CITY OF SANTA CLARA, CALIFORNIA

1075 Pomeroy Avenue Residential Subdivision Project

INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION

AUGUST 2017

Douglas Herring & Associates
Environmental, Policy, and Planning Services

1075 Pomeroy Avenue
Residential Subdivision Project

Initial Study/Mitigated Negative Declaration

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California Environmental Quality Act (CEQA)
Environmental Checklist Form

1. Project Title: 1075 Pomeroy Avenue Residential Subdivision Project

2. Lead Agency Name and Address:

City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95051

3. Contact Person and Phone Number:

Steve Le, Assistant Planner
(408) 615-2468
SLe@SantaClaraCA.gov

4. Project Location:

1075 Pomeroy Avenue
Santa Clara, CA 95050
(Santa Clara County)

Assessor Parcel Number (APN): 290-69-079

The project site is located on the east side of Pomeroy Avenue, approximately 100 feet north of Benton Street. The site is approximately 2,600 feet (~0.5 mile) east of the Lawrence Expressway (County route G2) and 2,400 feet (~0.45 mile) south of State Highway 82 (El Camino Real), 1.9 miles north of Interstate 280, and 2.9 miles south of U.S. Highway 101.

5. Project Sponsor's Name and Address:

Daryoush Marhamat
627 Sleeper Avenue
Mountain View, CA 95040

Contact: Daryoush Marhamat
(408) 898-6465
daryoush@marhamat.com

6. General Plan Designation:

Low Density Residential

7. Zoning:

R3-18D Low-Density Multiple Dwelling

1075 Pomeroy Avenue Residential Subdivision Project

Project Description

Daryoush Marhamat, the Applicant, is proposing proposal to subdivide a 12,383-square-foot property located at 1075 Pomeroy Avenue in the City of Santa Clara into four lots and develop each lot with a two-story single-family home. The property is currently occupied by a single-story single-family home, paved driveway, and landscaping that would be demolished as part of the proposed project. The project would require rezoning of the merged properties to a Planned Development (PD) district.

The location of the project site is shown on Figure 1. As shown on Figure 2, the site is surrounded by residential development consisting of two-story multi-family townhomes to the east, west, and north. A two-story townhouse building also flanks the site on the south, but development south of Benton Street becomes single-family homes. Santa Clara High School is located about 600 feet to the east, on the south side of Benton Street.

The proposed project would entail development of two rows of detached two-story homes extending into the site, separated by a shared driveway, as shown on the site plan (Figure 3). Each lot on the subdivided property would have a shared driveway, parking, and utility easement, as shown on the Tentative Subdivision Map (Figure 4). A two-story enclosed garage would be incorporated into the ground floor of each residential unit, and two guest parking stalls would be provided within the shared parking easement, with one space between each paired group of homes. The proposed homes would be created with two different floor plans (Plan A and Plan B), with the Plan A units located at the front of the subdivided property and the Plan B units located on the rear portion. Plan A would provide 1,748 square feet of living space and Plan B would provide 1,876 square feet of space, each providing four bedrooms and two and a half bathrooms.

Both floor plans would have a kitchen, breakfast nook, combined living and dining room, gas fireplace, and half bathroom on the ground floor, along with the garage. The four bedrooms, including a master bedroom and master bath, would be on the second floor along with a shared bathroom and a laundry room. All of the garages would be next to the shared property line with the adjacent home, maximizing the separation between living spaces in the four homes.

As shown on the architectural rendering of the project (Figure 5) and the building elevations (Figures 6 through 9), the homes have been designed with a modern architectural style featuring stucco-covered exterior walls accented by wood trim and projecting bays clad in stained horizontal wood siding. These bays would be approximately 4 feet taller than the rest of the structure and would have a shallow pitched shed roof, while the rest of the house would have a flat roof. Massing would be further articulated by side-projecting second-story bays extending over the garages. Short lean-to shed roofs supported by heavy (8-inch by 8-inch) square wood columns would provide shelter above the main entrance doors that, in the case of the Plan A units, would extend from the centrally-located door across the remaining half of the front façade.

The front elevations of the Plan A homes would have a lower band, approximately 4 feet high, of stone veneer. The short wall where the main entry door on the Plan B homes would be placed

Figure 1

Project Site Location

Source: Douglas Herring & Associates

Figure 2

Aerial Overview of Project Vicinity

Source: Google Maps; Douglas Herring & Associates

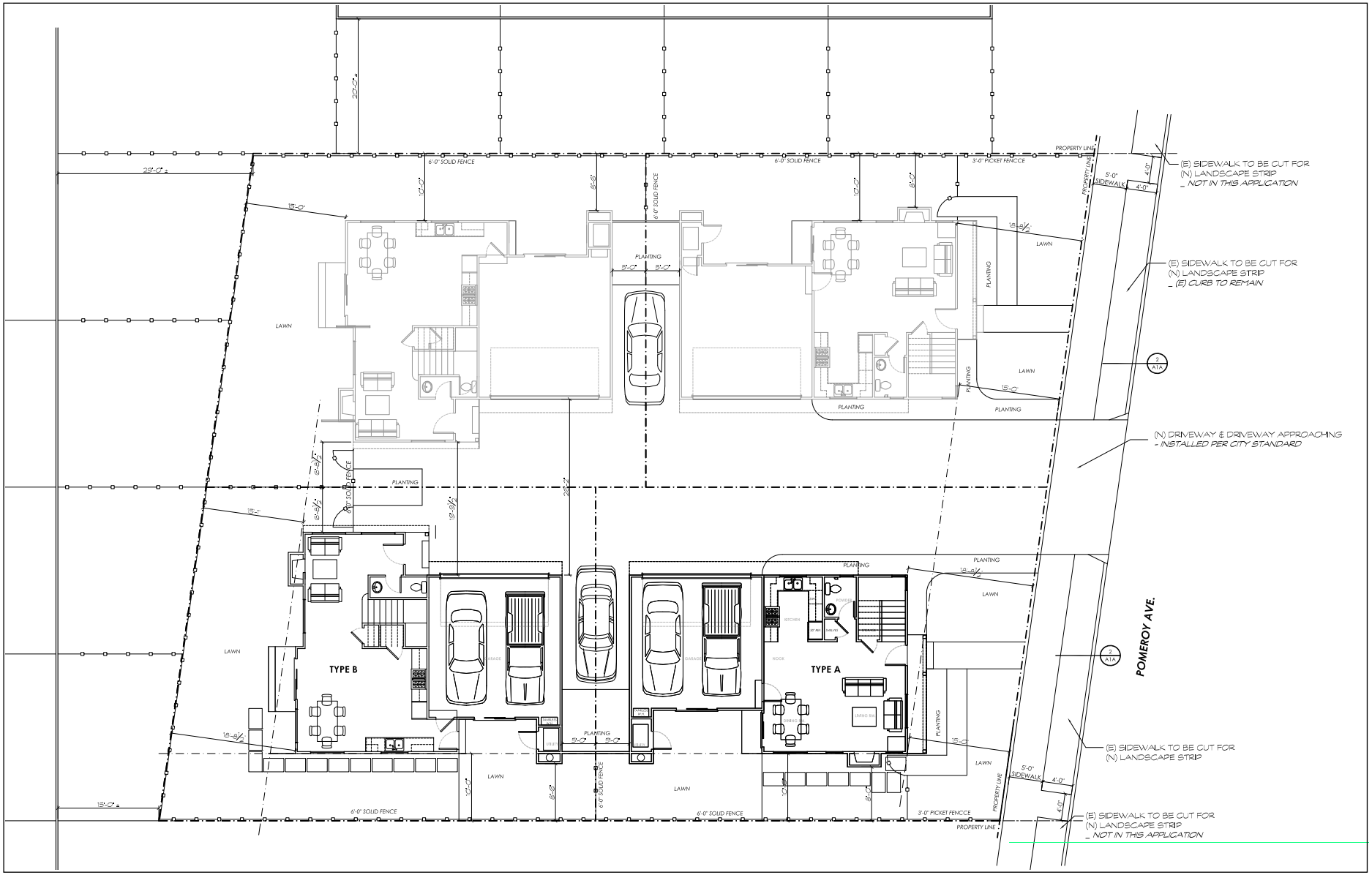


Figure 3

Site Plan

Source: T.N. Design

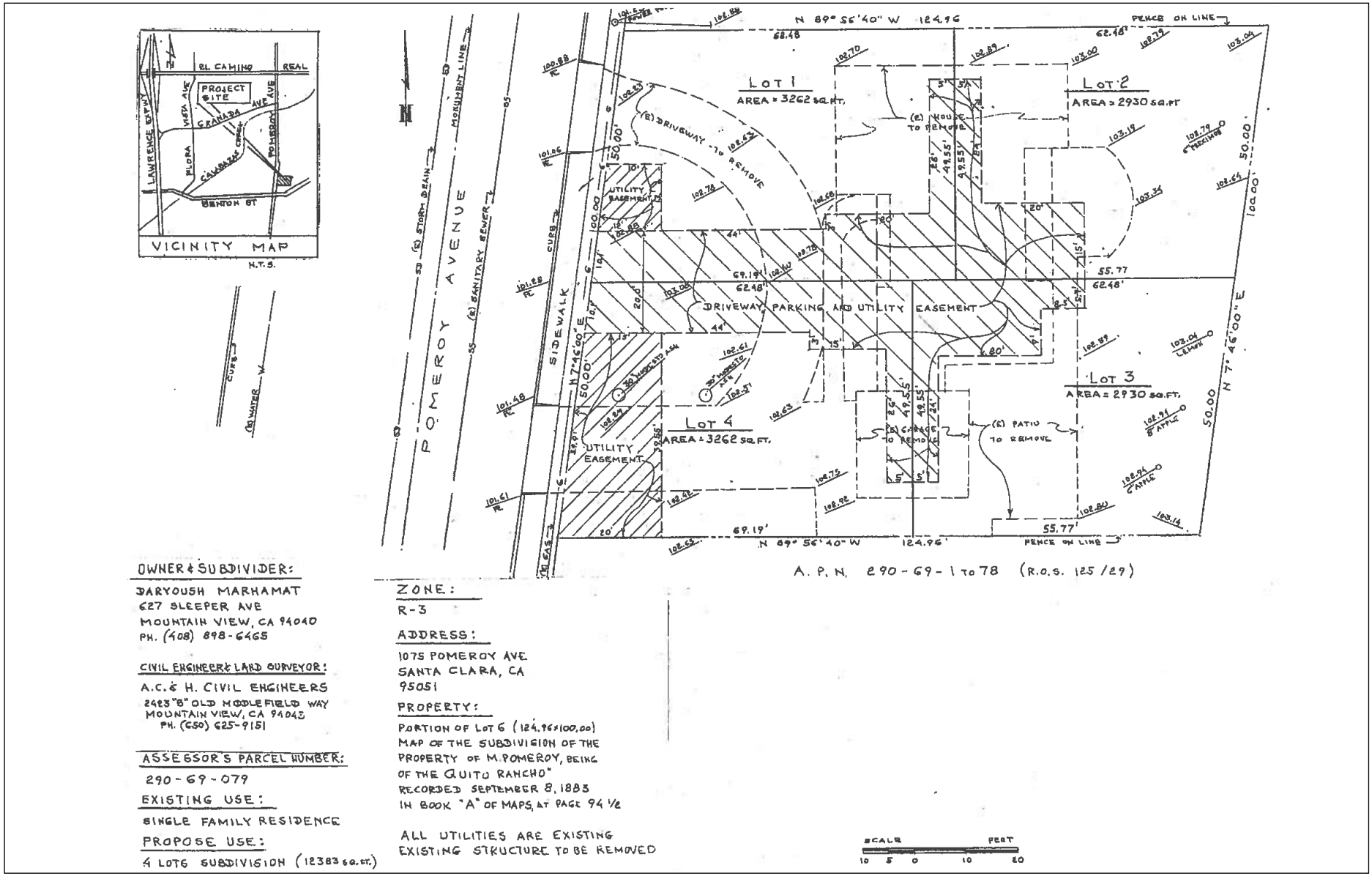


Figure 4

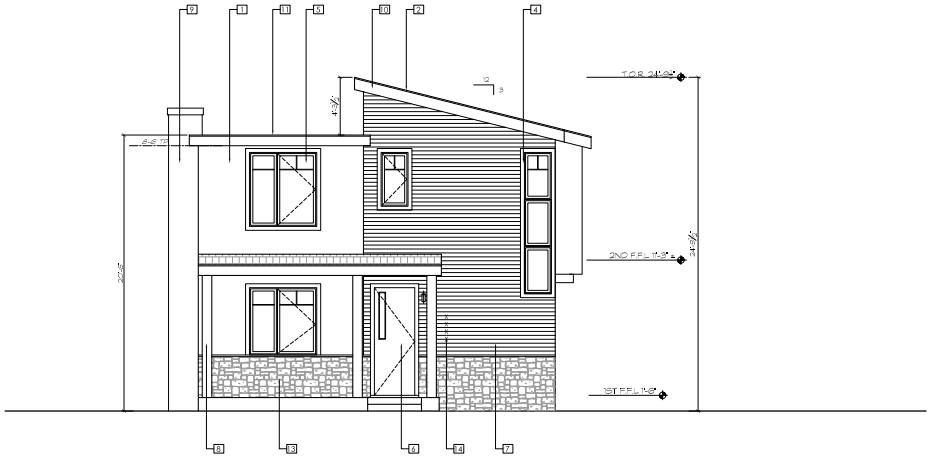
Tentative Parcel Map

Source: A.C. & H. Civil Engineers

Figure 5

Rendering of Proposed Project

Source: T.N. Design



PROPOSED TYPE A EAST ELEVATION

- ⅞" STUCCO FINISH - 3 COATS
- ASPHALT SINGLE ROOF - "CLASS A"
- SOLID GARAGE DOOR - STAIN
- 1X4 WD TRIM - PAINT
- DOUBLE PANE ALUMINUM FRAME WINDOW
- SOLID WOOD ENTRY DR. - STAIN
- 1X4 WD SIDING - STAIN
- 8X8 WD COLUMN/POST - PAINT
- STUCCO CHIMNEY GAS FIREPLACE
- 1X8 FASCIA W/ PAINT
- TORCH DOWN/BUILT-UP ROOF - "CLASS A"
- EXTERIOR DOOR
- STONE VENEER
- 4" HEIGHT & ½" THICK MIN. BUILDING ADDRESS LOCATION
- EXTERIOR LIGHTING W/ FROSTED/OR TRANSLUCENT GLASS
- 1x8 BELLY BAND - PAINT
- 6'-0" STUCCO FENCE - MATCH HOUSE

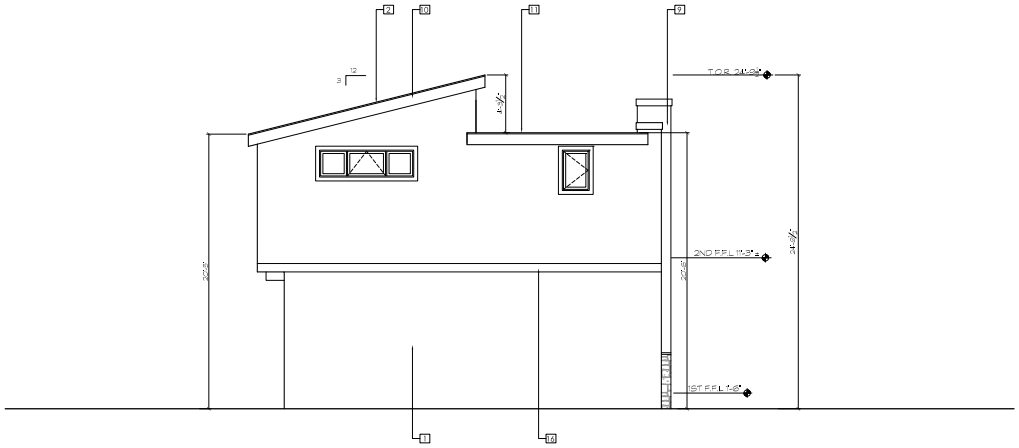
NOTE:
- NEW RAINWATER DOWNSPOUTS SHALL BE DISCONNECTED AND RUNOFF DIRECTED TO A LANDSCAPE AREA. DOWNSPOUTS MAYBE CONNECTED TO A POP-UP DRAINAGE EMITTER IN THE LANDSCAPED AREA OR MAY DRAIN TO SPLASH BLOCKS OR COBBLESTONES THAT DIRECT WATER AWAY FROM THE BUILDING.
- "THRU-CURB" DRAINS ARE NOT ALLOWED.

