementation of the project (from 3,576 square feet to 12,797 square feet); however, this increase is not considered substantial and would not result in flooding on- or off-site following any storm events due to the flat topography of the site and the minimal increase in runoff.

The City's storm drainage system has adequate capacity to convey runoff from the site. As mentioned, the project would marginally increase the stormwater runoff from the site but would include features that would reduce demand placed on the City's stormwater infrastructure. Therefore, the project would not result in a significant drainage impact. **(Less than Significant Impact)**

⁵⁹ AEI Consultants. *Phase I Environmental Site Assessment*. December 30, 2022.

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

The project site is not located in a Flood Hazard Safety Zone as delineated on FEMA FIRM and is located at a distance at which inundation by seiche or tsunami is unlikely. As discussed in Section 4.9 Hazards and Hazardous Materials, the proposed project would not result in the use or storage of substantial quantities of hazardous materials; therefore, the project site would not be at risk of releasing pollutants if any of the aforementioned natural disasters were to occur. **(Less than Significant Impact)**

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

The SCVWD prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2021, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how the SCVWD will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft. Implementation of the proposed project would not interfere with any actions set forth by the SCVWD in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not conflict with or obstruct the implementation of the GMP.

The RWQCB updates its Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) triennially to reflect current conditions and track progress towards meeting water quality objectives. The proposed project would comply with the MRP and Construction Best Management Practices discussed in this section, thereby ensuring construction-period and post-construction water quality impacts are minimized. By adhering to existing regulations, the proposed project would not prevent the RWQCB from attaining the water quality objectives set forth in the Basin Plan. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional and Local

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.⁶⁰ The CLUP is also intended to ensure that surrounding new land uses do not affect airfield operations. The CLUP identifies the Airfield's 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.

Pursuant to state law, anytime a General Plan Amendment is proposed within the AIA of an adopted CLUP, a referral must be made to the County ALUC for a consistency determination. The project was referred to the ALUC on January 22, 2020.

City of Santa Clara 2010-2035 General Plan

The City of Santa Clara 2010-2035 General Plan contains the following land use policies that are applicable to the proposed project.

Policies	Description
5.3.1-P8	Work with property owners to improve or redevelop underutilized and vacant properties.
5.3.1-P9	Require new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.3.1-P29	Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies.
5.3.1-P30	Resolve any conflicts between proposed development, plans or funding for improvements and the Land Use Diagrams, Transportation and Mobility Diagrams or text through a General Plan Amendment in order to evaluate the implications of the proposal as well as to ensure the required internal consistency for the Plan.
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-P4	Encourage indoor and outdoor private and common spaces as part of all new residential developments, including clustering of units to maximize open space opportunities where appropriate.

⁶⁰ Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. November 16, 2016.

Policies	Description
5.4.1-P9	Residential development should include front doors, windows, stoops, porches, and bay windows or balconies along street frontages.
5.3.2-P11	Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the scale, mass and setbacks of existing or planned adjacent development.
5.5.2-P12	Screen loading and trash areas to preclude visibility from off-site and public streets.
5.10.5-P29	Continue to refer proposed projects located within the Airport Influence Area to the Airport Land Use Commission.
5.10.5-P30	Review the location and design of development within the Airport Land Use Commission jurisdiction for compatibility with the Airport Land Use Compatibility Plan.

City of Santa Clara Zoning Code

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

4.11.1.2 *Existing Conditions*

The proposed project is located on a vacant, 0.5-acre site consisting of two parcels (APNs 104-12-025 and -026) in northern Santa Clara. The site has a General Plan land use designation of Very Low Density Residential (zero to 10 du/ac) and a zoning designation of Single-Family Residential (R1-6L).

The Very Low Density Residential designation is intended for single-family dwellings at a density of up to 10 units per gross acre. Development with this designation maintains a feeling of suburban living with setbacks between structures, parking, large, landscaped yards, and tree lined streets.

The Single-Family Residential (R1-6L) zoning designation is intended to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable single-family residential environment.

The surrounding land uses consist of single-family residences to the north and south, two-story townhomes to the east, and Cheeney Street to the west. As described previously, the project site is located within the AIA and Outer Safety Zone as delineated in the CLUP for Norman Y. Mineta San José International Airport.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact LU-1: The project would not physically divide an established community. **(No Impact)**

The project proposes to develop a vacant site in the Agnew Village neighborhood of the City of Santa Clara with nine townhome units. Development of the site would occur in a suburban area within an existing residential community. The project does not propose the construction of infrastructure such as highways, freeways, or major arterial streets which could divide the area. As proposed, development would be confined to the project site and residents of the surrounding neighborhoods would retain access to local roadways in the vicinity of the site. Therefore, the project would not result in a significant land use impact by physically dividing an established community. **(No Impact)**

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

General Plan

The proposed project site has a General Plan designation of Very Low Density Residential, which allows for zero to 10 dwelling units per acre. The project site is 0.5 acres in size and a maximum of five dwelling units would be permitted under its current designation. The project proposes nine townhome units on the site, which would exceed the allowable density and require a General Plan Amendment to retain consistency with the General Plan. The project proposes to amend the General Plan designation to Low Density Residential, which would allow for a maximum of 18 dwelling units per acre (nine dwelling units on the project site).

The project proposes a residential density in exceedance of that allowed by the current designation; however, the General Plan Amendment proposed by the project would ensure that the development of nine townhome units on the site would not result in internal inconsistencies in the General Plan.

Various General Plan policies have been adopted to avoid or mitigate environmental impacts resulting from new development in the City. The project’s consistency with applicable General Plan policies adopted to avoid or mitigate environmental impacts is discussed in the relevant resource

sections throughout this Initial Study. Consistency with other policies and plans, such as the 2022 Climate Action Plan and BAAQMD’s 2017 Clean Air Plan, is discussed in this Initial Study in the sections which are applicable to the policy or plan in question (i.e., Greenhouse Gases and Air Quality). **(Less than Significant Impact)**

Zoning Ordinance

The project site is currently zoned Single-Family Residential (R1-6L). The project proposes to rezone the site to Low Density Residential (R2) to accommodate the nine townhome units. The project would be required to adhere to site-specific development standards set forth in the proposed Low Density Residential (R2) zoning district. Upon approval of the proposed rezoning, the project would not conflict with the City of Santa Clara Zoning Ordinance. **(Less than Significant Impact)**

Comprehensive Land Use Plan

The proposed project is located approximately 1.7 miles northwest of the Norman Y. Mineta San José International Airport. The project site is located within the AIA and a CLUP-defined safety zone for Norman Y. Mineta San José International Airport. Projects that are located within the AIA require an additional level of review by the ALUC to determine the project’s overall consistency with the CLUP. The project was referred to the ALUC on January 22, 2020, and the ALUC found that the proposed General Plan Amendment and rezoning would be consistent with the Norman Y. Mineta San José International Airport CLUP with the following conditions:

- An aviation easement be dedicated to the City of San José on behalf of the Norman Y. Mineta San José International Airport;
- Future building plans should indicate that the project would avoid outdoor patios or outdoor activity areas associated with the residential uses; and
- A detailed analysis of the noise reduction measures that would be required to reduce interior noise levels to at least 45 dBA in the new residences.

The project site is located within the Outer Safety Zone of the CLUP. Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of the airport by imposing density and use limitations within these zones. The safety zones are related to runway length and expected use. The Outer Safety Zone allows 300 people per acre. The project proposes nine townhome units and is estimated to result in approximately 24 people on-site, which is less than the density maximum imposed by the CLUP for projects in the Outer Safety Zone. Thus, the project could not conflict with CLUP policies applicable to projects located within airport safety zones.

