OPR Summary Form Attachment - University Station Residential Project (State Clearinghouse No. 2025050963)

Significant Impact	Mitigation Measures
Biological Resources	
Impact BIO-1: Construction of 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 Department of Fish and Wildlife (CDFW). **(Less than Significant Impact with Mitigation Incorporated)**	**MM BIO-1.1:** The project applicant shall schedule demolition and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). **MM BIO-1.2:** If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), 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 construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Community Development Director or Director's designee.
Cultural Resources	
Impact CUL-1: Construction activities associated with the project could disturb unknown archaeological resources. **(Less than Significant Impact with Mitigation Incorporated)**	**MM CUL-1.1:** After demolition but prior to issuance of any grading or building permits, a qualified archaeological consultant will conduct subsurface sampling in identified sensitive areas on-site (based on the Archaeological Sensitivity Assessment) to determine if subsurface archeological resources are present. A Native American monitor from a tribe registered with the Native American Heritage Commission (NAHC) for the City of Santa Clara that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, will assist in the implementation of the subsurface sampling.

	Testing for historic-era resources shall extend to a depth of four feet below the current ground surface. Testing for prehistoric resources shall extend to a depth of eight feet below the current ground surface. In the event that no significant resources are discovered, the archaeological consultant shall prepare a findings report to be submitted to the Director of Community Development for review and approval and no further field work would be required prior to the start of construction. In addition, Mitigation Measures CUL-1.3 through CUL-1.5 (listed below) would be required to be implemented. In the event that significant resources are discovered on-site, a site-specific cultural resources treatment plan shall be prepared by the archaeological consultant and approved by the Director of Community Development. Implementation of the plan will occur prior to issuance of any grading permits in conformance with the steps outlined below. 1. <u>Investigation – Resource Identification</u> Archaeologists will investigate features to determine their potential significance. Decisions will be made about which features will be subject to archaeological data recovery. Determination of significance of historic archaeological property types is tied directly to their historical context and relevance to research themes further discussed below. Usefulness of a property type (feature) with regard to relevant research themes determines the legal importance of that resource. Also germane to the importance of property types are assessments of integrity, land use history, and comparison with other known similar property types. Especially relevant here are issues that cannot be addressed using data from other sources. The purpose of identifying relevant research themes is to help predict areas of special concern, given expected property types. Determination of relevance to research themes is critical to the identification of significant features in the field. If data recovery is determined to be appropriate, excavation will target recovery of an appropriate amount of information from archaeological deposits to determine potential of the resource to address specific research questions. If it occurs, data recovery will emphasize understanding of the archaeological deposit's structure, including features and stratification, horizontal and vertical extent, and content including the nature and quantity of artifacts. 2. <u>Reporting</u> Upon completion of the field work, a findings report will be prepared consistent with the outline below and will focus on particular finds encountered during the excavation. All reports will at a minimum meet the Secretary of the Interior's Standards for Archaeological Documentation. The report will be submitted to the applicant and all reviewing agencies, and will ultimately be filed with the Northwest Information Center at Sonoma State University.