PROPOSED TYPE A NORTH ELEVATION

Figure 6

Type A Front and Side Building Elevations

Source: T.N. Design



PROPOSED TYPE A WEST ELEVATION

- 7/8" STUCCO FINISH - 3 COATS
- ASPHALT SINGLE ROOF - "CLASS A"
- SOLID GARAGE DOOR - STAIN
- 1X4 WD TRIM - PAINT
- DOUBLE PANE ALUMINUM FRAME WINDOW
- SOLID WOOD ENTRY DR. - STAIN
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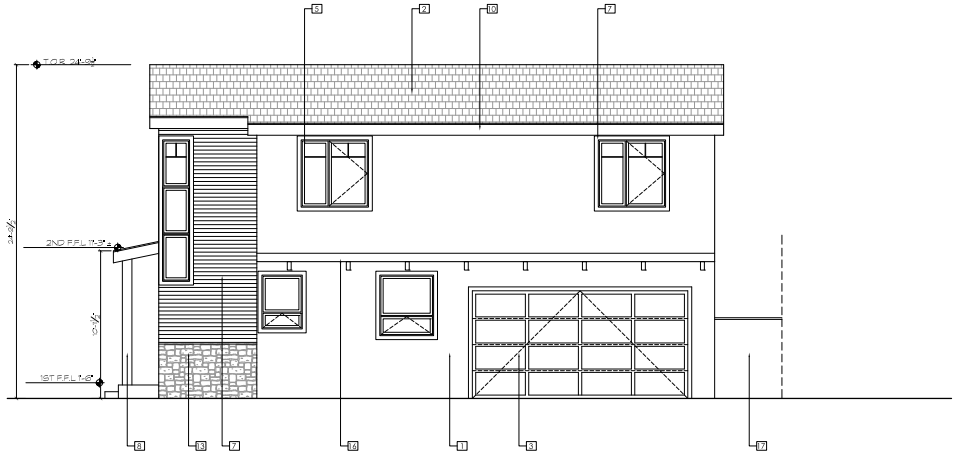
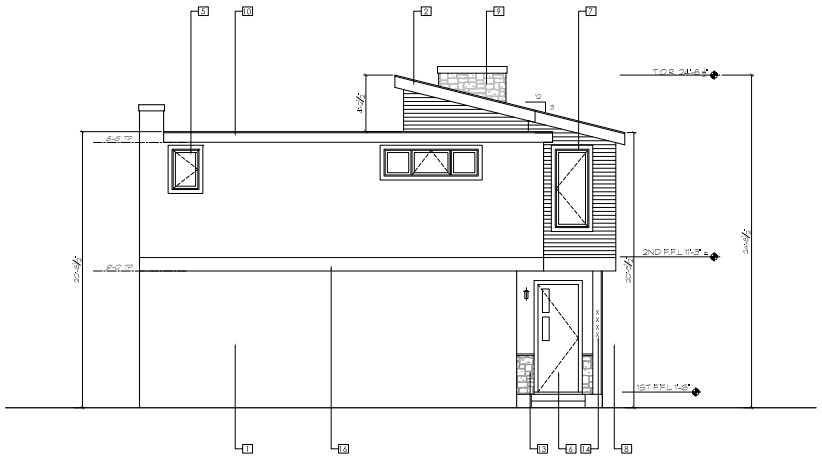


PROPOSED TYPE A SOUTH ELEVATION

Figure 7

Type A Rear and Side Building Elevations

Source: T.N. Design



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- SOLID GARAGE DOOR - STAIN
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- STONE VENEER
- 4" HEIGHT & 1/2" THICK MIN. BUILDING ADDRESS LOCATION
- EXTERIOR LIGHTING W/ FROSTED/OR TRANSLUCENT GLASS
- 1x8 BELLY BAND - PAINT
- 6'-0" STUCCO FENCE - MATCH HOUSE

PROPOSED TYPE B EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
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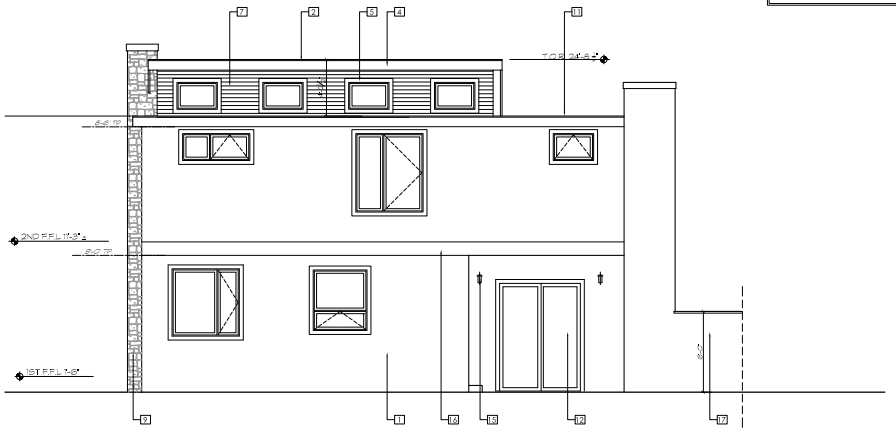
- "THRU-CURB" DRAINS ARE NOT ALLOWED.

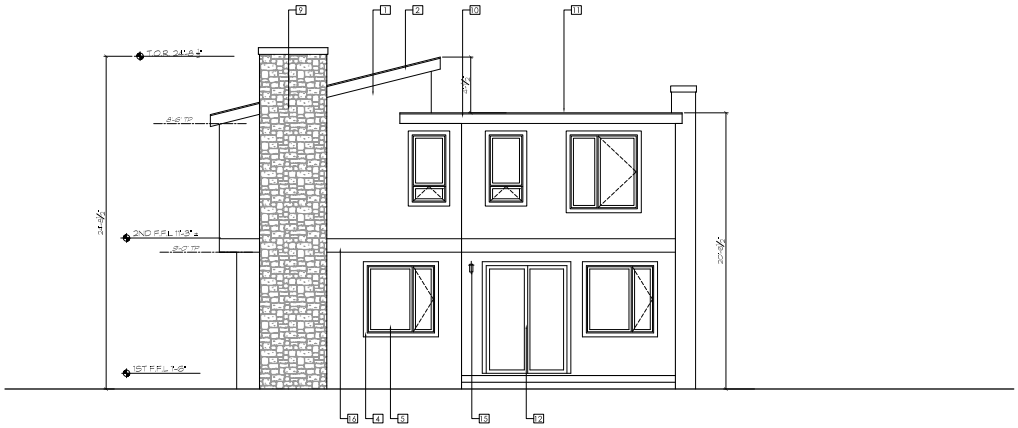


PROPOSED TYPE B NORTH ELEVATION

Figure 8

Type B Front and Side Building Elevations

Source: T.N. Design



PROPOSED TYPE B WEST ELEVATION

- ⅞" STUCCO FINISH - 3 COATS
- ASPHALT SINGLE ROOF - "CLASS A"
- SOLID GARAGE DOOR - STAIN
- 1X4 WD. TRIM - PAINT
- DOUBLE PANE ALUMINUM FRAME WINDOW
- SOLID WOOD ENTRY DR. - STAIN
- 1X4 WD. SIDING - STAIN
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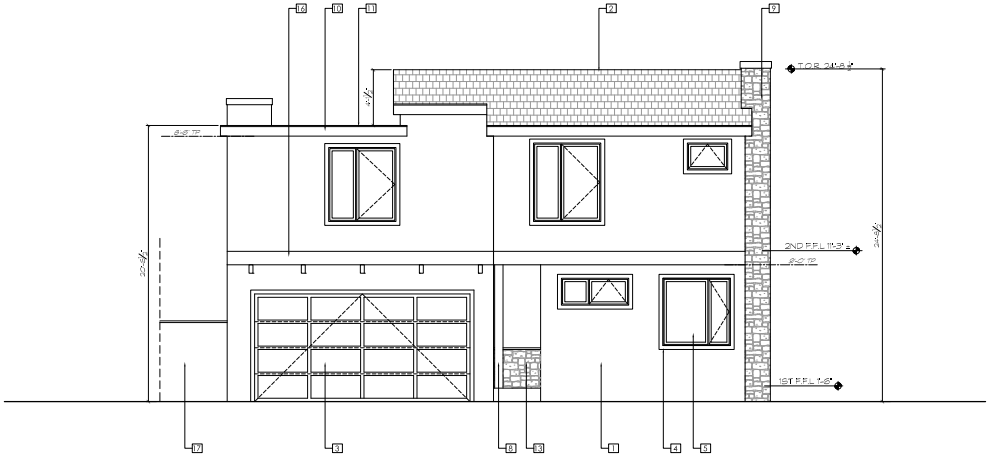

PROPOSED TYPE B SOUTH ELEVATION

Figure 9

Type B Rear and Side Building Elevations

Source: T.N. Design

would also have this band of stone veneer, similar to interior wainscoting. The chimneys on the Plan B homes would be clad in matching stone veneer, while the Plan A chimneys would be covered in painted stucco. Simple solid wood entry doors would be articulated by a vertical vision light in the upper half. Fenestration would be simple, with unadorned aluminum-framed, double-paned windows with a mix of vertical, horizontal, and square orientations.

Access to the site would be via a single 20-foot-wide driveway at Pomeroy Street. The drive aisle would extend into the interior of the site, providing access to the private garages lining the driveway and to the two guest parking spots. The driveway and guest parking areas would be surfaced with decorative permeable paving stones that would reduce the amount of impervious surfaces by 2,863 square feet and would allow for percolation of a portion of the site's stormwater runoff to groundwater. The pavers would be underlain by layers of compacted sand and Class II aggregate, both of which would promote percolation.

The project would replace and create 4,685 square feet of impervious surfaces, well under the 10,000-square-foot threshold requiring compliance with the Provision C.3 stormwater requirements adopted by the San Francisco Bay Regional Water Quality Control Board, as discussed in more detail in Section IX, Hydrology and Water Quality. Nonetheless, there would be some control of stormwater discharge from the site. Rainwater captured from building roofs would flow from gutters to downspouts that would discharge away from the buildings, to landscape areas with pop-up emitters. This would provide several benefits:

- The amount of domestic water consumed for irrigation of landscaping could be incrementally reduced;
- A substantial portion of stormwater discharged to landscaping would percolate to groundwater, with entrained pollutants naturally removed through biofiltration;
- The amount of untreated stormwater discharged to the storm drainage system would be substantially reduced, with approximately 37 percent of rainwater falling on the site diverted to landscaping; and
- Reduced discharge from the site would incrementally reduce the load on the City's stormwater drainage system during peak storm events.

Any stormwater not percolating to groundwater would sheet flow to the street and be captured in the existing storm drain in Pomeroy Avenue. Individual 4-inch-diameter PVC sewer lines from each house would connect to a 6-inch-diameter PVC sewer pipe extending under the driveway that would connect to the existing 15-inch sanitary sewer in Pomeroy Avenue. A 2-inch-diameter copper water supply pipe would extend from individual water meters located at the front of the property.

Some of the existing trees on the site would be retained, including the largest tree adjacent to the circular driveway. However, a 36-inch ash tree on proposed Lot 4 (southwest quadrant of the property) would require removal. Two 3-inch apple trees would also be removed from the rear of the property, while a 3-inch lemon tree and 3-inch persimmon tree would be retained. The proposed landscape plan is shown on Figure 10. As shown on the plan, the site would be generously re-landscaped with 14 strawberry (*Arbutus x "Marina"*) trees, 2 western redbud (*Cercis occidentalis*) trees, 3 Chinese pistache (*Pistacia c. "Keith Davies"*) trees, and 4 fern pine (*Podocarpus gracilior*) trees, and over 200 shrubs encompassing 13 different species. Ninety-five percent of the proposed trees and shrubs are classified as having "low" water use requirements

Plant Legend

Key	Botanical & Common Names	Qty.	Size	Water Req't.	Comments
	Trees:				
T1	Arbutus x "Marina" / Strawberry Tree	14	15 gl.	L	Standard
T2	Cercis occidentalis / Western Redbud	2	24" box	L	Standard
T3	Pistacia c. "Keith Davies" / Chinese Pistache	2	36" box	L	Standard
T4	Podocarpus gracilior / Fern Pine	4	15 gl.	M	Standard
	Shrubs:				
S1	Alyogene h. "Santa Cruz" / Blue Hibiscus	6	5 gl.	L	
S2	Arctostaphylos d. "H. McMinn" / Manzanita	5	5 gl.	L	
S3	Grewia caffra / Lavender Star Flower	10	15 gl.	M	Espalier
S4	Lavatera assurgentiflora / Tree Mallow	1	5 gl.	L	
S5	Limonium perezii / Annual Statice	41	1 gl.	L	
S6	Loropetalum c. "Plum Delight" / Fringe Flower	12	5 gl.	L	
S7	Myrica californica / Pacific Wax Myrtle	4	5 gl.	L	
S8	Nandina d. "Gulf Stream" / Heavenly Bamboo	28	5 gl.	L	
S9	Prunus c. "Compacta" / Carolina Laurel Cherry	35	5 gl.	L	Column
S10	Polystichum munitum / Western Sword Fern	8	1 gl.	M	
S11	Salvia g. "Furman's Red" / Autumn Sage	21	5 gl.	L	
S12	Salvia m. "Hot Lips" / Sage	16	5 gl.	L	
S13	Helictotrichon s. "Sapphire" / Blue Oat Grass	6	5 gl.	L	
	Groundcovers:				
	Arctostaphylos "Emerald Carpet" / Manzanita	" "	1 gl.	L	Set @ 36" o.c.
	Aspidium capense / Leatherleaf Fern	" "	1 gl.	M	Set @ 12" o.c.
	Verbena p. "Little Pinkie" / Peruvian Verbena	" "	4" pot	L	Set @ 16" o.c.