Based on the maximum building height of 25 feet proposed by the project, no safety concerns are anticipated due to the project’s distance from the airport and the limited potential for interference with flight patterns or emergency landing zones. An aviation easement shall be obtained by the project and dedicated to the City of San José as an acceptance of aviation activity and noise, in accordance with CLUP Policy G-5. In addition, consistent with existing development in the surrounding area, the project would include limited outdoor patio areas to be used at the discretion of future residents and the project would provide interior noise levels below 45 dBA as discussed further in Section 4.13 . For these reasons, the project would not conflict with the Norman Y. Mineta San José International Airport CLUP. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

Surface Mining and Reclamation Act

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

4.12.1.2 *Existing Conditions*

The City of Santa Clara is located in an area zoned MRZ-1 for aggregate materials by the State of California. MRZ-1 zones are areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. The area is not known to support significant mineral resources of any type. No mineral resources are currently being extracted in the City of Santa Clara. The State Office of Mine Reclamation’s list of mines (AB 3098 list) regulated under the Surface Mining and Reclamation Act does not include any mines within the City.⁶¹

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁶¹ City of Santa Clara. 2010-2035 General Plan Integrated Final EIR. January 2011.

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

The project site is not located on, or in the vicinity of, an area where known mineral deposits are located. Implementation of the project would not result in the loss of any mineral resources. **(No Impact)**

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

The General Plan EIR did not identify any mineral resource recovery sites within City limits. Therefore, implementation of the project would not result in the loss of a mineral resource recovery site. **(No Impact)**

4.13 NOISE

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

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.⁶² 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.

4.13.1.2 *Vibration Overview*

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

4.13.1.3 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

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

⁶² L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

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

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

State

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.

Local

City of Santa Clara 2010-2035 General Plan

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

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-P6	Discourage noise sensitive uses, such as residences, hospitals, schools, libraries and rest homes, from areas with high noise levels, and discourage high noise generating uses from areas adjacent to sensitive uses.

City of Santa Clara City Code

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

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

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

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

4.13.1.4 Existing Conditions

The project site is immediately bordered to the east by two-story townhomes, to the south and north by single-family residences, and to the west by Cheeney Street. The ambient noise environment in the project area is generated primarily by train passbys on the Union Pacific Railroad (approximately 500 feet east of the site), vehicular traffic on adjacent roadways, including Lafayette Street (approximately 500 feet east of the site), Montague Expressway (approximately 0.4 miles south of the site) and Highway 101 (0.8 miles south of the site), and airplane flyovers from Norman Y. Mineta San José International Airport (1.7 miles southeast of the site).

There are noise-sensitive residential uses surrounding the project site. Existing noise levels generated by adjacent roadways and the railway are less than 60 dBA CNEL at the project site.⁶³ Further, the project site is located within the 65 CNEL noise contours delineated in the CLUP for Norman Y. Mineta San José International Airport. Airplanes taking off and landing at the nearby airport would intermittently generate noise levels within this range.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance Criteria

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project would substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. The General Plan defines a change of three dBA CNEL as noticeable and five dBA CNEL as a

⁶³ City of Santa Clara. *2010-2035 General Plan Final Environmental Impact Report. Figure 4:14-1: Existing Noise Contours for Major Roadways and Railroads in Santa Clara.* Page 430.

distinct change in noise level.⁶⁴ Typically, project generated noise level increases of three dBA CNEL or greater are considered significant where resulting exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA CNEL or greater is considered significant.

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

Construction Noise

Construction of the proposed project would take approximately 18 months to complete. The project would increase the temporary noise levels in the area due to construction activities such as grading, paving, and trenching for utility connections. The significance of noise impacts during construction depends on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors.

Construction activities generate considerable amounts of noise when heavy equipment is used. Typical hourly average construction generated noise levels are about 75 dBA to 80 dBA measured at a distance of 100 feet from the source during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the nearby residences. Compliance with City Code requirements for construction (Chapter 9.10, listed below) would reduce impacts from project related construction activities.

- Construction and demolition activities shall be limited to the period between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays. No construction or demolition activities are permitted on Sundays or holidays.
- Construction crews will be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.
- The applicant shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator shall respond to and address all complaints about noise.

Compliance with City Code requirements during construction activities on the project site would result in a less than significant construction noise impact. **(Less than Significant Impact)**

⁶⁴ City of Santa Clara. *City of Santa Clara 2010-2035 General Plan*, Section 8.14.1 Noise Measurement. 2010.

Operational Noise

Operational noise generated by the project would be primarily attributed to mechanical equipment in the proposed buildings (ventilation systems, air conditioning, fans, etc.) and the increase in traffic from additional vehicle trips to and from the site.

A noise increase is considered substantial if it increases the ambient noise level by three dB or more in sensitive noise areas. A three dB increase is equivalent to a doubling of traffic on local roadways. The proposed project would result in 65 net new daily trips on local roadways. This increase in traffic would not result in a doubling of traffic on neighboring streets and traffic noise from the project would not result in a substantial increase in ambient noise levels.

Noise levels from building equipment are limited by City Code. During the daytime (7:00 AM to 10:00 PM), building equipment is limited to 55 dBA L_{eq} , and during the nighttime (10:00 PM to 7:00 AM) building equipment is limited to 50 dBA L_{eq} at adjacent noise sensitive land uses. The mechanical equipment used by the proposed project would be required to be designed to minimize noise impacts on the residential uses surrounding the project site. Final design of the mechanical equipment would be reviewed by City staff prior to issuance of Building Permits. Because the project would be required to comply with City Code standards related to mechanical equipment noise, the project would have a less than significant noise impact on nearby residences. **(Less than Significant Impact)**

Airport Noise

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on a project are generally not considered as CEQA impacts, except where mandated to do so by statute. An analysis of airport noise on new residential uses is mandated by PRC Section 21096. The project site is located within the 65 CNEL noise contours delineated in the CLUP for Norman Y. Mineta San José International Airport. Airplanes taking off and landing at the nearby airport would generate noise levels within this range.

The “normally acceptable” level for interior and exterior noise exposure at residential uses is 45 dBA CNEL and 65 dBA CNEL, respectively. Interior and exterior noise levels at the site would vary. Interior noise levels are about 15 dBA lower than exterior levels within residential units with the windows partially open and approximately 20-25 decibels lower than exterior noise levels with the windows closed, assuming typical construction methods.

The residential uses proposed by the project would be exposed to airport noise that would exceed the “normally acceptable” levels for exterior noise exposure when considering noise reductions provided by typical construction methods. Thus, the project would be required as a condition of approval to complete a design-specific noise analysis that would take into account existing airport noise levels, in addition to existing roadway and railway noise (see Section 4.13.4 for further discussion), and implement design measures to ensure that the proposed residential uses are consistent with ambient noise levels. These measures may include forced air mechanical ventilation systems to allow residential units to control noise by keeping the windows closed, and/or windows and doors with high Sound Transmission Class (STC) ratings. Implementation of noise reduction measures in accordance with the recommendations of a design-specific noise analysis would ensure that airport noise is less than significant. **(Less than Significant Impact)**

Impact NOI-2: The project would not result in generation of, excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

Construction vibration poses a concern at the project site due to the presence of a historical structure (the former Agnew School building) which neighbors the project site approximately 90 feet to the north. Historical buildings are more prone to foundational or cosmetic damage from construction-generated vibration. For historical buildings, a vibration limit of 0.08 in/sec PPV is used to minimize the potential for cosmetic damage. Table 4.13-1 shows vibration source levels for typical construction equipment which may be used by the project.⁶⁵ It should be noted that a construction equipment list was not available at the time of the analysis, thus the equipment shown in the table below reflects a conservative estimate and actual vibration levels are anticipated to be lower.