	The technical report on project results may address the following elements: executive summary; statement of scope, including project location and setting; background contexts or summaries; summary of previous research, historical and archaeological; research goals and themes; field and laboratory methodologies; descriptions of recovered materials; findings and interpretations, referencing research goals; conclusions; references cited; and appendices such as artifact catalogs, special studies, and other information relevant to the project and findings. **MM CUL-1.2:** Upon completion of all field work, but before completion of the Findings Report (outlined in MM CUL-1.1), a preliminary report outlining the data recovery work on the site shall be submitted to the Director of Community Development for review and approval prior to issuance of grading or building permits. **MM CUL-1.3:** Prior to the commencement of construction activities on-site, the applicant shall secure the services of a qualified archaeologist and a representative of a tribe registered with the Native American Heritage Commission (NAHC) for the City of Santa Clara that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified archaeologist and tribal representative shall prepare a workforce environmental awareness program (WEAP) to instruct construction workers of the obligation to protect and preserve valuable resources. The WEAP shall be reviewed and approved by the City's Community Development Director, or his or her designee, prior to the issuance of construction and grading permits. This program shall be provided to all construction workers as a field training prior to the beginning of ground-disturbing activities, and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential archaeological and Native American resources encountered; and measures to notify their supervisor, the applicant, and the specialist(s). **MM CUL-1.4:** Ground-disturbing activities (including, but not limited to, excavation, grading, irrigation installation, foundation preparation, and utility trenching) shall be monitored by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards and a Native American monitor from a tribe registered with the Native American Heritage Commission (NAHC) for the City of Santa Clara that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified archaeologist and Native American representative shall be given five days' written notice prior to the start of any ground-disturbing activity. The project applicant shall document receipt of notification in writing. The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find until its significance can be assessed by the qualified archaeologist. A summary report of the monitoring results, including any protective measures implemented, shall be submitted to the City prior to the issuance of building permits.

	MM CUL-1.5: In the event that archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, work within 50 feet of the find shall cease until the qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. The archaeologist, in consultation with the project applicant, shall make the necessary plans for treatment of the find(s) if the resource is eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). Construction within a radius determined by the archaeologist shall not recommence until the assessment is complete. a. Any treatment other than preservation in place must be approved by the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in resource. b. The culturally affiliated tribe(s) who consulted on the project, or if no consultation occurred the tribe identified by the Native American Heritage Commission (NAHC), shall determine the disposition of any tribal cultural resources (TCR) artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be subject to approval by the culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant. c. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site. d. The registered professional archaeologist shall file State of California Department of Parks and Recreation (DPR) Series 523 forms for the cultural easement/TCR reburial location (if used) with the California Historical Resources Information System (CHRIS) Center in accordance with the guidelines established by the California Office of Historic Preservation. The DPR Series 523 forms shall establish a permanent record of the cultural easement location and any TCRs discovered on the project site for future site identification and protection. The registered professional archeologist shall also file a Sacred Lands File record with the NAHC on behalf of the culturally affiliated tribe.
Impact CUL-2: The proposed project could result in the disturbance of human remains during excavation of the project	**MM CUL-2.1:** In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American

site. **(Less than Significant Impact with Mitigation Incorporated)**	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.
Geology and Soils	
Impact GEO-1: Construction of the proposed project could result in the disturbance and/or accidental destruction of unknown paleontological resources, if any resources are on-site. **(Less than Significant Impact with Mitigation Incorporated)**	**MM GEO-1.1:** 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.
Hazards and Hazardous Materials	
Impact HAZ-1: Development of the project could result in an impact to construction workers and nearby sensitive receptors from exposure to contaminated soil and soil vapor. **(Less than Significant Impact with Mitigation Incorporated)**	**MM HAZ-1.1:** Due to detections of various contaminants above regulatory environmental screening levels in the subsurface soils and soil vapor, prior to issuance of any grading permit, the applicant shall obtain regulatory oversight from the Regional Water Quality Control Board (RWCQB) under their Site Cleanup Program. The applicant shall meet with the RWQCB and perform additional soil, soil vapor, and groundwater sampling and testing, as needed, to adequately define the known and suspected contamination from past uses of concern. In addition to a Health and Safety Plan (HSP), a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared under regulatory oversight and approval by a qualified environmental consultant that identifies remedial measures and/or appropriate management practices to ensure construction worker safety and protect the health of nearby sensitive receptors. These appropriate management practices shall include measures to sample excavated soil that will be exported from the site to ensure proper disposal and sampling of any soil that will be imported to the site to confirm that no contaminates are introduced to the existing soil on-site. The plans and evidence of regulatory oversight shall be provided to the Planning Manager of the Planning Division, or their designee.