* Water conservation classification is based on Water Use Classification of Landscape Species (WUCOLS) prepared by the Department of Water Conservation office of the Department of Water Resources (2000)

Street Tree Note:

Provide root barrier for existing and new street trees within five (5') to ten (10') feet of sidewalk or utilities.

Planting Notes:

1. Quantities in the Plant Legend are for general reference only (Verify count per Plan).
2. ⟵ indicates plant key
   ⟵ indicates plant count
3. Locations of trees and shrubs are schematic and shall be adjusted in the field to avoid conflicts with utilities, sprinklers, footings, etc.
4. All planting areas to be topdressed with a 3" layer of fir bark mulch.

95% of the trees and shrubs proposed for this project are classified as "low" water use requirement per WUCOLS

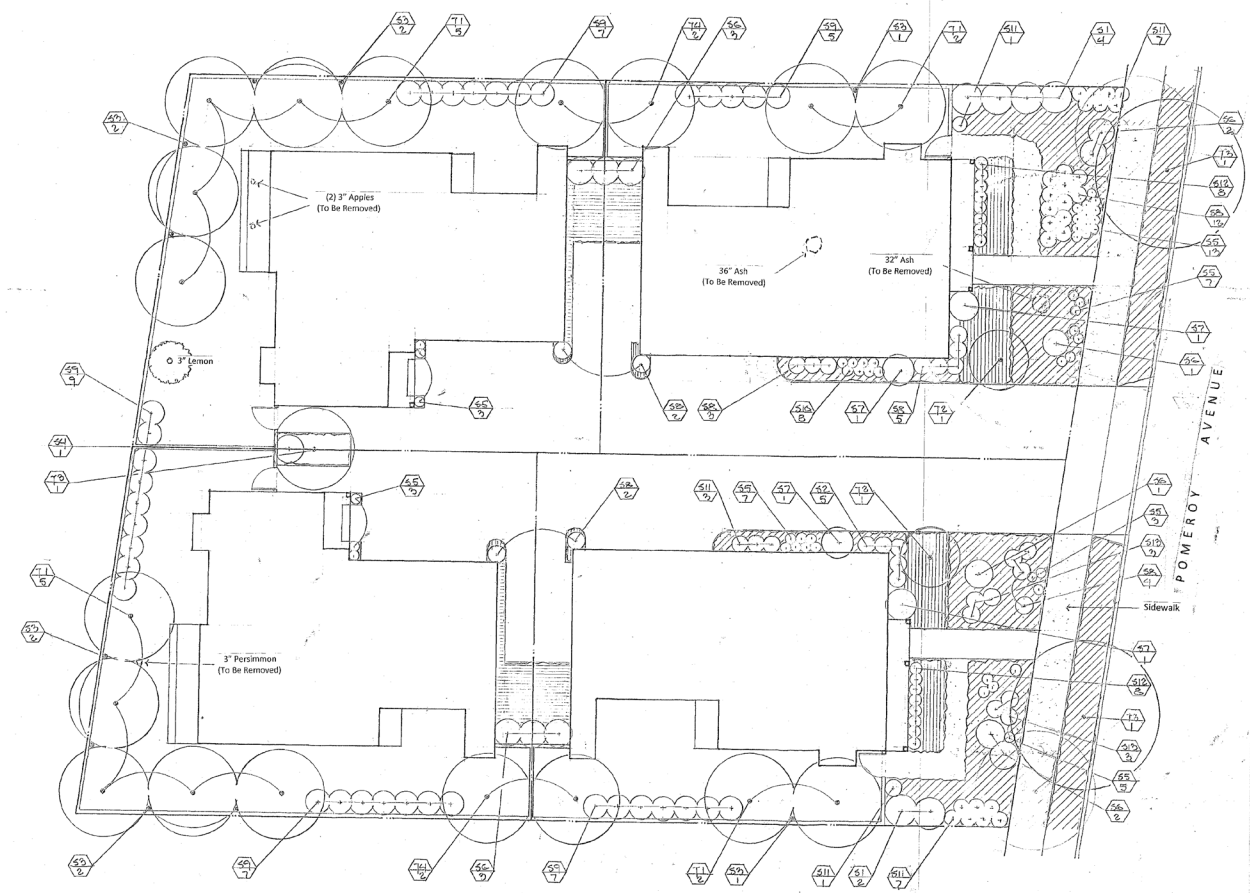

Figure 10

Landscape Plan

Source: T.N. Design

as classified by the 4th edition of *Water Use Classification of Landscape Species* (WUCOLS IV), sponsored by the California Department of Water Resources. The landscape architect for the project has indicated that the site would conform to the drought-tolerant, water-efficient landscaping requirements of the California Water Conservation Landscaping Act and the City of Santa Clara's landscape permit requirements.[1]

Planning Approvals

Development Review: The project would require Development Review by the City's Project Clearance and Subdivision Committees (PCC/SC) for project compliance and consistency with the City's adopted goals and objectives, as established in the General Plan, Zoning Ordinance, City Codes, and in other regulations and standards.

Zoning Amendment: The project would require rezoning of the merged properties to a Planned Development (PD) zoning district, subject to approval by the City Council, pursuant to Chapter 18.112 of the Santa Clara Zoning Code.

Parcel Map: The project would require approval of a Parcel Map by the City Engineer, in accordance with Chapter 17.05 of the Santa Clara City Code.

Architectural Review: Pursuant to Chapter 18.76 of the Santa Clara Zoning Code, the project would require architectural review and approval by the City's Architectural Committee prior to issuance of building permits.

Other Approvals

The project would also require a demolition permit, grading permit, and building permits from the Santa Clara Building Division. An encroachment permit would be required from the Engineering Division.

Site Description and Surrounding Land Uses

The project site consists of a developed large single-family residential property, roughly square in shape, with an area of 12,383 square feet (~0.28 acre). The property is on the east side of Pomeroy Avenue, approximately 100 feet north of Benton Street. As shown on Figure 11a, the site is currently occupied by a one-story single-story home with attached two-car garage. Two large trees occupy the front (southwestern) corner of the property; there are several smaller trees in the back yard of the property. Aside from the home and circular concrete driveway in the front, the property is covered with turf lawn, shrubs, ground covers, and other landscaping. A wood slat fence, approximately 4 feet high, encloses the sides and rear of the property. To accommodate the proposed project, the property would be cleared of all existing development except some of the trees, as discussed above.

The project site is abutted on all sides by multi-family residential development consisting of two-story multi-unit buildings that are part of larger multi-building developments. The immediately adjacent uses are shown on Figures 11b and 12. South of Benton Street the land use transitions to primarily single-family homes that in the immediate vicinity are primarily one-

[1] Linn B. Winterbotham, Landscape Architect, personal communication, October 21, 2016.

a) Existing conditions at 1075 Pomeroy Avenue

b) Existing conditions immediately west of the project site

Figure 11

Existing Site and Neighboring Conditions

Source: Douglas Herring & Associates

a) Multi-family residences immediately south of project site

b) Multi-family residences immediately north of project site

Figure 12

Neighboring Land Uses

Source: Douglas Herring & Associates

story ranch-style homes. Further south on Pomeroy Avenue, there are more two-story apartments.

There are several schools nearby, including Pomeroy Elementary School, about 550 feet to the north; Santa Clara High School, about 650 feet to the east; and Stratford Schools Santa Clara, a private preschool, kindergarten, and elementary school located about 1,500 feet to the south. Other non-residential uses in the area include Earl R. Carmichael Park, located about 900 feet to the west, and Santa Clara Fire Station No. 7, located about 1,600 feet to the west. There are also numerous churches in the surrounding area.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

[ ] Aesthetics	[ ] Agricultural Resources	[X] Air Quality
[X] Biological Resources	[X] Cultural Resources	[ ] Geology/Soils
[ ] Greenhouse Gas Emissions	[X] Hazards & Haz. Materials	[ ] Hydrology/Water Quality
[ ] Land Use/Planning	[ ] Mineral Resources	[ ] Noise
[ ] Population/Housing	[ ] Public Services	[ ] Recreation
[ ] Transportation/Traffic	[ ] Utilities/Service Systems	

[X] Mandatory Findings of Significance

DETERMINATION:

On the basis of the initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed name	For

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EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

Explanation: There are no scenic vistas in the project vicinity. Views available from the frontage of the project site consist of urban streetscapes. The view south down Pomeroy Avenue consists of a tree-lined residential street, with a busy signalized roadway intersection prominent in the near distance. The view to the north also consists of a tree-lined street flanked by multi-family residential development. Views to the east and west consist of the immediately adjacent urban development. There are no distant hillsides or other natural elements typically considered to comprise a scenic vista visible from anywhere in the project vicinity. The proposed project would redevelop a small residential property with four clustered single-family homes that would be fully compatible with the existing residential development surrounding all four sides of the site. There is no potential for the project to have an adverse effect on a scenic vista.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

Explanation: There is no State-designated scenic highway in the vicinity of the project site.[2]

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐

Explanation: The project site is currently developed with an existing single-story home surrounded by a turf lawn and other typical suburban residential landscaping and a circular driveway in front. Two large, mature ash trees in front of the house substantially enhance the aesthetic appeal of the site. The largest of the two trees would be retained along with two smaller trees in the rear of the property. Numerous new trees would be planted along the site

[2] California Department of Transportation (Caltrans), Officially Designated State Scenic Highways, accessed October 11, 2016 at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/scenic_hwy.htm.

perimeters and in the new front yards, along with shrubs and other decorative landscaping. Ground covers, rather than lawns, would cover the remainder of the new front yards. The rear and side yards would be finished with bark mulch, leaving landscaping up to the individual future home owners.

The only view of the site that would be available from public vantage points would be of the property frontage along Pomeroy Avenue. This view, which is depicted in the architectural rendering shown on Figure 5, would encompass the front elevations of the two Plan A homes, their landscaped front and side yards, and the driveway separating the homes, covered with decorative pavers. From slightly oblique angles, the garage doors placed on the sides of the units would be visible on one side of the driveway.

As shown on Figure 5, the proposed homes have been attractively designed in a contemporary style that is in keeping with surrounding development. The massing of the homes would be articulated by one half of the buildings, topped by a sloped shed roof, rising above the other flat-roofed half. As discussed in the project description and shown on Figure 5, other architectural details such as chimneys, stone veneer, and contrasting walls of stucco and horizontal stained wood siding would provide additional visual interest.

Once the site has been redeveloped, it would be an attractive residential property that is consistent and compatible with the other two-story residential development surrounding the site. It would be landscaped with trees and other vegetation that is appropriate for the residential property. It would substantially increase the number of trees present on the property, contributing to the greening of the neighborhood.

The proposed project would replace the existing residential development with new higher-density residential development that would be more similar in massing and density to the existing development bordering the site on all four sides. An attractive development is proposed that would not radically alter the visual character of the site. The changes would not constitute a substantial degradation in the visual character of the site and surroundings. Furthermore, the project would be subject to review by the City's Architectural Committee, which will ensure the project conforms to Santa Clara's adopted Community Design Guidelines. The guidelines were developed to support community aesthetic values, preserve neighborhood character, and promote a sense of community and place throughout the City. Therefore, given the foregoing considerations, the proposed project would have a ***less-than-significant impact*** on the visual quality of the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Explanation: The project would introduce new nighttime light sources from interior and exterior lighting of the proposed homes. Exterior lighting would be required to comply with the City's Community Design Guidelines, which restricts the heights of fixtures and requires them to be directed away or shielded from nearby properties and streets. Interior nighttime lighting is generally contained by window coverings, fixture shades, and intervening building surfaces, and does not create nighttime glare. Light and glare would be further obscured from view at

offsite locations by introduced trees and by the buildings themselves. The type of lighting that would be part of the project is an inherent and widely accepted aspect of any type of occupied human development. Given these factors, the new nighttime lighting would not adversely affect views in the area, and would represent a minor incremental addition to existing lighting in the area,. The project would have a ***less-than-significant impact*** related to the creation of nighttime lighting and glare.

II. AGRICULTURAL RESOURCES — *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forestry Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?	☐	☐	☐	☒

Explanation: The project site and all surrounding lands are designated "Urban and Built-Up Land" by the Department of Conservation (DOC), a department of the California Resources Agency.[3] The DOC's Farmland Mapping and Monitoring Program (FMMP) updates the maps every two years; the most recent map was prepared in 2012 and published in 2014. There is no farmland on or in proximity to the project site; there is therefore no potential to convert Farmland of Statewide Importance to a non-agricultural use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

Explanation: The project site is not zoned for agricultural use and is not under a Williamson Act contract.

[3] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, "Santa Clara County Important Farmland 2012" (map), August 2014.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒

Explanation: The project site is not zoned as forest land or timberland.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to a non-forest use?	☐	☐	☐	☒

Explanation: There is no forest land on the project site; therefore, there is no potential for the project to convert forest land to a non-forest use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) 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?	☐	☐	☐	☒

Explanation: There is no potential for the project to convert agricultural land to a non-agricultural use or convert forest land to a non-forest use.

III. AIR QUALITY — *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

Explanation: The air quality agency with jurisdiction over the project site is the Bay Area Air Quality Management District (BAAQMD), which is responsible for monitoring regional air quality, developing regional clean air plans, and responding to citizen air quality complaints. The Bay Area is currently designated as a nonattainment area for the State and federal ozone standards, the State respirable particulate matter (PM_{10}) standard, and the State and federal fine particulate matter ($PM_{2.5}$) standards. The *Bay Area 2005 Strategy* and the *2017 Bay Area Clean Air Plan* were developed by BAAQMD to address the ozone nonattainment issues. No PM_{10} or $PM_{2.5}$ plans have been prepared or are required under State air quality planning law.

BAAQMD adopted its *2017 Bay Area Clean Air Plan* (CAP) in accordance with the requirements of the California Clean Air Act (CCAA) to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gas (GHG) emissions in a single, integrated plan; and establish emission control measures to be adopted or implemented in the 2010 through 2012 timeframe.[4] The primary goals of the 2010 Bay Area CAP are to:

- Attain air quality standards;
- Reduce population exposure and protecting public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

If project review is conducted in accordance with the BAAQMD CEQA Guidelines and is not found to have any unavoidable significant air quality impacts, a project is typically assumed by the Air District to comply with the Clean Air Plan and with the Ozone Strategy, the applicable air quality plans.[5] Since the project is not anticipated to result in any unavoidable significant air quality impacts, as discussed in Section III(b), below, the project would not conflict with the Clean Air Plan or Ozone Strategy. Therefore, the project would have a ***less-than-significant impact*** related to potential conflicts with the applicable air quality plan.