Equipment	PPV at 25 ft. (in/sec)	Minimum Distance to Meet 0.08 in/sec PPV (feet)
Clam shovel drop	0.202	58
Hydromill (slurry wall)	in soil	3
	in rock	6
Vibratory Roller	0.210	60
Hoe Ram	0.089	28
Caisson drilling	0.089	28
Loaded trucks	0.076	24
Jackhammer	0.035	12

As shown in the table, the minimum distance from the project site at which the 0.08 in/sec PPV threshold could be exceeded is 60 feet. The Agnew’s School building is located approximately 90 feet from the northern property line. Thus, the adjacent historic structure would not be adversely affected by construction vibration. Construction activities of the proposed project would not involve demolition, impact pile driving, bulldozing, or other heavy-duty activities that typically generate the greatest vibrational frequency. In addition, the project would not include excavation aside from the minor trenching required to establish utility connections. Due to the scale of the construction activities proposed by the project, and their duration, the project would not result in excessive groundborne vibration or groundborne noise levels. The nearby historic structure would not be significantly impacted by vibration generated during construction of the proposed project. **(Less than Significant Impact)**

4.13.3 Non-CEQA Noise Impacts

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

⁶⁵ United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration. Transit Noise and Vibration Impact Assessment, September 2018, as modified by Illingworth & Rodkin, Inc., March 2020.

Existing Noise Levels

In addition to the airport noise described above under Impact NOI-1, the nearby roadways (Highway 101, Montague Expressway, Mission College Boulevard) and the railway contribute to the level of noise which future residents of the site would be exposed to. Based on noise contours prepared for the General Plan EIR, ambient noise levels at the site due to roadway and railway noise are approximately 60 dBA CNEL which is lower than the 65 dBA CNEL noise contours delineated in the CLUP for Norman Y. Mineta San José International Airport. Interior noise levels are about 15 dBA lower than exterior levels within residential units with the windows partially open and approximately 20-25 decibels lower than exterior noise levels with the windows closed, assuming typical construction methods.

While CEQA is primarily concerned with the impacts of the project on the environment, not of the environment on the project, the City of Santa Clara has adopted goals and policies that set standards for interior and exterior residential noise exposure consistent with the requirements of Title 24 in the CBC. The “normally acceptable” level for interior noise exposure at residential uses is 45 dBA CNEL; for exterior noise the “normally acceptable” level is 60 dBA CNEL.⁶⁶ With the windows partially open, and assuming 15 dBA noise reduction from typical construction methods, the proposed residences would not be exposed to interior noise levels due to roadway and railway noise that would exceed the “normally acceptable” level of 45 dBA CNEL. Consistent with the surrounding residential development in the area (including both townhome developments and single-family residences), the project would include private outdoor areas at each residence on-site. Noise levels from airplanes flying overhead may occasionally surpass the normally acceptable level of 60 dBA CNEL; however, future residents on-site would be able to use the outdoor patios at their discretion and would still be able to go inside where noise levels would be below 45 dBA. Thus, the existing noise levels at the site due to roadway and railway noise would be compatible with General Plan policies for residential noise exposure.

⁶⁶ City of Santa Clara. *2010-2035 General Plan*. Chapter 5, Section 5.10.6 Noise Goals and Policies. December 2014.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction’s general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁶⁷ The City of Santa Clara Housing Element and related land use policies were last updated in 2015.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region’s environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.⁶⁸

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

⁶⁷ California Department of Housing and Community Development. “Projected Housing Needs - Regional Housing Needs Allocation” Accessed December 15, 2022. <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/projected-housing-needs-regional-housing-needs-allocation>.

⁶⁸ 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.

4.14.1.2 Existing Conditions

According to the California Department of Finance, the City had a population of approximately 129,122 residents in 51,252 households as of January 2021.⁶⁹ 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.⁷⁰

The job/housing ratio quantifies the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/housing ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The City of Santa Clara had an estimated 2.50 jobs for every employed resident in 2010.⁷¹ 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 2040⁷² 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 is currently undeveloped and does not contribute to the population of the City of Santa Clara.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁶⁹ California Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022.” Accessed December 15, 2022. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

⁷⁰ City of Santa Clara. 2010-2035 General Plan. December 2014.

⁷¹ City of Santa Clara 2010-2035 General Plan. December 2014. Appendix 8.12 (Housing Element). Page 8.12-25.

⁷² City of Santa Clara 2010-2035 General Plan Final Environmental Impact Report. 2011.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(Less than Significant Impact)**

The project proposes to increase the number of housing units within the City by providing nine townhome units at a currently vacant site. While the project would accommodate an increase in the local population, this increase would not be substantial. Using an estimate of 2.61 residents per household, the proposed project would increase the population of the City by approximately 24 persons.⁷³ The City expects an increase of 28,300 new residents in the period between 2010 and 2035.⁷⁴ The growth in population that the project would facilitate would fall within the planned development levels set forth by the City’s General Plan. No roads would be extended as a component of the project, nor would other infrastructure be developed that would induce population growth beyond the scope of the project. Therefore, the project would not result in a significant population impact by inducing substantial unplanned growth. **(Less than Significant Impact)**

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

Development of the project site would not result in the removal of any existing housing. The project is proposing to increase the available housing in the City. Therefore, no displacement of people or housing would occur, and the project would not require the construction of replacement housing. **(No Impact)**

⁷³ California Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022.” Accessed December 15, 2022. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

⁷⁴ City of Santa Clara. *2010-2035 General Plan*. 2014.

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Quimby Act-California Code Section 66477

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

Mitigation Fee Act.

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

School Impact Fees

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

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

Regional and Local

City of Santa Clara 2010 – 2035 General Plan

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

Policies	Description
Parks, Open Space and Recreation	
5.3.1-P9	Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.9.3-P1	Encourage design techniques that promote public and property safety in new development and public spaces.
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. ⁷⁵
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.

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.

⁷⁵ The City of Santa Clara Fire Department's Accreditation report includes the goal of maintaining a City-wide response time of less than 5:30 minutes to 90 percent of all high-level emergency calls.

4.15.1.2 Existing Conditions

Fire Service

Fire protection services for the project site is provided by the City of Santa Clara Fire Department (SCFD). The SCFD consists of nine active stations distributed throughout the City. The nearest fire station to the project site is Station 8, located at 2400 Agnew Road, approximately 0.5 miles west of the project site. The Fire Department responds to emergency scenes, maintaining a City-wide response time of less than 5:30 minutes for 90 percent of all high-level emergency calls. Response time is measured from time of dispatch to the time of arrival at the call.

Police Service

Police protection services are provided by the City of Santa Clara Police Department (SCPD). The nearest police station is the Northside Substation located at 3992 Rivermark Parkway, approximately 0.7 miles east of the project site.

Parks

The City of Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming various parks and recreational facilities and works cooperatively with public agencies in coordinating all recreational activities within the City.

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. As of February 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), 30 neighborhood parks (125.43 acres improved and 5.220 acres unimproved resulting in 130.65 acres), 13 mini parks (2.59 acres improved and 3.189 acres unimproved resulting in 5.779 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.898 acres improved and excluding the BMX track), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.588 acres) throughout the City totaling approximately 269.266 improved acres and 83.619 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

The nearest public neighborhood park to the project site is Agnew Park (approximately 300 feet east of the site).