[4] Bay Area Air Quality Management District, *Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area–Final 2017 Clean Air Plan*, adopted April 19, 2017.

[5] Alison Kirk, Senior Environmental Planner, Bay Area Air Quality Management District, personal communication, June 8, 2017.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐

Explanation:

Introduction to the Air Quality/GHG Analysis

The State *CEQA Guidelines* explicitly allow and encourage a lead agency to determine its own thresholds of significance for evaluating the significance of environmental effects.[6] In doing so, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence. The City of Santa Clara is utilizing the thresholds recommended in the BAAQMD's June 2010 CEQA guidelines for the proposed townhome project, and the City has consistently utilized these thresholds across its environmental documents.

There is substantial evidence supporting the City's decision to rely on BAAQMD's June 2010 CEQA guidelines and thresholds for evaluating the air quality and greenhouse gas (GHG) impacts of the proposed project. The BAAQMD spent more than a year and a half developing the June 2010 thresholds of significance, and conducted workshops and public meetings throughout the process to solicit input and feedback from the public. Draft documents were available for review on the BAAQMD website throughout the process. A variety of different options were evaluated during the process. The District drew on its own air quality expertise, as well as that of the California Air Resources Board, numerous other air pollution control districts throughout the State, and outside consultants. Other air districts consulted during the process included the Monterey Bay Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, Mojave Desert Air Quality Management District, South Coast Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and the Ventura County Air Pollution Control District.

The thresholds of significance are tied to compliance with the California ambient air quality standards (CAAQS) and the national ambient air quality standards (NAAQS), which were developed pursuant to the State Clean Air Act and federal Clean Air Act, respectively. Thresholds for toxic air contaminants are based on health risk, and GHG thresholds are based on achieving GHG reductions mandated by Assembly Bill 32 and former Governor Arnold Schwarzenegger's Executive Order S-3-05. The adopted thresholds were supported by the California Attorney General and major environmental groups. They were based on scientific methods, including computer modeling, and utilized emissions data, ambient air pollution data, population data and growth projections, and health risk data, among other sources. There was substantial research, public input, and a solid basis for determining and adopting the standards. It should also be noted that in accepting the case for review, the California Supreme Court did not comment on the validity of the thresholds themselves. Absent guidance from the State Office of Planning and Research or the California Air Resources Board regarding this issue, the City of Santa Clara has determined that the BAAQMD relied on substantial evidence in adopting the June 2010 thresholds of significance for criteria air pollutants, GHGs, and toxic air

[6] California Resources Agency, Office of Planning and Research, *CEQA Guidelines*, Section 15064.7.

contaminants, which forms the basis for the City's use of those thresholds in the analysis presented in Section III, Air Quality, and in Section VII, Greenhouse Gases.

Construction Impacts

Construction operations for any sizeable project have the potential to result in short-term but significant adverse air quality impacts. Although the proposed project is quite small, the BAAQMD recommends implementation of its Basic Construction Mitigation Measures by all projects subject to environmental review under CEQA. BAAQMD's CEQA Air Quality Guidelines establish thresholds of significance for construction emissions of 54 pounds per day (lb./day) for reactive organic gases (ROG), $PM_{2.5}$, and nitrogen oxides (NO_x), and 82 lb./day for PM_{10}. These are the same thresholds applicable to operational emissions. The particulate matter (PM) thresholds apply to exhaust emissions only, not ground disturbance; emissions from grading and other site disturbance, for which there is no adopted threshold of significance, are addressed through best management practices. The Air Quality Guidelines contain screening criteria for construction of a variety of land use development projects. For single-family homes, the construction screening threshold is 114 dwelling units. Projects that fall below this threshold are considered by BAAQMD to have less-than-significant construction-phase air pollutant emissions, provided the following additional conditions are met:

- All Basic Construction Mitigation Measures would be included in the project design and implemented during construction; and
- Construction-related activities would not include any of the following:
    a. Demolition;
    b. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
    c. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
    d. Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
    e. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

With just four proposed single-family homes, the proposed project would be far below the threshold at which the BAAQMD recommends quantified modeling of a project's construction emissions; the number of units would less than 3 percent of the threshold. As noted above, projects that fall below the applicable screening threshold are presumed to have less-than-significant construction-phase air pollutant emissions, provided the conditions listed above are met. Although development of the project would require demolition of an existing single-family home on the site, its demolition would not require extensive operation of heavy equipment, and the demolition and construction phases would not overlap. It can reasonably be assumed that the demolition would result in far fewer air emissions than would occur during construction of 110 single-family homes, which is the delta between BAAQMD's threshold for single-family residential construction and the number of proposed homes. The project would not have simultaneous occurrence of more than two construction phases, would not develop more than one land use type, would not require extensive site preparation, and would not require extensive material transport. (Because the site is level and the existing and proposed elevations are essentially the same, very little, if any, import or export of soil would be required). The Basic Construction Mitigation Measures are required as Mitigation Measure AQ–1, below.

Although the proposed project is not expected to generate substantial construction-phase emissions, absent implementation of the BAAQMD's Basic Construction Mitigation Measures, the project's effects of construction-generated criteria pollutants would be a ***potentially significant impact***, based on the criteria discussed above. Implementation of the controls listed in Mitigation Measure AQ–1, which incorporates the Basic Construction Mitigation Measures, would reduce the project's construction–related air quality impacts to a less–than–significant level.

Mitigation Measure AQ–1: The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:

- 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.
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- 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.

Operational Impacts

As noted above, BAAQMD's operational thresholds of significance are the same as the construction thresholds. However, the screening criteria for project operations differ; for single-family residential projects, the screening threshold is 325 dwelling units. The proposed four homes would represent approximately 1 percent of BAAQMD's operational screening threshold for single-family homes. If a project falls below the applicable operational screening criteria, then BAAQMD has determined that the project would not result in the generation of

operations-related criteria air pollutants and/or precursors that exceed the thresholds of significance, and there is no need to perform a detailed air quality assessment of the project's air pollutant emissions. (However, the screening criteria should not be used if a project includes emissions from stationary source engines (e.g., back-up generators) or industrial sources subject to Air District Rules and Regulations. These exceptions are not applicable to the proposed project.) Since the project would fall far below the operational screening threshold for townhomes, there is no potential for the project to exceed BAAQMD operational thresholds of significance. Therefore, the project would have a ***less-than-significant impact*** on air quality from project operations, and no mitigation is required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*	☐	☒	☐	☐

Explanation: As noted in BAAQMD's CEQA Air Quality Guidelines, air pollution is, by its very nature, largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. According to the Air Quality Guidelines, if a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. The Air Quality Guidelines state that if a project would exceed the identified significance thresholds, its emissions would be cumulatively considerable.

As discussed in the preceding subsection, with implementation of the identified mitigation measures, the project would have a less-than-significant impact on air quality. Therefore, the project's cumulative impact on air quality would also be ***less than significant*** with implementation of Mitigation Measure AQ–1.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Expose sensitive receptors to substantial pollutant concentrations?*	☐	☒	☐	☐

Explanation: Health risk from exposure to air pollutants is evaluated based on the potential for exposure to $PM_{2.5}$ and toxic air contaminants (TACs), the two emission types that pose the most significant threat to human health. According to BAAQMD, more than 80 percent of the inhalation cancer risk from TACs in the Bay Area is from diesel engine emissions.[7] TACs are a

[7] Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, page 5-3, May 2011.

set of airborne pollutants that may pose a present or potential hazard to human health, and are separated into carcinogens and non-carcinogens. State and local regulatory programs are intended to limit exposure to TACs and the associated health risk. Both TACs and $PM_{2.5}$ are emitted by trucks, cars, construction equipment, and other mobile sources. They are also emitted by stationary sources that require permitting by the BAAQMD, which requires source controls.

Project impacts related to increased health risk can occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Prior environmental documents prepared by the City also considered whether conditions on or near the project site would have impacts on the persons or development introduced onto the site by the new project. However, the California Supreme Court issued an opinion on December 17, 2015, which established that CEQA review is limited to a consideration of the impacts of a project on the environment, and not the impacts of the environment on the project. *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (2015) (observing that CEQA "does not contain language directing agencies to analyze the environment's effects on a project. Requiring such an evaluation in all circumstances would impermissibly expand the scope of CEQA.") Consequently, any discussion of impacts on future residents in the discussion below if for informational purposes only.

The BAAQMD recommends using a 1,000-foot radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. A lead agency should enlarge the radius if an unusually large source or sources of hazardous emissions that might affect a project lies outside the 1,000-foot radius.

Virtually any land use that attracts and/or generates vehicle trips emits TACs and $PM_{2.5}$. It is only when substantial quantities of TACs are emitted that cancer or health risk can potentially rise to a level of significance. The BAAQMD considers an excess cancer risk of more than 10 in one million or a non-cancer (i.e., chronic or acute) health risk greater than a Hazard Index (HI) of 1.0 to be a significant adverse impact.

The proposed project would create a new short-term emission source of diesel particulate matter (DPM) due to construction activities. [8] Studies have demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. However, construction activities would be short-term in duration and emissions would quickly disperse, and implementation of Mitigation Measure AQ–1 would reduce combustion emissions such that health impacts on existing residents in the vicinity from project construction emissions would be a ***less-than-significant impact***.

Although the proposed project would not site a new operational source of substantial TAC and $PM_{2.5}$ emissions, it would introduce new sensitive receptors to the project site. (While the

[8] In August of 1998, CARB identified particulate emissions from diesel-fueled engines as a toxic air contaminant. CARB developed the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. The document represents a proposal to reduce diesel particulate emissions, with the goal to reduce emissions and the associated health risk by 75 percent in 2010 and by 85 percent in 2020. The program aims to require the use of state-of-the-art catalyzed diesel particulate filters and ultra-low sulfur diesel fuel on diesel-fueled engines.

Diesel particulate matter (DPM) is the most complex of diesel emissions. Diesel particulates, as defined by most emission standards, are sampled from diluted and cooled exhaust gases. This definition includes both solid and liquid material that condenses during the dilution process. The basic fractions of DPM are elemental carbon; heavy hydrocarbons derived from the fuel and lubricating oil and hydrated sulfuric acid derived from the fuel sulfur. DPM contains a large portion of the polycyclic aromatic hydrocarbons found in diesel exhaust. Diesel particulates include small nuclei particles of diameters below 0.04 micrometers (μm) and their agglomerates of diameters up to 1 μm.

vehicles driven by project residents would also be emitters of TACs and $PM_{2.5}$, these emissions would be *de minimus* and would not have the potential to expose on-site or off-site sensitive receptors to substantial pollutant concentrations.) Sensitive receptors are people most susceptible to poor air quality, and include children, the elderly, the infirm, or others with medical conditions susceptible to poor air quality (e.g., asthma, bronchitis, chronic respiratory disease). Land uses that are generally considered to be sensitive receptors include residences of all types, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities.

The BAAQMD initiated the Community Air Risk Evaluation (CARE) program in 2004 to identify communities where significant sources of TACs were located in proximity to sensitive populations. The BAAQMD strongly recommends that impacted communities develop, adopt, and implement Community Risk Reduction Plans. Based on the latest CARE maps published by BAAQMD, the project site is not located in or near an identified Impacted Community.[9] The proposed project would be located in the City of Santa Clara, which is not part of the seven CARE program impacted communities in the Bay Area. The health impacts in the Bay Area, as determined both by pollution levels and by existing health vulnerabilities in a community, are a cancer risk of approximately 160 cancers per million persons. In Santa Clara in the 95050 zip code in which the project would be located, the existing health impact is a cancer risk of approximately 204 cancers per million persons.[10]

The BAAQMD provides screening tools and recommended procedures for evaluating the potential health risk associated with proposed land use development.[11] For new receptor projects, such as the proposed residential subdivision, lead agencies should review the risks from nearby roadways, freeways, and stationary sources. The BAAQMD's *CEQA Air Quality Guidelines* include standards and methods for determining the significance of cumulative health risk impacts. The method for determining cumulative health risk requires the tallying of health risk from permitted stationary sources, rail activities, and roadways in the vicinity of a proposed project (i.e., within a 1,000-foot radius), then adding the proposed project impacts due to construction and operations to determine whether the cumulative health risk thresholds are exceeded. These evaluations are described below.

For new TAC and $PM_{2.5}$ emissions that would be generated by a proposed project, the BAAQMD considers an excess cancer risk of more than 10 in one million persons or a non-cancer (i.e., chronic or acute) health risk greater than a Hazard Index (HI) of 1.0 to be a significant adverse impact. For $PM_{2.5}$ the threshold is an incremental increase of greater than 0.3 micrograms per cubic meter ($\mu g/m^3$). When siting new receptors that would be exposed to existing cumulative TAC emissions from multiple sources within a 1,000-foot radius, a cumulative significance threshold applies. The cumulative thresholds are an excess cancer risk of more than 100 in one million persons, a non-cancer health risk HI greater than 10.0, or an annual average $PM_{2.5}$ concentration greater than 0.8 $\mu g/m^3$. The HI is defined as the ratio of the predicted incremental exposure concentration from the project to a published reference exposure level (REL) that could cause adverse health effects, as established by the California Office of Environmental Health Hazard Assessment (OEHHA). These cumulative thresholds

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[9] Bay Area Air Quality Management District (BAAQMD), Community Air Risk Evaluation Program: Impacted Areas, accessed October 12, 2016 at: http://www.baaqmd.gov/plans-and-climate/community-air-risk-evaluation-care-program.

[10] BAAQMD, *Identifying Areas with Cumulative Impacts from Air Pollution in the San Francisco Bay Area*, Version 2, March 2014.

[11] Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, Version 3.0, May 2012.

apply to the potential exposure of future project residents to health risks from existing sources of TAC and $PM_{2.5}$ emissions in the project vicinity.

Stationary Sources of TACs

BAAQMD has developed a geo-referenced database of permitted emissions sources throughout the San Francisco Bay Area, and has developed the *Stationary Source Risk & Hazard Analysis Tool* for estimating cumulative health risks from permitted sources.[12] Permitted sources of TACs include facilities such as oil refineries, gas stations, dry cleaners, crematories, landfills, wastewater treatment plants, hospitals, and coffee roasters, among many others. A single permitted stationary source is located within 1,000 feet of the project site:

> **19703: Verizon Wireless, 3111 Benton Street.** Although the BAAQMD database lists the name of this stationary source as Verizon Wireless, the location indicated by the address corresponds to the Santa Clara First Baptist Church, which is located about 700 feet east of the project site. BAAQMD staff state that where there are discrepancies in the database information, the street address is the most accurate location parameter.[13] This diesel generator source has a cancer risk of 0.80 cancers per million and a health hazard risk index of 0.00028, and an average annual $PM_{2.5}$ concentration of 0.00083 micrograms per cubic meter ($\mu g/m^3$).

The estimated cancer risk, non-cancer (i.e., chronic or acute) health risk, and average annual $PM_{2.5}$ concentration reported in the BAAQMD database for this source were adjusted for the appropriate distance to the project site using the BAAQMD's Diesel Internal Combustion (IC) Engine Distance Multiplier Tool[14] for the diesel generator to derive the following adjusted risk factors:

Adjusted Cancer Risk:	0.064 excess cancers per million
Average Annual $PM_{2.5}$ Concentration:	6.6476×10^{-5} $\mu g/m^3$

These results demonstrate that the potential cancer risk and $PM_{2.5}$ exposure to future residents of the proposed project would be far below the applicable significance thresholds of 100 cancers in a million and 0.8 , respectively. Furthermore, the cancer and health risks as reported by BAAQMD are based on a very conservative set of assumptions, and the actual risks would be lower than the adjusted risk factors reported above.[15] Additionally, as noted in BAAQMD guidance, the cancer and health risk numbers provided in the database of stationary sources do not represent actual impacts; rather, they are upper-limit health risk screening values used to determine whether a refined modeling analysis of health impacts is required.

While the Diesel IC Engine Distance Multiplier Tool does not provide an adjusted non-cancer health risk, with an HI at the source of 0.00028 (which would be substantially lower at the project site) and a threshold of significance of HI 10.0, there is no potential for this source to cause an adverse health effect on future residents of the proposed project.

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[12] Bay Area Air Quality Management District (BAAQMD), *Stationary Source Screening Analysis Tool*, updated May 30, 2012.

[13] Allison Kirk, Senior Planner, Air Quality Planning Section, Bay Area Air Quality Management District, personal communication, October 13, 2016.

[14] Bay Area Air Quality Management District (BAAQMD), *Diesel Internal Combustion (IC) Engine Distance Multiplier Tool*, updated June 13, 2012.

[15] Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, Version 3.0, May 2012.

Based on the results reported above, the project would have a ***less-than-significant impact*** due to exposure of sensitive receptors to substantial pollutant concentrations from existing stationary sources of TACs and $PM_{2.5}$.

Freeway, Roadway, and Railway Sources of TACs

BAAQMD has also developed a geo-referenced database of highways throughout the San Francisco Bay Area and has developed the Highway Screening Analysis Tool and Rail Screening Analysis Tool for estimating cumulative health risks from highways and rail activities. The Traffic Volume Linkage Tool created by the California Environmental Health Tracking Program (CEHTP), which BAAQMD recommends for use in conjunction with its Highway Screening Analysis Tool, was recently retired by CEHTP. The agency is currently preparing a more robust tool, expected to be launched in 2017. The Environmental Impact Report (EIR) for the Santa Clara General Plan was used as an alternative source of traffic volume data.

Major roadways are only considered to have a potential cancer risk or chronic health hazard risk if they have a traffic volume of at least 10,000 average annual daily traffic (AADT). The two high-volume roadways in the project vicinity are El Camino Real, located about 2,300 feet to the north of the site, and Lawrence Expressway, located about 2,500 feet to the west. Both of these highways are outside the 1,000-foot screening radius recommended by BAAQMD, and therefore do not pose a potential cancer or health risk to future project residents.[16]

Based on all of the foregoing considerations, there is no evidence that occupants of the proposed project would be exposed to a significant source of TACs or $PM_{2.5}$ or otherwise expose sensitive receptors to substantial pollutant concentrations. This would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Explanation: Diesel-fueled construction equipment exhaust would generate some odors during the construction period. However, these emissions typically dissipate quickly through atmospheric mixing and would not affect a substantial number of people. There are sensitive (residential) receptors within a 150-foot radius of the project site, with townhomes located in close proximity to the eastern and southern boundaries of the property and additional townhomes less than 100 feet to the west and south. Depending on prevailing winds in the project area during project construction, some or all of these nearby residential receptors could experience intermittent odors generated by the operation of heavy construction equipment. Construction would occur during general weekday business hours, when a majority of nearby residents would likely be at work, away from home. Furthermore, fugitive odors reaching nearby properties would be unlikely to substantially penetrate the indoor spaces of townhomes, and to the extent they did, the odors would be significantly diluted by atmospheric mixing. To the extent that any diluted odors from project construction equipment could reach nearby residential receptors, it would at worst pose a temporary annoyance that would not have the potential to cause adverse health effects.

[16] Allison Kirk, Senior Planner, Air Quality Planning Section, Bay Area Air Quality Management District, personal communication, October 19, 2016.

Once project construction is completed, it would not be a new source of substantial odor. Residential development can represent a minor source of odors, such as cooking smells, operation of vehicles or lawn mowers, or emissions from cleaning solvents. However, these do not represent significant sources of odors, and they do not have the potential to adversely affect a substantial number of people. Therefore, based on the above considerations, odor impacts from the proposed project would be ***less than significant***.

IV. BIOLOGICAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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 or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

Explanation: The project site is a fully disturbed site in an urbanized area built out with predominantly residential and institutional uses. Prior to development of the immediate neighborhood with residential construction, the area was planted with tree orchards devoted to agricultural production, but the area has been fully built out with urban uses since the 1980s. Aside from the home and pavements on the property, the site is vegetated with typical urban residential landscaping, including grass, shrubs, and trees. There are no wetlands or other water bodies on or near the site. The existing vegetation likely provides habitat for rodents and other common wildlife adapted to an urban environment. The trees could provide nesting and roosting habitat for raptors or other bird species protected by the Migratory Bird Treaty Act, which forbids the destruction of the birds and active nests.

One of the large existing trees on the site would be removed to accommodate the project. Removal of this tree as well as construction disturbance near neighboring trees that wouldn't be removed could disturb nesting birds and destroy active nests, were they to be present, during site preparation activities. This would be a ***potentially significant impact*** which would be reduced to less than significant with implementation of the following mitigation measure:

Mitigation Measure BR–1: If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. The survey shall encompass both trees on the project site and trees on adjoining properties if the biologist determines that nesting birds in nearby trees could be adversely affected by project construction activities. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30

days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Explanation: There is no riparian habitat or other sensitive natural community present on the project site. There is no potential for such habitats to be adversely affected by the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

Explanation: There are no wetlands or other waters subject to regulation by the U.S. Army Corps of Engineers or Regional Water Quality Control Board under Section 404 of the Clean Water Act present in the proposed development area. The proposed project would have no effect on wetlands.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐

Explanation: Use of the project site by wildlife as travel corridors is highly unlikely because, as illustrated on Figure 2, the site is surrounded by extensive residential and institutional development, with no natural corridors to connect to the site. While the trees on the site could provide temporary roosting habitat to migratory birds, due to the lack of foraging habitat and the isolated nature of the limited habitat present on the site, such use of the site is unlikely. Were migratory birds to be present on the site when tree removal and other site disturbance occurs, they could readily vacate the site and relocate to other trees in the area. Any nesting birds would be protected by implementation of Mitigation Measure BR–1.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒

Explanation: Chapter 12.35 of the Santa Clara City Code requires a permit from the Superintendant of Streets for the removal or alteration of any tree, plant, or shrub on public property. There are no street trees on the frontage of the project site or other public trees that could be affected by the proposed project.

There are approximately six trees on the project site, half of which would be removed to accommodate the project. Although the City does not require a permit for removal of private trees, it does regulate their removal through General Plan policies. Land Use Policy 5.3.1-P10 requires new development to provide street trees and provision of replacement trees for trees removed at a minimum 2:1 replacement ratio (i.e., two replacement trees for every tree removed). Conservation Policy 5.10.1-P4 requires protection of all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size and all other trees over 36 inches in circumference, as measured 48 inches above grade. Policy 5.10.1-P4 applies to trees on private property as well as those on public property or in public rights-of-way.

The largest tree proposed for removal is an ash tree with a circumference of 36 inches; thus, its removal would not conflict with Conservation Policy 5.10.1-P4. The applicant would be required to comply with Land Use Policy 5.3.1-P10 as a condition of project approval. As discussed in the Project Description, the proposed landscape plan includes planting of more than 20 new trees, substantially exceeding the 2:1 replacement ratio required by Policy 5.3.1-P10. No other policies protecting biological resources would apply to the proposed project.

Therefore, the project would not conflict with general plan policies or ordinances protecting biological resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Explanation: There is no adopted habitat conservation plan (HCP) applicable to the City of Santa Clara. Although the City is located adjacent to the area covered by the *Santa Clara Valley Habitat Conservation Plan*, it would not apply to the proposed project.[17]

V. CULTURAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐

Explanation: In order to be considered a significant historical resource as defined in Section 15064.5 of the *CEQA Guidelines*, a building must be at least 50 years old. In addition, Section 15064.5 defines an historical resource as, "… a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources," properties included in a local register of historical resources, or properties deemed significant pursuant to criteria set forth in *Public Resources Code* Section 5024.1(g). According to *CEQA Guidelines* Section 15064.5(a)(3), a lead agency can determine that a resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the determination is supported by substantial evidence in light of the whole record.

In order to be eligible for listing in the California Register of Historical Resources, a property must meet at least one of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;

[17] County of Santa Clara, *et. al.*, *Final Santa Clara Valley Habitat Conservation Plan*, Figure 2-5: Private Development Areas Subject to the Plan, August 2012.

- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- Has yielded, or may be likely to yield, information important in prehistory or history.[18]

Based on historic aerial photographs of the site, the existing residence appears to have been constructed after 1956 but before 1960.[19] The house is therefore over 50 years old. However, there is no known association of the house with important historical events or persons, and it is not a unique example of an architectural style, nor is it associated with an architectural innovation. The project site is not included among the properties listed on the City of Santa Clara Historic Preservation and Resource Inventory, nor is the site included among the architecturally or historically significant properties depicted on Figures 4.11-1, 8.9-1, or 8.9-2 of the General Plan EIR.

The environmental review for the proposed project included a search of records maintained by the Northwest Information Center (NWIC) at Sonoma State University, part of the California Historical Resources Information System (CHRIS).[20] The archival search did not identify any known historic resources on or near the project site, and concluded that the potential for unrecorded historic-period archaeological resources to be present at the site is low. However, previously unidentified historic-era cultural resources could lie buried in the subsurface soils on the site. Were significant historic resources to be present at the site, they could be damaged or destroyed by project construction activities, which would be a ***significant, adverse impact***. Implementation of Mitigation Measures CR–1 and CR–2, listed in the following subsection, would reduce this potential impact to a less-than-significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐

Explanation: California is known to have been inhabited by humans for at least 11,000 years prior to the arrival of Spanish explorers in the 16th century. The San Francisco Bay Area was occupied by Native Americans as far back as 3,000 to 4,000 years ago, but information on human occupation prior to 3,000 B.C. is almost non-existent. The region's inhabitants at the time the Spanish arrived in the late 18th century were composed of eight politically autonomous and linguistically distinct subgroups of the Penutian-speaking Bay Miwok (referred to as "Costanoans" by the Spanish), more commonly referred to as the Ohlone people. The Ohlone territory encompassed much of the San Francisco Bay area and extended from the San Francisco peninsula and the Carquinez Strait south to northern Monterey County and extended eastward to the Central Valley.

[18] California Resources Agency, *CEQA Guidelines*, Section 15064.5(a)(3), as amended October 23, 2009.

[19] http://www.netronline.com/.

[20] Northwest Information Center, Sonoma State University, *Record Search Results for the Proposed 1075 Pomeroy Ave. Residential Subdivision in Santa Clara, CA*, NWIC File No. 16-0566, November 4, 2016.

The project vicinity is within the ethnographic territory of the Tamien (or Tamyen) tribal subgroup, whose territory was located in the Santa Clara Valley along the banks of the Guadalupe River and Coyote Creek, and encompassing much of present-day Santa Clara County.

As discussed in the preceding subsection, a CHRIS records search was performed by NWIC to identify previously recorded prehistoric resources in the project vicinity. The NWIC reported that no recorded cultural resources are present on or nearby the project site. In addition, a Sacred Lands search and tribal consultation were requested on October 12, 2016 from the Native American Heritage Commission. As of November 16, 2016, no response had been received.

The NWIC reported that Native American resources in Santa Clara County have been found along the general margin of the bay and its associated wetlands, near sources of water (including perennial and intermittent springs and streams), and near the interface between the valleys and adjacent uplands. The project site is located on the broad, gently sloping alluvial plains south of San Francisco Bay, and is situated between two intermittent streams. Given the proximity of these two historic water sources, the NWIC determined that there is a moderate potential for unrecorded Native American archaeological resources to be buried within the confines of the project site.

Although no known cultural resources are located in the project vicinity, if significant prehistoric cultural artifacts are buried within the area of the proposed remediation activities, they could be damaged or destroyed during subsurface disturbance of the site. This would constitute a ***potentially significant, adverse impact***. Implementation of the following mitigation measures would reduce this potential impact to a less-than-significant level.

Mitigation Measure CR–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 shall be stopped, the Director of Planning and Inspection shall be notified, and a qualified archeologist or paleontologist shall examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A professional-quality report of findings documenting any data recovery during monitoring shall be submitted to the Director of Planning and Inspection and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)–(f) of the *CEQA Guidelines* and Public Resources Code Section 21083.2.

Mitigation Measure CR–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 shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are 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 the NAHC identifies the most likely descendants, the descendants will make recommendations regarding the proper burial which shall be implemented in accordance with Section 15064.5(e) of the *CEQA Guidelines*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Explanation: Paleontological resources are the fossilized remains of vertebrate or invertebrate organisms from prehistoric environments found in geologic strata. They are valued for the information they yield about the history of the earth and its past ecological settings. They are most typically embedded in sedimentary rock foundations, and may be encountered in surface rock outcroppings or in the subsurface during site grading. They can also occur in Pleistocene-era alluvial and fluvial strata.

According to a geologic map of the area produced by the California Division of Mines and Geology, the project site is underlain by Holocene-era alluvium.[21] These soils are generally of an age that is considered to have low potential for yielding fossils, according to the Potential Fossil Yield Classification (PFYC) System recommended by the Bureau of Land Management for evaluating the potential for impacts to paleontological resources.[22,, 23] Nonetheless, the possibility that fossils exist within the project site cannot be ruled out. Any destruction of unique paleontological resources during earthmoving activities would be a ***potentially significant impact***. Implementation of the following measure would reduce this potential impact to a less-than-significant level:

Mitigation Measure CR–3: If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).

[21] California Department of Conservation, Division of Mines and Geology, Geologic Map of the San Francisco-San Jose Quadrangle [map], 1991.