Schools

The project site is located within the Santa Clara Unified School District (SCUSD). The nearest public schools to the project site are Kathryn Hughes Elementary School (approximately 0.7 miles north of the site), Dolores Huerta Middle School (approximately 1.7 miles northeast of the site), and Kathleen MacDonald High School (approximately 1.8 miles northeast of the site). Don Callejon School, a public K-8 school, is located approximately 0.9 miles east of the site.

Libraries

The City of Santa Clara is served by the Central Park Library located at 2635 Homestead Road (approximately 3.8 miles south of the site), the Mission Branch Library located at 1098 Lexington Street (approximately 3.3 miles south of the site), and the Northside Branch Library located at 695 Moreland Way (approximately 0.8 miles east of the site).

Community Centers

The City of Santa Clara provides a total of four community centers: the Reed & Grant Sports Park (approximately 2.5 miles southeast of the site), Youth & Teen Center (approximately 2.4 miles southwest of the site), Senior Center (approximately three miles south of the site), and Community Recreation Center (approximately 3.6 miles southwest of the site).⁷⁶

4.15.2 Impact Discussion

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

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

The proposed project would be located in a suburban area that is already served by the SCFD. The project would incrementally increase the demand for fire protection services within the SCFD’s jurisdiction; however, this increase in demand would not require the construction of new facilities or expansion of existing facilities. The proposed project is estimated to increase the local population by

⁷⁶ City of Santa Clara. “Community Centers.” Accessed January 3, 2023. Available at <https://www.santaclaraca.gov/our-city/departments-g-z/parks-recreation/community-centers>.

24 persons, which is not a sufficient increase in population to justify new fire stations, personnel, or equipment. The proposed townhomes would be built to applicable Fire Code standards when construction permits are issued and would include features that would reduce potential fire hazards, including smoke detectors and sprinklers. Emergency vehicles would be able to access the project site from Cheeny Street via the 24-foot-wide common access driveway. Therefore, the proposed project would result in a less than significant impact to fire protection services in the City. **(Less than Significant Impact)**

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

The proposed residential development would increase the population of Santa Clara and would incrementally increase the demand for police services because the project would increase the number of residents on-site. The project site is, however, located within a suburban area that is already served by the SCPD. The project would be constructed in conformance with current codes, and the project design would be reviewed by the SCPD to ensure that it incorporates appropriate safety features to minimize criminal activity. No new facilities would be required to provide adequate police services to serve the proposed project. **(Less than Significant Impact)**

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

The project site is located within the SCUSD and would generate new students that are anticipated to attend elementary, junior, and high schools in the area. Implementation of the proposed project would increase the demand on local school facilities as a result. Table 4.15-1 shows the local schools that students from the project site would likely attend, the school's capacity, and the school's current enrollment.⁷⁷

⁷⁷ Since August 2021, Agnew Elementary School, Huerta Middle School, and Kathleen MacDonald High School were opened as new school sites within SCUSD. The addition of these school sites has impacted the traditional boundaries that determine which schools elementary, middle, and high school students would attend within SCUSD during the 2022 to 2023 and 2023 to 2024 school years. Depending on the grade that newly enrolled students would be entering, it is possible that students in the same household could be attending different middle and high schools. The possible school sites are listed in Table 4.15-1 below.

Table 4.15-1: Local School Facilities		
School	Capacity⁷⁸	Current Enrollment (2021-2022)⁷⁹
Kathryn Hughes Elementary School	522	292
Dolores Huerta Middle School*	-	196
Buchser Middle School	1,017	776
Kathleen MacDonald High School*	-	-
Santa Clara High School	1,620	1,888
* Dolores Huerta Middle School was opened in August 2021; therefore, capacity information was not included in the 2014 update of the General Plan. Kathleen MacDonald High School opened in August 2022 with 9 th grade students only, so capacity and enrollment data is not currently available.		

Based on student generation rates for the SCUSD provided in the General Plan, the proposed project would generate two additional students.⁸⁰ Two additional students would not place a significant burden on existing school facilities or require the construction of new facilities. The proposed project would contribute minimally to the demand placed on the schools’ infrastructure, staffing, and resources. The General Plan expects new development between 2010 to 2035 to add an additional 2,000 students to schools in Santa Clara. The number of students generated by the proposed project would be within expected enrollment increases and would comprise a nominal portion of the expected student growth.

To offset the project’s minor effect on local school facilities, the project will pay a school impact fee prior to issuance of a building permit, in accordance with state law (California Government Code Section 65996). Fees are assessed based upon the proposed square footage of the new development. Implementation of the proposed project would not substantially degrade existing school facilities or result in the need for new permanent facilities to be constructed; thus, impacts from the project would be less than significant. **(Less than Significant Impact)**

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

The proposed residential development would incrementally increase the local population. New residents of the proposed townhomes can reasonably be expected to use nearby parks, such as Agnew Park. The proposed project would place additional demand on existing parks in the area.

⁷⁸ City of Santa Clara. 2010-2035 General Plan. Appendix 11: School Facilities and Information. Table 8.11-1. 2014.

⁷⁹ California Department of Education. Educational Demographics Unit. Enrollment by Grade 2021-2022. Accessed December 15, 2022. <http://dq.cde.ca.gov/dataquest/>

⁸⁰ The student generation rate for multifamily housing is 0.16 students per unit.

Santa Clara City Code Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in-lieu thereof, at the discretion of the City, and pursuant to the State of California Mitigation Fee Act (MFA) and Quimby Act. The City is meeting the Parkland Dedication Standard of 2.60 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. The proposed project would be required to pay a fee in-lieu of parkland dedication to help mitigate the impacts of housing development growth on existing parkland and recreational facilities.

The amount of public parkland required for this project to mitigate the impact of the new resident demand is approximately 0.06 acre.⁸¹ Based on the number of units being proposed (less than 50), the City may impose a fee in lieu of parkland dedication to mitigate its impact on the City's parks and recreational facilities. **(Less than Significant Impact)**

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

Community centers in the City of Santa Clara could be used by future residents of the proposed project. While use of nearby community centers would likely increase, implementation of the project would not result in degradation of the existing community centers to the point of disrepair. The proposed project would not require the construction of new community center facilities or the expansion of existing facilities to accommodate the increase in local population generated by the nine townhome units. **(Less than Significant Impact)**

⁸¹ 3 acres/1,000 residents multiplied by 20 new residents. Note that the City relies upon California Department of Finance (DOF) data to calculate anticipated population size for a development in most contexts, as the DOF releases annual updates, and this represents the most current population data. The one exception to this is in the context of parkland, where state law provides that if a City's parkland ordinance uses U.S. Census data for population calculations, the ordinance cannot be challenged on that basis. Consequently, following the City's ordinance, the City uses U.S. Census data to calculate anticipated population for parkland dedication requirements. According to the Census Bureau, the average density for a multifamily dwelling is 2.24 persons per household, which would result in a population of 20 new residents for this analysis.

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Mitigation Fee Act.

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

Local

City of Santa Clara 2010 – 2035 General Plan

The General Plan contains the following recreation policies which are applicable to the proposed project.

Policies	Description
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.