[22] U.S. Department of the Interior, Bureau of Land Management, *Potential Fossil Yield Classification System* [undated].

[23] U.S. Department of the Interior, Bureau of Land Management, *Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources* [undated].

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Explanation: See Section V(b).

VI. GEOLOGY AND SOILS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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.	☐	☐	☐	☒

Explanation: There are no active earthquake faults in the City of Santa Clara. The nearest active earthquake fault is the San Andreas fault, located about 5.5 miles west of the project site.[24] Because there are no faults or associated Alquist-Priolo zones on or near the project site, there is no potential for surface rupture at the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	☐	☐	☒	☐

Explanation: Similar to most locations throughout the San Francisco Bay Area, the project site is potentially subject to strong seismic ground shaking during an earthquake on one of the major active earthquake faults that transect the region. The project is in an area mapped as having a Very Strong seismic shaking severity potential, equivalent to a Modified Mercalli Intensity of 8,

[24] Association of Bay Area Governments, Bay Area Faults [map], 2003.

corresponding to moderate structural damage.[25] According to the Ground Motion Interpolator produced by the California Geological Survey, taking into account soil conditions in the project vicinity, potential seismic shaking at the site could result in a peak ground acceleration of about 0.763 g at the site.[26]

The structural design of the proposed project would be required to comply with the latest version of the California Building Code (CBC), among other applicable building codes, which requires buildings to be designed to resist the anticipated level of seismic ground shaking at the proposed site of construction and includes stringent requirements for mitigating seismic hazards. While it is likely that future occupants of the project would be exposed to strong seismic shaking, compliance with the applicable requirements of the CBC should allow the proposed homes to withstand anticipated seismic shaking. Therefore, this would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

Explanation: Liquefaction occurs when clean, loose, saturated, uniformly graded, fine-grained soils are exposed to strong seismic ground shaking. The soils temporarily lose strength and cohesion, resulting in a loss of ground stability that can cause building foundations to fail. Soils susceptible to liquefaction include saturated, loose to medium-dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. The project site is within an area mapped as having high liquefaction potential.[27] Lateral spreading, another form of seismic ground failure, is generally associated with liquefaction; since the potential for liquefaction at the site is high, the potential for lateral spreading is presumed to also be high.

While there appears to be potential for seismic ground failure at the project site, as discussed above, the proposed project would be required to comply with the latest version of the California Building Code, which requires buildings to be designed to resist the anticipated level of seismic ground shaking at the proposed site. With compliance with the CBC, the project would have a ***less-than-significant impact*** related to seismic ground failure.

[25] Association of Bay Area Governments, Earthquake and Hazards Program, Probabilistic Seismic Hazard Analysis [interactive map], accessed October 22, 2016 at: http://gis.abag.ca.gov/website/Hazards/?hlyr=seismicHazardAnalysis.

[26] California Department of Conservation, California Geological Survey, Ground Motion Interpolator, Accessed October 22, 2016 at: http://www.quake.ca.gov/gmaps/PSHA/psha_interpolator.html.

[27] U.S. Geological Survey, Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine–County San Francisco Bay Region [map], California: A Digital Database, USGA Open–File Report 00–444, 2000.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?	☐	☐	☐	☒

Explanation: A landslide is a slope failure created by down-slope slippage of a mass of earth or rock that typically occurs as a planar or rotational feature along single or multiple surfaces. Landslides can range from slow-moving, deep-seated slumps to rapid, shallow debris flows. The hazard is greatest on steep slopes with gradients of 15 percent or more, but can occur on shallower slopes with unstable soils, particularly when saturated. Because the project site is relatively level and is surrounded by relatively level land with no significant slopes, there is no potential for landslide at the project site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Explanation: Any construction project that exposes surface soils creates a potential for erosion from wind and stormwater runoff. The potential for erosion increases on large, steep, or windy sites; it also increases significantly during rainstorms. The proposed project would occur on a level site that is not large, consisting of a single-family residential lot, just over a quarter-acre in area. Therefore, the potential for erosion during project construction would be limited and would be considered a ***less-than-significant impact***. The City will require the applicant to implement Best Management Practices (BMPs) for erosion control during project construction as a condition of approval, which would further reduce potential erosion. This condition would ensure that the project would be consistent with General Plan Safety Policy 5.10.5-P17, which reads "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 (CASQA), Stormwater Best Management Practice Handbook for Construction." Once construction is complete and the site has been landscaped, there would be minimal potential for erosion during project operation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) 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?	☐	☐	☒	☐

Explanation: As discussed above in Section VI(a)(iv), there is no potential for landslide at the project site. As discussed in Section VI(a)(iii), there is potential for liquefaction, and since lateral spreading often occurs with liquefaction, it is assumed there is potential for lateral spreading. Subsidence of land typically occurs as a result of oil or groundwater extraction or subsurface mining, but it can also occur in response to seismic shaking. The potential for subsidence at the site is unknown. Given the known conditions at the site, there is some potential for site soils to lose stability during a seismic event, but adherence to the design and construction requirements of the California Building Code would minimize potential damage that could be caused by unstable soils. Therefore, the potential for ground failure at the site is considered a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐

Explanation: Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wetted. The risks associated with expansive soils generally occur within approximately 5 feet of the ground surface, where substantial changes in soil volume can damage building foundations and pavements. The greatest potential for shrinking and swelling occurs in soils with a high clay content. The Santa Clara General Plan EIR indicates that the project site is underlain by Holocene-era basin deposits.[28] These are organic soils consisting of rich clay to very fine silty-clay deposits. The General Plan EIR states that the expansion potential in these soils is moderate.

The General Plan EIR noted that new development under the General Plan would occur primarily as intensification of previously developed areas throughout the City, which is the case for the proposed project, and concluded that hazards associated with expansive soils would be reduced to acceptable levels by enforcement of existing regulations and adopted City policies. In particular, it cites General Plan Safety Policies 5.10.5-P5 through 5.10.5-P10. Policy 5.10.5-P6 requires new development to be designed to meet current safety standards and must conform to applicable building codes intended to reduce risks associated with geologic conditions. Regulations the project would be required to comply with include the latest version of the California Building Code, which includes safety standards for the design and construction of buildings on expansive soils and under static and dynamic (seismic) conditions, as well as the International Building Code, which is adopted by reference as part of the Santa Clara City Code.

While there is potential for expansive soils at the project site, the project would be required to comply with the policies and regulations cited above, which would ensure that the project would be designed to prevent structural damage that could result from expanding soils. With this compliance, the project would have a ***less-than-significant impact*** due to being located on expansive soils.

[28] City of Santa Clara, *2010-2035 City of Santa Clara General Plan Integrated Final Environmental Impact Report*, Figure 4.5-1: City Geology, January 2011.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) 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?	☐	☐	☐	☒

Explanation: The proposed project would not require the use of a septic or alternative wastewater disposal system.

VII. GREENHOUSE GAS EMISSIONS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

Explanation: Greenhouse gases (GHGs) refer to gases that trap heat in the atmosphere and contribute to global warming. The primary GHGs are carbon dioxide (CO_s), methane (CH_4), nitrous oxide (NO_x), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H_2O). The majority of GHG emissions in the Bay Area come from transportation (39.7 percent), followed by industrial/commercial sources (35.7 percent) and electricity generation (14.0 percent). Construction equipment and other off-road equipment contribute 1.5 percent of the total GHG emissions.[29]

As discussed in Section III(b), very low quantities of operational air emissions, including emissions of GHGs, would be generated by the project. While there are no established thresholds of significance for construction emissions of GHGs, as is the case with criteria pollutants, the greatest potential for construction emissions of GHGs is during grading and paving activities and, consequently, the larger the area of disturbance, the greater the emissions of GHGs. Due to the limited area of disturbance and the limited amount of grading that would be required to prepare the small site, the potential for generation of GHGs during project construction would be limited, and a quantified analysis of construction emissions of GHGs was deemed unwarranted. As discussed in Section III(b), the project would fall far below the threshold at which the BAAQMD recommends modeling of construction emissions of criteria air pollutants. It can therefore be reasonably presumed that the emissions of GHGs during project construction would be quite limited, and would not have a significant impact on the environment.

[29] Bay Area Air Quality Management District, *Bay Area Emissions Inventory, Summary Report: Greenhouse Gases, Base Year 2011*, Table F: 2011 Bay Area GHG Emissions by Sector, updated January 2015.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*	☐	☐	☒	☐

Explanation: The City of Santa Clara adopted a Climate Action Plan (CAP) on December 3, 2013 for the purpose of reducing the emissions of greenhouse gases.[30] The CAP establishes a comprehensive GHG emissions reduction strategy to enable the City to achieve its fair share of Statewide emissions reduction of 15 percent below 2008 levels by 2020, consistent with Assembly Bill (AB) 32, the Global Warming Solutions Act.

The City of Santa Clara CAP specifies the strategies and measures to be taken for a number of focus areas (coal-free and large renewables, energy efficiency, water conservation, transportation and land use, waste reduction, etc.) Citywide to achieve the overall emission reduction target, and includes an adaptive management process that can incorporate new technology and respond when goals are not being met.

While the strategies generally require action by the City, the proposed project would further the goal identified for the Water Conservation Focus Area, which calls for a reduction in per-capita water use by 2020. The proposed landscape plan indicates that 95 percent of the proposed trees and shrubs would have low water use requirements, which would incrementally reduce the water demand generated by the project and contribute to the City's water conservation objective. In addition, with nearly 40 percent of the site proposed for landscaping, the project would incrementally further the City's Urban Heat Island Effect Focus Area, which aims to reduce the atmospheric warming effects of pavements and increase the amount of shade trees planted. The project would exceed the performance metric of each new development incorporating a minimum of two shade trees near south-facing windows. The project would also comply with Reduction Strategy 4.2, calling for increased waste diversion, because the City would require the project applicant to recycle at least 50 percent of the construction and demolition debris generated during development of the project, which is consistent with Strategy 4.2's requirement to increase diversion of solid waste from landfill disposal.

The CAP establishes a baseline of government and community-wide inventory of GHG emissions. The principal State plan and policy adopted for the purpose of reducing GHG emissions is AB 32. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020. The proposed project would result in a significant impact if it would be in conflict with AB 32 State goals and the goals, policies, and measures of the applicable CAP for reducing GHG emissions. The assumption is that AB 32 and the CAP will be successful in reducing GHG emissions and reducing the cumulative GHG emissions Statewide by 2020. The City's projected emissions and the CAP are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. The City and State have taken these measures, because no project individually could have a major impact (either positively or negatively) on the global concentration of GHGs.

The proposed project will be required to comply with the California Energy Code, which includes standards for conservation of electricity and natural gas, and the California Green

[30] City of Santa Clara, *City of Santa Clara Climate Action Plan,* Adopted December 3, 2013. http://santaclaraca.gov/home/showdocument?id=10170.

Code, which requires measures for water efficiency and conservation, material conservation, and resource efficiency, all of which contribute to reductions in GHG emissions. Given that the project will be required to comply with these standards, and GHG emissions are expected to be less than BAAQMD thresholds, the proposed project would not conflict with implementation of recommended actions in AB 32 and the City of Santa Clara CAP intended to reduce greenhouse gas emissions by the year 2020. Therefore, the proposed project would not conflict with the goals of AB 32 and the applicable CAP.

VIII. HAZARDS AND HAZARDOUS MATERIALS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

Explanation: The proposed project would not involve the routine transport, use, or disposal of hazardous materials. There would be transport of small quantities of petroleum products for the operation and maintenance of construction equipment during the short-term construction period, which is typical of most construction projects and does not represent a significant hazard. Residential occupants of the site would be expected to store and use small containerized quantities of hazardous household, outdoor landscape care, and automotive products of a wide variety. This type of usage is typical of all residential development, and would not constitute a significant hazard to the public or the environment. The project would have a ***less-than-significant impact*** from the transport, use, or disposal of hazardous materials.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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?	☐	☒	☐	☐

Explanation: As discussed in Section VIII(a) above, the proposed project would not introduce hazardous materials beyond those generally found within residential uses, including containerized household, yard care, and automotive products.

Hazardous Materials Sites

There are no active permitted underground storage tank facilities (UST), leaking underground storage tank (LUST) cleanup sites, or other hazardous materials release sites on the project site or within a 1,000-foot radius of the site as tracked by the State Water Resources Control Board

(SWRCB) on its GeoTracker database.[31] In addition, there are no hazardous waste or hazardous materials release sites within a 1,000 feet of the project site listed on the California Department of Toxic Substances Control's EnviroStor database (which includes Federal Superfund Sites, State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Corrective Action Sites, Tiered Permit Sites, Permitted Hazardous Waste Facilities, Post Closure and Hazardous Waste Facilities, and Historical Non-Operating Hazardous Waste Facilities).[32]

There is no known documented historical use of hazardous materials on or in the vicinity of the project site. Historical aerial photographs dating back to 1948 and historical topographic maps dating back to 1897 were reviewed as part of this environmental review and there was no evidence identified in any of the photos or maps examined that there has ever been any industrial land use on the project site or other use that typically entails use of hazardous materials (e.g., gas station) that could have resulted in contamination of soil or groundwater at the site.

Historical Pesticide Use

Although there is no evidence of any historical industrial uses on the project site, prior to development with residential uses, the project site and surroundings were devoted to agricultural production with tree orchards. By the end of the 19th century, roughly 100,000 acres in the Santa Clara Valley were cultivated with fruit tree orchards. The agricultural production included prunes, cherries, pears, apples, peaches, plums, apricots, and more. The peak years occurred during the 1930s and the 1940s, when the region was known worldwide as "The Valley of Heart's Delight" and the entire economy was tied to fruit production.[33] It's unknown how far back agricultural production in the immediate project area began, but based on historical aerial photographs, the area was well established with orchards at least by the early 1940s.

Prior to the 1950s, there was widespread use of pesticides in agriculture, particularly on high-value tree fruit crops. The active ingredients in most pesticides were compounds of arsenic, antimony, selenium, sulfur, thallium, zinc, copper, or plant derived alkaloids.[34] By the mid-1930s, chemicals such as pyrethrins, rotenone-containing preparations, zinc and iron sulfate, petroleum oils, and new products of organic chemistry were being used in products that controlled nematodes and weeds, defoliated plants, and stimulated or retarded plant growth. During the presumed period of agricultural production in the project vicinity, lead arsenate and organochlorine pesticides (OCPs) were commonly applied to orchard trees. Consequently, pesticide residues could remain in the soils at the project site.

Because pesticides are designed to kill certain organisms, they are inherently toxic, and exposure to them presents a potential human health risk. However, the risk is most acute in agricultural workers who mix, load, transport, and apply pesticides. Because human health risk

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[31] California Environmental Protection Agency, State Water Resources Control Board, Groundwater Ambient Monitoring & Assessment Program (GAMA), GeoTracker GAMA Groundwater Data Sources, Accessed October 23, 2016 at: http://geotracker.swrcb.ca.gov/map/?CMD=runreport&myaddress=2055+Union+St.%2C+san+francisco%2C+ca.

[32] California Department of Toxic Substances Control, EnviroStor Data Base of Cleanup Sites and Hazardous Waste Permitted Facilities, accessed October 23, 2016 at: http://www.envirostor.dtsc.ca.gav/public.

[33] Archives & Architecture, LLC, County of Santa Clara, Department of Planning and Development, *County of Santa Clara Historic Context Statement*, December 2004 (Revised February 2012).

[34] California Environmental Protection Agency, California Department of Pesticide Regulation, *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, October 2001.

is a function of pesticide toxicity and exposure, there is greater risk from high exposure to a moderately toxic pesticide than from little exposure to a highly toxic pesticide.[35]

Pesticide residues in soils generally attenuate over time as a result of volatilization, oxidation and other chemical degradation, absorption by plants, exposure to sunlight and water (i.e., leaching), and microbial activity.[36] The project site has been developed with residential uses for many decades, with no evidence of health risks being present at the site. Depending on the solubility and half-life of the specific pesticides that may have been used on the site (i.e., the persistence in the soil), there could potentially remain some pesticide residue in the soils on the property, though any remaining concentrations would likely be quite low. However, there is some potential for construction workers to be exposed to contaminated soils during grading and other ground-disturbing site preparation. Similarly, private landscaping work by future residents of the proposed project could potentially result in exposure to residual levels of pesticides that may be present. Although any exposure would be short-term, indirect, and toxicity levels would not be expected to be high, the possibility for exposure to toxic chemicals cannot be ruled out. Therefore, the risk of exposure of construction workers and future residents to residual pesticides in site soils would be a ***potentially significant impact***. Implementation of the following mitigation measures would reduce the impact to a less-than-significant level.

Mitigation Measure HM–1: Prior to issuance of a grading permit, the project sponsor shall retain the services of a qualified environmental assessor to conduct a Phase I Environmental Site Assessment (ESA) in accordance with the procedures included in *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* published by the American Society for Testing and Materials (ASTM). If the Phase I ESA does not identify a need for subsurface testing of soils, no further mitigation would be required. If the Phase I ESA recommends subsurface testing of soils to further characterize the risk at the site, the project sponsor shall commission a qualified environmental assessor to perform a Phase II ESA, which will include conducting the subsurface testing in accordance with the recommendations presented in the Phase I ESA. The results of the Phase I ESA, and the Phase II ESA, if required, shall be presented in a professional report(s) to be submitted to the Santa Clara Planning Division.

If the Phase II ESA identifies soil contamination in excess of applicable standards for residential properties, site remediation shall be performed in accordance with the Phase II ESA recommendations and satisfactory cleanup levels shall be achieved prior to commencement of any project construction activities. The Santa Clara Building Division shall confirm site cleanup prior to issuance of a grading permit.

OR

In lieu of conducting the Phase I ESA, the project sponsor may elect to retain the services of a qualified environmental assessor to conduct a limited program of subsurface testing, collecting the

[35] Christos A. Damalas and Ilias G. Eleftherohorinos, "Pesticide Exposure, Safety Issues, and Risk Assessment Indicators," *International Journal of Environmental Research and Public Health*, May 2011.

[36] Fred Fishel, University of Missouri-Columbia, University Extension, Department of Agronomy, "Pesticides and the Environment," February 2003.

minimum number of soil samples stipulated in the applicable ASTM standards and submitting the samples for analysis by a State-certified laboratory for pesticides, lead, and arsenic. If the results identify soil contamination in excess of applicable standards for residential properties, site remediation shall be performed in accordance with the limited Phase II ESA recommendations and satisfactory cleanup levels shall be achieved prior to commencement of any project construction activities. The Santa Clara Building Division shall confirm site cleanup prior to issuance of a grading permit.

Asbestos and Lead

Based on historical aerial photographs of the project site, the existing residence at 1075 Pomeroy Avenue was constructed between 1956 and 1960. Given the age of the building, which were constructed at a time when the use of lead-based paint (LBP) and asbestos-containing building materials (ACBM) was common, it is highly likely that the building contains LBP and ACBM. Lead is a highly toxic metal that was a common ingredient in paint until it was banned from residential paint in 1978. Exposure to LBP has been linked to learning disabilities and behavioral problems in children, who are particularly susceptible. Lead may also cause brain damage, kidney damage, seizures, and even death in extreme cases.

Asbestos was common in a variety of construction materials until the late 1970s, and can be found in building insulation (both spray-on and blanket types), pipe wraps, floor and ceiling tiles, tile mastics (adhesives), wallboard, mortar, roofing materials, and more. Asbestos is a known human carcinogen, and inhalation exposure to asbestos fibers or dust, known as friable asbestos, has been linked to an increase risk of lung cancer and mesothelioma, which is a relatively rare cancer of the thin membranes that line the chest and abdomen. Inconclusive evidence has also linked asbestos exposure to a variety of other cancers. With cumulative exposure, asbestos fibers can cause inflammation and scarring of the lungs, resulting in breathing difficulties.

During the proposed demolition of the existing houses, friable asbestos and/or lead could be released into the environment, posing a health hazard to workers. If not addressed properly, the potential health hazards to construction workers posed by ACBM and LBP that may be present on the site would represent a ***potentially significant adverse impact***. Implementation of the following mitigation measures would reduce the impact to a less-than-significant level.

Mitigation Measure HM–2: Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations. The Bay Area Air Quality Management District (BAAQMD) shall be notified ten days in advance of any required abatement work. To document compliance with the applicable regulations, the project sponsor shall provide the City of Santa Clara Building Inspection Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.

Mitigation Measure HM–3: Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Santa Clara Building Inspection Division prior to issuance of a demolition permit.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*	☐	☐	☐	☒

Explanation: There are two schools within one-quarter mile of the project site, and two others located just over one-quarter mile from the site. Pomeroy Elementary School, at 1250 Pomeroy Avenue, is about 575 feet (0.11 mile) to the north and Santa Clara High School, at 3000 Benton Street, is about 670 feet (0.13 mile) to the east. Additionally, Stratford School Santa Clara, at 890 Pomeroy Avenue, and Neighborhood Christian Center, a preschool at 887 Pomeroy Avenue, are about 1,500 feet (0.28 mile) and 1,600 feet (0.3 mile) to the south, respectively. However, the project would not emit hazardous emissions or handle hazardous materials. There is no potential for the project to adversely affect students at these or other schools in the area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*	☐	☐	☐	☒

Explanation: The list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 actually consists of several lists, including:

- A list of hazardous waste sites compiled by the California Department of Toxic Substances Control (DTSC);
- A list of contaminated water wells compiled by the California Department of Health Services (DHS) (subsequently reorganized into the California Department of Health Care Services and the California Department of Public Health);

- A list of leaking underground storage tank sites and solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the State Water Resources Control Board (SWRCB); and
- A list of solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the Local Enforcement Agency (LEA). These lists are consolidated by the Department of Resources Recycling and Recovery (CalRecycle).

Each of these lists must be updated at least annually, and must be submitted to the Secretary for Environmental Protection, the head of the California Environmental Protection Agency (CalEPA). DTSC maintains the EnviroStor database for purposes of complying with Section 65962.5, while the SWRCB maintains the GeoTracker database. As discussed in Section VIII(b), both of these databases were consulted during this environmental review. The project site is not listed on the EnviroStor or GeoTracker databases and there were no hazardous waste sites or facilities identified within 1,000 feet of the project site on either database. There would be no impact related to hazardous materials sites compiled pursuant to Government Code Section 65962.5.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Explanation: There are no airports within 2 miles of the project site; the closest airport is San Jose International Airport, located approximately 3 miles northeast of the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Explanation: There are no private airstrips in the project area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

Explanation: In June 2016 the Santa Clara City Council adopted a new comprehensive emergency response plan to replace the prior plan adopted in 2008.[37] The plan provides a legal framework for the management of emergencies and guidance for the conduct of business in the City's Emergency Operations Center (EOC), including collaboration and coordination between different responsible agencies. The *Emergency Operations Plan* (EOP) establishes responsibilities and procedures for addressing potential emergencies related to natural disasters such as earthquakes, flooding, and dam failure; technological incidents; hazardous materials spills or releases; and incidents of domestic terrorism involving weapons of mass destruction, such as Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) devices. The EOP conforms to the requirements of the National Incident Management System (NIMS) mandated by the U.S. Department of Homeland Security. The Santa Clara EOP also builds on and coordinates with the State's Standardized Emergency Management System (SEMS) and the California *State Emergency Plan*.

The EOP does not identify specific emergency shelters or evacuation routes in Santa Clara, though schools are identified as preferred facilities for lodging large numbers of people, with churches, hotels, and motels also likely to function as mass care facilities during large-scale disasters. The proposed project would not interfere with operation of any emergency shelters and would not close off or otherwise alter any existing streets, and therefore would not create any obstructions to potential evacuation routes that might be used in the event of an emergency. Development of the site with four new residences would not impair implementation of or physically interfere with the Santa Clara EOP. The project would have a ***less-than-significant impact*** related to potential conflicts with adopted emergency response plans.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Explanation: The project is located in a fully built-out urbanized area that extends for miles in every direction from the project site. There are no wildlands in the project area, and therefore there is no potential for the proposed project to result in the exposure of people or structures to wildland fires.

[37] City of Santa Clara, *Emergency Operations Plan: All Risk/Multi-Hazard Functional Plan*, adopted June 21, 2016.

IX. HYDROLOGY AND WATER QUALITY — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

Explanation: Both construction and operation of new development projects have the potential to adversely affect water quality. Construction activities can potentially affect water quality as a result of erosion of sediment from exposed soils. In addition, leaks from construction equipment; accidental spills of fuel, oil, or hazardous liquids used for equipment maintenance; and accidental spills of construction materials are all potential sources of pollutants that could degrade water quality during construction. Stormwater runoff from the site is ultimately discharged, without treatment, to San Francisco Bay, which is on the list of impaired water bodies compiled by the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the federal Clean Water Act. In addition, surface water drainage in Santa Clara is first discharged from storm drains primarily into the Guadalupe River, San Tomas Aquino Creek, Saratoga Creek, and Calabazas Creek, all of which are also listed as impaired water bodies by the RWQCB.[38] Because the State is required to develop action plans and establish Total Maximum Daily Loads (TMDLs) to improve water quality within these water bodies, uncontrolled discharge of pollutants into them is considered particularly detrimental.

In the San Francisco Bay Area, potential impacts to water quality from construction projects is regulated under the federal Clean Water Act by the RWQCB. Generally, new development that entails "land disturbance" of 1 acre or more requires the project sponsor to obtain coverage under Construction General Permit (CGP) Order 2009-0009-DWQ, administered by the RWQCB. In order to obtain coverage under the CGP, project sponsors must prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must identify construction Best Management Practices (BMPs) to be implemented at the construction site. Stormwater discharges must comply with numeric action levels (NALs) in order to achieve minimum federal water quality standards. The CGP requires control of non-stormwater discharges as well as stormwater discharges. Measures to control non-stormwater discharges such as spills, leakage, and dumping must be addressed through structural as well as non-structural BMPs.

Construction stormwater BMPs are intended to minimize the migration of sediments off–site. They can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include erosion-reduction controls such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds.

Because the project site has an area of 12,383 square feet, well under the 1-acre (43,560 square feet) threshold for the CGP, the proposed project is exempt from the requirements of the CGP.

[38] State Water Resources Control Board, *2010 Integrated Report (Clean Water Act Section 303(d) List/305(b) Report) — Statewide*, accessed November 7, 2016 at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

However, the City of Santa Clara requires project sponsors of all new construction projects, regardless of size, to implement construction stormwater BMPs throughout the construction period.[39] The project applicant will be required as a condition of approval to comply with the City's BMP requirements. Because the proposed area of disturbance is small, the potential for construction activity to impair water quality would be small and would be further reduced by the implementation of construction BMPs. Therefore, project construction effects on surface water quality could have a ***less-than-significant impact*** on water quality.

Regarding operational impacts to water quality, for residential development projects, the most common source of pollutants with a potential to degrade surface water quality is the automobile, which deposits oil and grease, fuel residues, heavy metals (e.g. lead, copper, cadmium, and zinc), tire particles, and other pollutants onto roadways and parking areas. These contaminants collect on the impervious pavements, where they can be washed by stormwater runoff into surface waterways, degrading water quality. As noted above, stormwater runoff from the project area is discharged into local creeks and ultimately to San Francisco Bay, which suffers from impaired water quality.

Urban/suburban developments introduce a variety of other pollutants that contribute to surface water pollution, including pesticides, herbicides, and fertilizers from landscaping; organic debris (e.g. grass, leaves); weathered paint; eroded metals from painted and unpainted surfaces; organic compounds (e.g., cleaners, solvents, adhesives, etc.); nutrients; bacteria and viruses; and sediments. Even building rooftops are a source of pollutants, because mercury and polychlorinated biphenyls (PCBs) are airborne pollutants that get deposited on roofs and other impervious surfaces. While the incremental pollutant load from a single site may not be significant, the additive, regional effects of pollutants from all development have a significant adverse effect on water quality and the innumerable organisms that depend on the region's surface water bodies. Even low concentrations of heavy metals such as mercury bioaccumulate in fish, resulting in levels that adversely affect the health of sea animals and humans that eat them. Testing in the San Francisco Bay Area has shown elevated levels of mercury and PCBs in the sediment of urban storm drains throughout the region.

Operational stormwater discharges from new development are regulated by the terms of each jurisdiction's municipal stormwater permits. In the City of Santa Clara, development projects must comply with the National Pollutant Discharge Elimination System (NPDES) permit (NPDES Permit No. CAS612008) issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP and other Bay Area jurisdictions by the RWQCB (NPDES Order No. R2-2015-0049). The revised Municipal Regional Stormwater Permit (MRP) was adopted on November 19, 2015 and became effective on January 1, 2016. This permit replaced the previous permit issued on October 14, 2009, which was formally rescinded by the RWQCB. The current MRP consolidates the multiple countywide permits previously issued to member agencies in the San Francisco Bay Area under a single MRP regulating stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties and the cities of Fairfield, Suisun City, and Vallejo. The City of Santa Clara Public Works Department is responsible for administering the MRP in Santa Clara.

Any private or public development project that would create or modify 10,000 square feet or more of impervious surfaces must comply with Provision C.3. The size threshold is reduced to 5,000 square feet for certain special land use categories, which include auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots. Projects subject to Provision C.3 must include low-impact development (LID) measures to capture and perform onsite treatment of all stormwater from the site prior to its discharge, including rainwater falling on building

[39] Fahteen Kahn, Senior Planner, City of Santa Clara Planning Division, November 4, 2016, personal communication.

rooftops. Project applicants are required to implement appropriate source control and site design measures and to design and implement stormwater treatment measures in order to reduce the discharge of stormwater pollutants to the *maximum extent practicable* (MEP), a standard established by the 1987 amendments to the federal Clean Water Act.