4.16.1.2 *Existing Conditions*

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. As of February 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), 30 neighborhood parks (125.43 acres improved and 5.220 acres unimproved resulting in 130.65 acres), 13 mini parks (2.59 acres improved and 3.189

acres unimproved resulting in 5.779 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.898 acres improved and excluding the BMX track), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.588 acres) throughout the City totaling approximately 269.266 improved acres and 83.619 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

Santa Clara City Code Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in-lieu thereof, at the discretion of the City, and pursuant to the State of California MFA and Quimby Act. The City is meeting the Parkland Dedication Standard of 2.60 acres per 1,000 residents per the MFA 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.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact REC-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

Residents of the proposed townhomes would likely utilize nearby neighborhood and regional parks to fulfill their recreational needs. The amount of public parkland required for this project to mitigate the impact of the new resident demand is approximately 0.06 acres. Based on the number of units being proposed (less than 50), the City may impose a fee in-lieu of parkland dedication to mitigate the impact on the City's parks and recreational facilities. The project would be required to pay the in-lieu fee; therefore, the development would result in a less than significant impact to existing neighborhood and regional parks or other recreational facilities. **(Less than Significant Impact)**

Impact REC-2: The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

The increase in population generated by the proposed project (approximately 24 residents) would not warrant the construction or expansion of recreational facilities. The project does not propose any recreational facilities, the construction of which could result in additional environmental impacts. Therefore, the proposed project would not result in significant impacts as a result of the construction or expansion of on-site or off-site recreational facilities. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based, in part, on a Transportation Demand Management Plan prepared for the project site by Hexagon Transportation Consultants, Inc. This plan is attached to this Initial Study as Appendix E.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Senate Bill 743

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

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

Regional and Local

Congestion Management Program

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

Climate Action Plan TDM

The City will require all new multi-family residential developments 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. For new multi-family residential developments, a 20 percent reduction in VMT is required, with 10 percent of that reduction being achieved through active TDM measures.

City of Santa Clara 2010-2035 General Plan

The General Plan contains the following transportation policies which are applicable to the proposed project.

Policies	Description
5.3.1-P12	Encourage convenient pedestrian connections within new and existing developments.
5.8.2-P9	Require all new development to provide streets and sidewalks that meet City goals and standards, including new development in employment areas.
5.8.3-P9	Require new development to incorporate reduced onsite parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.
5.8.4-P6	Require new development to connect individual sites with existing and planned bicycle and pedestrian facilities, as well as with on-site and neighborhood amenities/services, to promote alternate modes of transportation.
5.8.5-P3	Encourage all new development to provide on-site bicycle facilities and pedestrian circulation.
5.10.2-P2	Encourage development patterns that reduce vehicle miles traveled and air pollution.

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. One hundred percent affordable housing projects would also be presumed to be less than significant. Transit supportive projects which are located within one half-mile of an existing major transit stop or an existing transit stop along a High Quality Transit Corridor would also be presumed to be less than significant, provided that a minimum density of 35 units/acre is met for residential projects, they promote multimodal transportation networks and include transit-oriented design elements, a minimum FAR of 0.75 is met for office/R&D projects, no excess parking is provided, and no affordable dwelling units are replaced.

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

City of Santa Clara Bicycle Plan

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

City of Santa Clara Pedestrian Master Plan

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

4.17.1.2 Existing Conditions

Regional and Local Roadway Access

The project site can be accessed from Cheeney Street. Local access to the project site is provided by Agnew Road. Regional access to the project site is provided by US 101, El Camino Real, Lafayette Street, and Montague Expressway. These roadways are briefly described below.

Regional Access

- US 101 is an eight-lane highway with three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction in the vicinity of the project site. US 101 provides access to the project vicinity via a full interchange at Montague Expressway.
- El Camino Real (SR 82) connects the cities of San Francisco and San José. It is a divided six-lane road traveling northwest-southeast providing access to the project vicinity via San Tomas/Montague Expressway.
- Lafayette Street is a divided four-lane road that extends between Poplar Street in the south and SR 237 in the north. Lafayette Street provides access to the project vicinity via Agnew Road.

- Montague Expressway is an eight-lane expressway with three mixed-flow lanes and one HOV lane in each direction in the vicinity of the project site. Montague Expressway provides access to the project vicinity via Lafayette Street.

Local Access

- Cheeney Street is a two-lane residential street that extends between Agnew Road in the south and Gianera Street in the north. Access to the project site from Cheeney Street is provided by an existing driveway at the project frontage.
- Agnew Road is a divided four-lane road that extends between Montague Expressway in the east and Mission College Boulevard in the west. Agnew Road provides access to the project site via Cheeney Street.

Existing Pedestrian and Bicycle Facilities

Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals. Sidewalks are provided on both sides of Cheeney Street, Ash Street and Davis Street in the vicinity of the site. Lafayette Street, the closest arterial roadway to the site, provides sidewalks only on the eastern side of the street, with the railroad tracks on the west.

Bicycle facilities include paths (Class I), lanes (Class II), routes (Class III), and cycle tracks (Class IV). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are lanes on roadways designated for bicycle use by striping, pavement legends, and signs. Bicycle routes are roadways designated for bicycle use by signs only. Cycle tracks are bike facilities that are separated by a physical barrier from roadway traffic. There are no existing designated bike paths, lanes, or routes on Cheeney Street. Agnew Road, approximately 200 feet north of the project site, includes a Class II bike lane.

Transit Services

The nearest bus stop is located at the intersection of Agnew Road and Cheeney Street, approximately 200 feet northwest of the project site. This bus stop is serviced by VTA local bus Route 20, which provides service between the Sunnyvale Transit Center, Mission College, and the Milpitas Transit Center with connections to BART and Caltrain rail lines. Additional bus stops are located along Mission College Boulevard (approximately 0.3 miles southwest of the site), at Mission College/Wyatt and Mission College/Burton, and are served by VTA local bus Route 59 and the VTA Altamont Corridor Express (ACE) Yellow shuttle line. Route 59 provides service from Stevens Creek Boulevard to the Baypointe Station, with a connection to VTA light rail. The ACE Yellow Shuttle provides weekday service between the Great America ACE Amtrak Station and the intersection of Scott Boulevard & San Tomas Expressway in Santa Clara, with a connection to the ACE rail line and other VTA bus stops.

ACE and Amtrak trains run along Lafayette Street, with the nearest boarding station (Great America Amtrak/ACE Station) located approximately one mile north of the project site. The ACE rail service operates four trains during the morning and afternoon commute periods and provides service between Stockton and San Jose. The closest VTA light rail stop is along the Orange and Green lines at the Great America Station, approximately one mile northwest of the project site. The Santa Clara

Caltrain station is located approximately three miles southeast of the project site. Caltrain provides rail service from Gilroy to San Francisco, with 15- to 30-minute headways during commute hours.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(1)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact TRN-1: The project would not conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths. **(Less than Significant Impact)**

Roadways

While vehicle delay is no longer the appropriate metric to analyze transportation impacts under CEQA, City policy requires projects to analyze level of service (LOS) and operational issues, such as site access and circulation. The City follows the VTA CMP Transportation Impact Analysis (TIA) Guidelines to determine if a local transportation analysis is required to be conducted for a project. This discussion is included in Section 4.17.2.1.

As detailed in Table 4.17-1 below, the proposed project would generate approximately 65 daily trips. Of the 65 trips, five would occur in the AM Peak Hour and six would occur in the PM Peak Hour. As this project would generate less than 100 net new AM or PM peak hour trips, it does not meet the threshold to conduct a traffic study, per the VTA CMP TIA Guidelines.

Based on this discussion, the number of vehicles entering/exiting the site at any time would be minimal and would not disrupt traffic flow in the existing neighborhood. 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)**

Transit, Pedestrian, and Bicycle Facilities

The nine proposed townhome units would generate approximately 24 new residents in the area. New residents at the site can reasonably be anticipated to utilize transit opportunities in the surrounding areas. The nearest bus stops are located approximately 200 feet northwest of the site and are operated by VTA. VTA light rail, Amtrak, and ACE rail services are available within one mile of the site. Caltrain service is available from the Santa Clara Caltrain Station, approximately three miles southeast of the site. The minor increase in use of these transit services would not conflict with any plans, ordinances, or policies related to their operation, expansion, or performance.

The project site is not served by any bicycle facilities. Implementation of the project would not result in the alteration or removal of any bicycle routes. The project would include four bicycle parking spaces to encourage bicycle travel to and from the site. The City's Bicycle Plan Update 2018 includes planned improvements to the City's bicycle network, none of which are in the vicinity of the project site.⁸² The project would not conflict with any plans, ordinances, or policies addressing bicycle facilities.

Pedestrian facilities include sidewalks on both sides of the roadways in the site vicinity. The project proposes a new access driveway in generally the same location as the existing driveway on-site. Construction of the project could temporarily block pedestrian access to surrounding residences on Cheeney Street; however, the western sidewalk on Cheeney Street could be used in the interim. The project would not otherwise interfere with pedestrian circulation patterns in the surrounding areas or planned improvements to the pedestrian network set forth in the Pedestrian Master Plan. The project would not conflict with any plans, ordinances, or policies addressing pedestrian facilities. **(Less than Significant Impact)**

Impact TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(1). **(Less than Significant Impact)**

This question pertains specifically to VMT as the means of analyzing transportation impacts of a project. As described in Section 4.17.1.1 Regulatory Framework, the City has adopted a VMT policy which sets forth screening criteria for projects which would be presumed to result in a less than significant transportation impact. As shown in Table 4.17-1 below, the proposed project would generate approximately 65 daily vehicle trips, which falls below the small project screening criteria of 110 daily vehicle trips.

Although the project is presumed to result in a less than significant transportation impact, the City's Climate Action Plan requires that multi-family residential developments draft and implement a VMT reduction strategy that reduces drive-alone trips, which would include preparation of a TDM plan for the project. To satisfy this requirement, the project would comply with the following Condition of Approval.

⁸² City of Santa Clara. *Bicycle Plan Update 2018*. Figure ES-1. June 2019.

Condition of Approval

- Transportation Demand Management (TDM) Program (Residential Project). The owner or designee shall implement the project TDM program that includes elements to reduce vehicle miles traveled (VMT) by 20 percent with 10 percent through active TDM measures per the City's 2022 Climate Action Plan. A final TDM plan shall be submitted to the Director of Community Development or designee prior to Building Permit Final by the Planning Division. The property owner or designee shall monitor the project's TDM program and submit an annual report to the Director of Community Development or designee. Monitoring and reporting requirements may be revised in the future if the minimum reduction is not achieved through the measures and programs initially implemented.

Consistent with the requirements of this Condition of Approval, a TDM plan was prepared for the project. This plan includes the following active measures to reduce drive-alone trips from future residents on-site.

- Designating a Transportation Coordinator to provide future residents with information and resources regarding alternate travel modes
- Providing future residents with a transit subsidy to encourage use of public transit
- Providing incentives for new carpools/vanpools
- Including short- and long-term bicycle parking on-site along with providing resources to encourage future residents to utilize alternate modes of transportation
- Providing future residents with information regarding available ride-matching programs
- Constructing new sidewalks along the project frontage and including pedestrian scale lighting on-site
- Including connections to high-bandwidth internet services in the residences

As required by the Condition of Approval above, the project would submit an annual report to the City detailing the effectiveness of these measures at reducing VMT generated by residents on-site. If the VMT reduction targets are not met, additional measures may be implemented to further reduce VMT.

Based on the number of project-generated trips and the project's compliance with the above Condition of Approval, the project would result in a less than significant VMT impact and would not conflict with CEQA Guidelines Section 15064.3, subdivision (b)(1). **(Less than Significant Impact)**

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

The project proposes one 24-foot wide, two-way access driveway on Cheeney Street. The driveway would be located at the northwest corner of the site and would provide access to the individual garages of each townhome unit. Each townhome unit would have an attached, at-grade two-car

garage. Two guest parking spaces would be provided adjacent to the northern site boundary, parallel to the proposed driveway accessed via Cheeney Street.

The project driveway would interrupt the continuity of the existing sidewalk; however, the expected vehicle traffic generated by the project, in combination with existing traffic volumes on Cheeney Street, would not result in unsafe conditions for pedestrians traveling throughout the neighborhood.

The City has evaluated the proposed project and determined that it would not increase on-site hazards due to the design of the townhomes, including garages and driveways, and the relocation of the existing sidewalk. Thus, the impact would be less than significant. **(Less than Significant Impact)**

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

Emergency access to the project site would be provided via the proposed 24-foot-wide common driveway. Parking on-site would be restricted to the individual garages and the two guest parking spaces. The project would include one fire hydrant which would provide adequate coverage for all of the proposed townhome units. Emergency responders would be able to adequately access the site and provide service in the event of an emergency. Thus, the impact would be less than significant. **(Less than Significant Impact)**

4.17.2.1 Non-CEQA Operational Transportation Effects

As described previously, vehicle delay is no longer the appropriate metric to analyze transportation impacts under CEQA. Nonetheless, City policy requires projects to analyze level of service (LOS) and operational issues, such as site access and circulation.

Local Intersections

The VTA CMP calls for a transportation analysis to be prepared when a project would add 100 or more net new peak hour trips to the roadway network. Projects that generate fewer than 100 AM or PM net new peak hour trips are presumed to have a less than significant impact on the LOS of local intersections that would carry project traffic.

Table 4.17-1: Project Trip Generation Estimates							
Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Multifamily Housing*	65	1	4	5	4	2	6
<p>* Trips that would be generated by the proposed development were estimated using the Institute of Transportation Engineers' (ITE) trip rates for "Single-Family Attached Housing" (Land Use 215). The "Single-Family Attached Housing" ITE land use category includes duplexes and townhomes/rowhouses.</p> <p>The average ITE daily trip rate is 7.20 daily trips per dwelling unit for Land Use 215. AM Peak Hour is 0.48 trips per dwelling unit (with 25 percent entering/75 percent exiting) and PM Peak Hour is 0.59 trips per dwelling unit (with 59 percent entering/41 percent exiting).</p>							

Based on the 11th Edition ITE Trip Generation Manual, the proposed project would generate approximately 65 daily trips. Of the 65 trips, five would occur in the AM Peak Hour and six would occur in the PM Peak Hour. The new trips associated with the proposed project would be below the CMP threshold of 100 peak hour trips; therefore, the project would not adversely affect the LOS of local intersections.

4.18 TRIBAL CULTURAL RESOURCES

The discussion in the following section is based, in part, on a cultural resource literature search and Native American consultation completed for the project by Archaeological/Historical Consultants. The cultural resources literature search, dated December 21, 2022, is on file at the City of Santa Clara's Community Development Department.

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Senate Bill 18 (2014)

The intent of Senate Bill (SB) 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Assembly Bill 52 (2014)

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, 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 when it is concluded that mutual agreement cannot be reached.

Under AB 52, a 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 Resources⁸³
 - 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.

⁸³ See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Local

City of Santa Clara 2010-2035 General Plan

The General Plan contains the following tribal cultural resources policies which are applicable to the proposed project.

Policies	Description
5.6.3-P1	Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
5.6.3-P3	Consult with Native American tribes prior to considering amendments to the City’s General Plan.
5.6.3-P5	In the event that archaeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archaeologist/paleontologist.
5.6.3-P6	In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State law.

4.18.1.2 *Existing Conditions*

The project site consists of two undeveloped parcels of land in a suburban area of Santa Clara. The site is vacant except for a small, corrugated metal shed and a pole-mounted lighting fixture. Vegetation on-site consists of ruderal plant species and several mature trees.

The results of the cultural resources records search indicate that are no documented cultural resource sites on or within one quarter-mile of the project site. In this portion of Santa Clara County, Native American sites have been identified adjacent to springs or within a one-half mile of the two major waterways, the Guadalupe River and Coyote Creek, and their major tributaries. Within the general area surrounding the project site, buried archaeological sites have been identified near both sides of the Guadalupe River. The project site is located on a gently sloping valley terrace 0.9-mile west of the channelized Guadalupe River. Based on the distance from the river, the project has a low potential for archaeological sites.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>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:</p>				

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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 this criteria, the significance of the resource to a California Native American tribe shall be considered. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

Native American Consultation

The project proposes a General Plan Amendment; therefore, per SB 18 and AB 52, consultation with Native American tribes regarding tribal cultural resources on-site is required. On March 9, 2023, the City of Santa Clara initiated Native American consultation. The Native American Heritage Commission (NAHC) was contacted to request a review of the Sacred Lands File for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project site. The result of the Sacred Lands File Search was positive. The NAHC provided contact information for Native American individuals/organizations who could provide additional information about the project site and surrounding areas. Each contact was contacted via certified mail and e-mail and provided information about the proposed project and its location. No significant concerns about the project were raised during this time.

Undiscovered Tribal Cultural Resources

As discussed, the project site is considered to have low sensitivity for tribal cultural resources due to its location and lack of previously identified sites, either on the project site or in its vicinity. While no resources have been identified, there is still the possibility that as-yet undiscovered tribal cultural resources are uncovered during project implementation. The site is undeveloped and may contain buried resources that have not been studied and recorded. As discussed in Section 4.5 Cultural Resources, an appropriate process shall be followed during all project construction activities to ensure that cultural resources are not accidentally uncovered and disturbed. MM CUL-2.1 and MM CUL-2.2 set forth the procedure to be followed in the event that any archaeological resources are unearthed during project implementation. Adherence to these mitigation measures would ensure that any cultural resources that are discovered, including tribal resources, are studied, documented, and recorded, and relevant agencies are consulted, before construction of the project is allowed to continue. Thus, the impact would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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

Adherence to the mitigation measures discussed in Section 4.5 Cultural Resources would allow for identification and documentation of any tribal cultural resources on the site, should they be discovered. The procedure outlined in these mitigation measures would allow the City to determine the significance of any tribal cultural resources and avoid any impacts to these resources. Thus, the impact would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

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 set 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

City of Santa Clara 2010-2035 General Plan

The City of Santa Clara General Plan includes the following policies pertaining to utilities and service systems.

Policies	Description
5.3.1-P9	Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.10.1-P6	Require adequate wastewater treatment and sewer conveyance capacity for all new development.
5.10.4-P1	Promote water conservation through development standards, building requirements, landscape design guidelines, education, compliance with the State water conservation landscaping ordinance, and other applicable City-wide policies and programs.
5.10.4-P3	Promote water conservation, recycled water use and sufficient water importation to ensure an adequate water supply.
5.10.5-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

4.19.1.2 *Existing Conditions*

Potable Water

Water services to the site are provided by the City of Santa Clara Department of Water and Sewer Utilities. 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.⁸⁴ The water system consists of more than 335 miles of water mains, 21 active water wells and storage tanks with a combined water storage capacity of 28.8

⁸⁴ City of Santa Clara. 2020 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted June 22, 2021.

million gallons.⁸⁵ Drinking water is provided by an extensive underground aquifer (accessed by the City's wells) and by two wholesale water importers: the Santa Clara Valley Water District (SCVWD) (imported from the Sacramento-San Joaquin Delta) and the San Francisco Public Utilities Commission (imported from the Sierra Nevada). Approximately 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.⁸⁶

The project site does not currently use water because it is undeveloped. An existing water line in Cheeney Street provides potable water to the residences in the site's immediate vicinity.

Recycled Water

Recycled water serves as the fourth source of water supply in Santa Clara and comprises approximately 16 percent of the City's overall water supply. The City's average annual recycled water demand is 3,499-acre feet or 3.1 mgd.⁸⁷ Recycled water is supplied by South Bay Recycled Water, which provides advanced recycled water from the San José-Santa Clara Regional Wastewater Facility (RWF).

Wastewater Services

Sanitary Sewer lines that serve the site are maintained by the City of Santa Clara Sewer Utility. Wastewater from the City of Santa Clara is treated at the 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.⁸⁸

In 2020, the RWF's average dry weather effluent flow was 75.4 mgd.⁸⁹ The City of Santa Clara is allocated 15 percent of the overall capacity at the RWF which equates to 25 mgd of dry weather flow. 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 it is undeveloped. An existing six-inch sanitary sewer line in Cheeney Street conveys flows from the surrounding areas to the City system for treatment and disposal. There are existing sanitary sewer manholes located at Cheeney Street and Agnew Road, and Cheeney Street and Ash Street.

⁸⁵ City of Santa Clara, Water & Sewer Utilities Fact Sheet. Accessed December 15, 2022. <http://santaclaraca.gov/index.aspx?page=1474>.

⁸⁶ City of Santa Clara. 2020 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted June 22, 2021.

⁸⁷ City of Santa Clara. 2020 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted June 22, 2021. Page 20.

⁸⁸ City of San José. San José-Santa Clara Regional Wastewater Facility. <https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility>. Accessed December 15, 2022.

⁸⁹ San José-Santa Clara Regional Wastewater Facility. *2020 Self-Monitoring Annual Report*. Accessed December 15, 2022. Available at: <https://www.sanjoseca.gov/Home/ShowDocument?id=70356>.

Stormwater Drainage

The site is currently 84 percent pervious, and a majority of stormwater permeates into the soil. Stormwater runoff from the site and surrounding developments and hardscape is collected by storm drain inlets on Cheeney Street and conveyed to the City’s storm drain system via existing storm drain lines underneath the street.

Solid Waste

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System through a contract with the City. Solid waste is disposed of at Newby Island Landfill, located in San José. As of January 31, 2020, Newby Island Landfill has a remaining disposal capacity of 16.4 million cubic yards and an estimated closure date of January 2041.⁹⁰ Mission Trail Waste System also has a contract to implement the Clean Green portion of the City’s recycling plan by collecting yard waste. All other recycling services are provided through Stevens Creek Disposal and Recycling.

The California Integrated Waste Management Board (CIWMB) established a diversion requirement of 50 percent beginning in 2000. Based on the CIWMB 2008 Annual Report Summary, the City of Santa Clara has exceeded its diversion goal. In addition to the CIWMB requirements, the City of Santa Clara has a construction debris diversion ordinance which requires all projects over 5,000 square feet to divert a minimum 65 percent of construction and demolition debris from landfills.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁹⁰ CalRecycle. “Newby Island Sanitary Landfill (43-AN-0003).” Accessed February 10, 2023. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388>.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

The project site is located in a suburban area of the City where existing water, wastewater, storm drainage, electric power, natural gas, and telecommunication utilities are available. The project would not require the expansion of any utility providers' facilities to service the site. The project would require trenching to establish lateral connections from the existing water and sanitary sewer mains in Cheeney Street to the project site. In addition, a storm drain line would be extended within the existing public right-of-way to reach the project frontage. Trenching required for these improvements would occur during construction of the project and would not result in significant environmental impacts. The City will review the project prior to permit issuance to determine if the surrounding utility lines have adequate capacity to accommodate the project. Any improvements necessary to serve the development would become the responsibility of the project applicant.

The General Plan EIR states that several sewer mains and collector lines in the City are currently near or at capacity. Because the project proposes a General Plan Amendment to increase density at the site beyond General Plan build out levels, a sanitary sewer capacity evaluation has been prepared by the Department of Public Works which confirmed that the sanitary sewer system has adequate capacity to serve the project.⁹¹

The project proposes to relocate two existing power poles at the northwest and southwest corners of the project site. Similar to the new utility connections, this would occur during grading of the site and would not result in significant environmental impacts. The project applicant shall provide the City, in accordance with current City standards and specifications, locations and descriptions of all utility improvements in and around the site property. All improvements will be made to the satisfaction of the City. For these reasons, the proposed project would not result in significant impacts related to the construction or relocation of utilities. **(Less than Significant Impact)**

⁹¹ Personal correspondence – E-mail. Steve Le, Senior Planner, City of Santa Clara. April 5, 2024.

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

The proposed project includes nine townhome units on a 0.5-acre site. The project site is undeveloped, and implementation of the project would result in a net increase in water demand at the site. It is estimated that the proposed project would use 1,607 gallons per day of indoor water and 1,013 gallons per day of outdoor water, for a total of 2,620 gallons per day.⁹²

In its General Plan, the City found that the four existing sources of water (groundwater, SFPUC delivers, SCVWD surface deliveries, and recycled water) would be sufficient to meet the future water demand associated with full build out of the General Plan, provided that groundwater and recycled water use and conservation would increase over time. In its worst-case scenario, following multiple dry years and a reduction in supply due to Delta pumping restrictions and reduced SFPUC deliveries, the City would still meet projected water demand through the year 2035.⁹³

The project proposes to amend the General Plan designation of the project site (from Very Low Density Residential to Low Density Residential) to accommodate greater residential density at the site. Although the project would diverge from the land use designations used to calculate future water demand in the City in its General Plan, this would only result in a minor increase in population (and associated water demand) compared to the current land use designation of the site. Therefore, the proposed project would have adequate water sources to meet demand during normal, dry and multiple dry year scenarios. **(Less than Significant Impact)**

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

Wastewater generated by the proposed project would be disposed of at the RWF. Sanitary sewer lateral lines would connect to existing sanitary sewer mains in Cheeney Street and convey flows from the project site into the City's sewer system. It is estimated that the project would generate 1,366 gallons of wastewater per day.⁹⁴ This would be an incremental increase in wastewater relative to the expected increase in wastewater generation following full build out of the General Plan, as the proposed project would require treatment of wastewater that amounts to less than 0.01 percent of the City's allocated capacity at the RWF. Therefore, the project would not result in an exceedance of capacity at the RWF. **(Less than Significant Impact)**

⁹² California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 9.1 Water Use Rates, Condo/Townhouse.

⁹³ City of Santa Clara. *2010-2035 General Plan*. January 2011. Table 4.7-3.

⁹⁴ Based on the general assumption that wastewater generated is approximately 85 percent of indoor water use.

Impact UTL-4: The project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure. **(Less than Significant Impact)**

Solid waste generated by the proposed project would be disposed at Newby Island Landfill in San José. Newby Island Landfill has remaining capacity 16.4 million cubic yards and an estimated closure date of January 2041. It is estimated that the project would generate four tons of solid waste per year.⁹⁵ The solid waste estimated to be generated by the project would result in a minor increase relative to the City's demand and would not exceed the capacity of the existing infrastructure. Therefore, the impact would be less than significant. **(Less than Significant Impact)**

Impact UTL-5: The project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

The City has historically achieved its solid waste diversion goal of 50 percent. Implementation of General Plan policies, including General Plan Policies 5.10.3-P1, 5.10.1-P6, and 5.10.1-P8 would contribute to the City meeting its solid waste diversion goals. As a Best Management Practice (BMP) and in conformance with General Plan Policy 5.10.3-P3 and City Code Section 8.25.285, the project will participate in the City's Construction and Demolition Debris Recycling Program by recycling or diverting at least 65 percent of materials generated for discard by the project in order to reduce the amount of construction waste going to the landfill. For these reasons, the proposed project would not prevent the City from meeting its waste reduction goals. **(Less than Significant Impact)**

Impact UTL-6: The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

Implementation of General Plan policies and the City's Construction and Demolition Debris Recycling Program would ensure that the project meets federal, state, and local solid waste management statutes and regulations. Thus, the impact would be less than significant. **(Less than Significant Impact)**

⁹⁵ California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 10.1 Solid Waste Disposal Rates, Condo/Townhouse.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

The proposed project is located in a suburban area of Santa Clara, in an area which has not been designated as a very high fire hazard severity zone on CalFire maps.⁹⁶

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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)**

⁹⁶ CalFire. “California Fire Hazard Severity Zone Map Update Project”. Accessed March 8, 2019. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_statewide

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

4.21.1 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact MFS-1: As mitigated, the project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in Section 4.4, Biological Resources, the proposed project would remove a total of 16 trees from the site. Removal of these trees could impact avian species using them for nesting habitat. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or could otherwise lead to nest abandonment. MM BIO-1.1 prescribes measures which would reduce potential impacts to nesting raptors and migratory birds during project implementation. The project would not otherwise impact wildlife species, either directly or indirectly through habitat removal.

As discussed in Section 4.5, Cultural Resources, the historic former Agnew School Building is located adjacent to the project site. The project would avoid impacts to this historic resource by referring the project to the HLC to review for neighborhood compatibility and consistency with the City’s Design Guidelines, and to make a recommendation to the Director of Community Development for the architectural review determination. This additional level of review, consistent with the Historic Preservation Ordinance, would ensure that the existing historic building is not adversely impacted by the proposed project. In addition, subsurface archaeological resources, while not presently identified, could be uncovered during construction activities of the proposed project. Adherence to MM CUL-2.1 and MM CUL-2.2 would reduce impacts from potential disturbance of subsurface resources to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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

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

The project would not impact agricultural, forestry, or mineral resources. Therefore, the project would not contribute to cumulative impacts to these resource areas.

A number of projects have been recently approved or are reasonably foreseeable in the City of Santa Clara in the general vicinity of the project site. These cumulative projects include the development or redevelopment of residential, industrial, and commercial uses. While these individual projects may result in significant impacts in particular issue areas, it is assumed that the projects would comply with existing regulations and statutes during operation/occupation, and would incorporate mitigation and avoidance measures to reduce potential impacts to a less than significant level, similar to the proposed project. For example, all projects are required to incorporate best management practices and comply with local and regional regulations to reduce impacts to air quality and water quality to the maximum extent feasible. With the inclusion of MM AIR-3.1 and standard dust control measures, the project would not result in a cumulatively considerable construction air quality impact.

The proposed project, as a General Plan Amendment, would result in an increase in water, wastewater, and solid waste generation that was not accounted for in calculations of future increases in these areas in the City’s General Plan EIR. Only five dwellings would be possible at the density of the existing General Plan designation. While the General Plan Amendment would increase the density slightly above the density contemplated by the General Plan , the project proposes only four additional townhome units over the existing designation, and the increase in water, wastewater, and solid waste would be negligible relative to the City’s overall expected increase in demand. Therefore,

while the project will add to the citywide cumulative impact in these areas, the project's contribution is not cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

Impact MFS-3: As mitigated, the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of the identified Conditions of Approval, mitigation measures (specifically MM AIR-3.1, MM HAZ-2.1 and MM HAZ-2.2), and adherence to General Plan, City Code, and state and federal regulations described in these sections of the report, would avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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