In the new MRP, Provision C.3 also requires small projects with 2,500 square feet to 10,000 square feet of new and replaced impervious surfaces and detached single-family home projects that create and/or replace 2,500 square feet or more of impervious surfaces to install at least one site design measure to reduce uncontrolled stormwater runoff. Examples of potential site design measures include:

- Directing roof runoff into cisterns or barrels for reuse;
- Conservation of natural areas, including existing trees, other vegetation, and soils;
- Minimization of impervious surfaces;
- Construction of sidewalks, walkways, patios, and/or parking lots with pervious pavements; and
- Minimization of stormwater runoff by directing runoff from roofs, sidewalks, walkways, driveways, and/or uncovered parking lots onto vegetated areas.

All selected site design measures must meet the design criteria stipulated in Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects of SCVURPPP's *C.3 Stormwater Handbook*.[40] Project plans must specify which measures are selected to satisfy this requirement and show the direction of flow from impervious surfaces to selected site design measures.

The proposed project would create approximately 4,685 square feet of new impervious surfaces, well under the 10,000-square-foot threshold for a Regulated Project subject to full Provision C.3 compliance. Furthermore, there are currently approximately 5,990 square feet of impervious surfaces on the site from the existing single-family home and the circular driveway. Implementation of the project would therefore reduce the amount of impervious surfaces on the site by roughly 1,300 square feet. However, since the project would replace more than 2,500 square feet of impervious surfaces, it would be required by the City to install one or more of the site design features listed above.

Project plans indicate that the proposed development would include two of the site design features listed above. The driveway and parking areas would be surfaced with permeable pavers underlain by layers of compacted sand and aggregate. This would allow rainwater to percolate through the paving stones into underlying groundwater, a process that provides biofiltration of pollutants. In addition, rainwater from the roofs of the proposed homes would be collected in gutters and discharged away from the homes into the landscaped areas via pop-up emitters. Most or all of this water would also percolate to groundwater. These features would both reduce the amount of stormwater discharged from the site and provide for on-site natural biological treatment of the site's stormwater runoff. Because the project is too small to require implementation of Provision C.3 LID requirements, and would also include site design features to provide on-site treatment of stormwater and minimize the discharge of stormwater offsite, in compliance with Provision C.3.i of the MRP, operation of the proposed project would have a ***less-than-significant impact*** on water quality.

[40] Santa Clara Valley Urban Runoff Pollution Prevention Program, *C.3 Stormwater Handbook: Guidance for Implementing Stormwater Requirements for New Development and Redevelopment Projects*, June 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒

Explanation: As discussed in Section IX(a), above, implementation of the proposed project would reduce the amount of impervious surfaces on the site by roughly 1,300 square feet. Thus, it would not interfere with groundwater recharge, but rather would incrementally increase the amount of groundwater recharge at the site in comparison with existing conditions.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒

Explanation: The project would substantially alter the existing drainage pattern on the site by altering the locations of impervious surfaces. However, this would have a negligible but beneficial effect on off-site drainage by reducing the amount of stormwater discharged from the site into downstream receiving facilities. The changes would not have the potential to cause substantial erosion on the project site because, as discussed in more detail in Section IX(a), above, a majority of rainwater falling on the site would filter through permeable pavements to groundwater or would be captured on rooftops and discharged into landscaped areas, where percolation to groundwater would occur. Following completion of construction, there would not be any significant areas of exposed soils where there would be a higher potential for erosion. With these features, the project would be consistent with General Plan Safety Policy 5.10.5-P15, which requires 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.

Any stormwater not infiltrating site soils would flow via sheet flow to Pomeroy Avenue, where it would be collected in the City's storm drain system. This volume of stormwater discharged from the site would be reduced in comparison with existing conditions due to the net reduction in impervious surfaces. Therefore, the project would not increase the potential for erosion or siltation on- or off-site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒

Explanation: As discussed in Sections IX(a) and (c), the project would reduce stormwater runoff from the site by reducing the amount of impervious surfaces and introducing permeable pavements. Therefore, the project would have no impact on potential flooding on- or off-site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒

Explanation: As discussed in Sections IX(a) and (c), the project would reduce stormwater runoff from the site by reducing the amount of impervious surfaces and introducing permeable pavements. This would increase the amount of natural biotreatment of stormwater runoff and reduce the amount of pollutants discharged from the site. Therefore, the project would have no impact on storm drainage capacity or the water pollutant load in stormwater discharged from the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒

Explanation: See Sections IX(a) and IX(c). No other impacts to water quality were identified for the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

Explanation: The project site is designated by the Federal Emergency Management Agency (FEMA) as Zone X, Other Flood Areas, which is assigned to areas outside the 0.2-percent annual chance floodplain (i.e., 500-year flood), areas within the 1-percent annual chance floodplain (i.e., 100-year flood) with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from the 100-year flood.[41] This is not considered a flood hazard area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒

Explanation: See Section IX(g), above.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

Explanation: The City has mapped flood hazard areas within the City, including potential dam failure inundation zones for Anderson Dam and Lenihan (formerly Lexington) Dam, as determined by the California Office of Emergency Services.[42] The project site is not within the dam failure inundation zones of either of these reservoirs.

[41] Federal Emergency Management Agency, Flood Insurance Rate Map, Santa Clara County, California and Incorporated Areas [map], Community Panel Number 06085C0226H, effective May 18, 2009.

[42] City of Santa Clara, *2010-2035 General Plan Integrated Final EIR*, Figure 4.4-1, January 2011.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Explanation: Tsunamis (seismic sea waves) are long-period waves that are typically caused by underwater disturbances (landslides), volcanic eruptions, or seismic events. Areas that are highly susceptible to tsunami inundation tend to be located in low-lying coastal areas such as tidal flats, marshlands, and former bay margins that have been artificially filled but are still at or near sea level. The General Plan EIR determined that the City of Santa Clara is not located within a tsunami inundation area, based on maps prepared by the California Emergency Management Agency.[43] Therefore, the project would not be subjection to inundation by tsunami.

A seiche is a free or standing wave oscillation(s) of the surface of water in an enclosed or semi-enclosed basin that may be initiated by an earthquake. The General Plan EIR identified only two water bodies within the City where seiches could potentially occur, neither of which is near the project site, so there is no potential for inundation by seiche at the site.

Debris flows, mudslides, and mudflows begin during intense rainfall as shallow landslides on steep slopes. The rapid movement and sudden arrival of debris flows can pose a hazard to life and property during and immediately following a triggering rainfall. The project site is essentially flat, as is the surrounding area. There is therefore no potential for mudslides or debris flows.

X. LAND USE AND PLANNING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒

Explanation: The project would redevelop an existing residential site currently occupied by one single-family residence with four single-family residences. It would not create new streets or block off any existing streets or pedestrian paths connecting different areas of a community. The project would not divide an established community or interfere in any way with access to an established community.

[43] City of Santa Clara, *2010-2035 General Plan Integrated Final EIR*, Section 4.5.1.2, January 2011.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purposed of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Explanation:

General Plan Consistency

The project site is located within the City of Santa Clara and development of the site is subject to the provisions of the *City of Santa Clara 2010-2035 General Plan*, adopted November 16, 2010. The General Plan land use designation of the site is Low Density Residential. The General Plan has land use maps for three different phases of future development (Phase I: 2010-2015; Phase II: 2015-2023; and Phase III: 2023-2035); the Low Density Residential designation is assigned to the project site under all three phases of the General Plan.

The Low Density Residential land use category is intended for single-family dwelling units, townhomes, row houses, and combinations of these residential development types, which may include detached or attached dwelling units. The Low Density Residential designation allows densities of 8 to 19 units per gross acre. With a total site area of 12,383 square feet (~0.284 acre), the allowable density for the project site is approximately 2.27 to 5.4 units. The proposed four single-family homes are thus consistent in type and density with the development allowed in the Low Density Residential land use designation.

Because Santa Clara has virtually no vacant land, the General Plan is focused on guiding redevelopment of existing sites from lower to higher intensity uses. The General Plan promulgates many policies intended to promote neighborhood compatibility, historic preservation, mobility and transportation, environmental quality, sustainability, and full provision of public services and utilities. All of the General Plan policies were reviewed to identify those applicable to the proposed project and evaluate the project's consistency with those policies. No conflicts were identified. In particular, the project would be consistent with the following general land use and residential land use policies:

5.3.1-P4 Encourage new development that meets the minimum intensities and densities specified in the land use classifications or as defined through applicable Focus Area, Neighborhood Compatibility or Historic Preservation policies of the General Plan.

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

5.3.1-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.

5.3.2-P2 Encourage higher-density residential development in transit and mixed-use areas and in other locations throughout the City where appropriate.

5.3.2-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.

The General Plan identifies six Focus Areas in the City where improvements and new development tailored to the existing character of the areas are encouraged. The focus areas include major corridors and destinations, new centers of activity around transit stations, and new residential neighborhoods, all of which have the potential to significantly define the City's identity. The General Plan also identifies three Future Focus Areas that are only established in Phase III of General Plan implementation. The project site is not located in any of the existing or future focus areas, and therefore is not subject to General Plan policies pertaining specifically to the focus areas.

Zoning Ordinance

Although the project site is currently zoned R3-18D – Low-Density Multiple Dwelling, the proposed project would include rezoning the property to a PD – Planned Development zoning district. The PD district is intended to accommodate development that is compatible with the existing community and achieves one of the following:

- Integrates uses that are not permitted to be combined in other zone districts;
- Utilizes imaginative planning and design concepts that would be restricted in other zone districts;
- Subdivides land or air space in a manner that results in units not having the required frontage on a dedicated public street; or
- Creates a community ownership project. (Santa Clara City Code Section 18.06.010 defines "community ownership" as (i) a joint ownership of land and/or improvements combined with a separate ownership or exclusive right of occupancy of a unit or (ii) an investment apartment complex, which is defined as having separate ownership of at least two contiguous dwelling units per each ownership with all dwelling units to be rental units.

Any and all uses except certain industrial uses are permitted in the PD district, but they are set by the approved development plan, and any change in use requires a rezoning. The primary requirement for a PD district is a development plan, which stipulates the land use but also the development standards, such as height limits, setback requirements, onsite parking, and landscaping. The development standards must provide for a harmonious, integrated project of sufficient unity and architectural quality to justify the mixture of normally separated uses or to justify certain exceptions to the standard regulations. The density must not substantially deviate from that allowed under the General Plan. Once approved by the City Council, the development plan becomes part of the City's zoning map.

A PD district is appropriate for the proposed project because it would subdivide the property in a manner that would result in two of the four proposed dwelling units not having the required frontage on the adjacent public street. It would also allow for minor deviations from the standard development regulations, as discussed below.

The PD regulations, set forth in Chapter 18.54 of the Santa Clara City Code, indicate that the number of required parking spaces must generally conform to the number required for the particular uses in the zones in which they are otherwise permitted. In the case of the proposed project, this means that the project would be required to provide the same number of spaces

that would be required in the City's single-family residential zoning districts, unless granted an exception under the PD rezone. City Code Section 18.16.130 requires at least one garage or carport for each single-family dwelling unit, plus one parking space for each dwelling unit. With an attached two-car garage proposed for each home, the project would meet the minimum parking requirement and would also provide two off-street guest parking spaces. Where opposing garage doors are less than 40 feet apart, Section 18.16.130 also requires automatic garage door openers and roll-up garage doors to be provided. With opposing garage doors separated by approximately 26 feet, the project would be subject to this requirement.

With respect to other development standards, the PD regulations state that development in a PD district must be generally consistent with the development standards of the Zoning Ordinance. In the case of the proposed project, the development regulations promulgated in City Code Chapter 18.16 (Low-Density Multiple-Dwelling Districts) are the most applicable to the project. The standards in Chapter 18.16 require a minimum lot width of 70 feet, a front yard at least 20 feet deep, side yards of 10 feet or more, and rear yards of 15 feet or more. Building heights may not exceed 25 feet or two stories. A maximum lot coverage of 35 percent is allowed and on lots under 22,000 square feet, 40 percent of the lot area must be developed with a permanently maintained open landscaped area.

Based on the proposed site plan, the project site conforms to the lot width and side yard requirements but does not meet the minimum front and rear yard requirements for Low-Density Multiple-Dwelling Districts. The front yard setback ranges from 15 feet to 18 feet 7.5 inches, while the rear yard ranges from 15 feet 1 inch to 18 feet 7.5 inches. The Type A units would have a height of 25 feet 7 inches and the Type B units would have a height of 26 feet, both exceeding the stipulated height limit. The site plan indicates that 37.84 percent of the site would be covered by the four homes, slightly exceeding the 35-percent limit. With 39.22 percent of the site proposed for landscaping, this would also be slightly under the 40-percent requirement.

As discussed above, the density is consistent with the General Plan land use designation assigned to the site. Assuming approval of the planned development plan, the project would conform to the applicable development standards for building heights, setbacks, parking requirements, etc. despite the minor deviations from the standards for Low-Density Multiple-Dwelling Districts. Therefore, the proposed project would not conflict with the City's zoning ordinance.

Based on the General Plan and Zoning Ordinance review summarized above, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Explanation: As previously discussed in Section IV(F), there is no adopted habitat conservation plan (HCP) applicable to the City of Santa Clara. Although the City is located adjacent to the area covered by the *Valley Habitat Conservation Plan*, it would not apply to the proposed project.

XI. MINERAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

Explanation: No regionally significant mineral deposits have been mapped on or in the vicinity of the project site. The site is within a large area classified as Mineral Resource Zone MRZ-1 by the California Department of Conservation's Division of Mines and Geology (DMG).[44] The MRZ-1 designation is assigned to areas where sufficient data exists for a determination that no significant mineral deposits exist, or where it is judged that there is little likelihood for their presence. Furthermore, the site is in a fully developed, urbanized area where mineral extraction would not be practical. Therefore, the project would not have an effect on the availability of mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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?	☐	☐	☐	☒

Explanation: The Santa Clara General Plan does not identify any local mineral resources, and the Santa Clara General Plan EIR reports that the City is not known to support significant aggregate resources or mineral resources of any other type.

[44] California Department of Conservation, Division of Mines and Geology, Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region (Plate 1 of 29), 1996.

XII. NOISE — *Would the project result in:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒

Explanation: From the standpoint of noise, the only substantial noise that would be generated by the proposed project would be short-term noise generated during construction. The short-term noise is addressed in Section XII(d), below. Once construction is completed, the primary source of project-generated noise would be the arrival and departure of vehicles owned by project residents and visitors. Periodic vehicle trips by maintenance and delivery personnel would also incrementally contribute to vehicle noise generated by the project. Although no turf lawn is proposed on the landscape plan, homeowners may elect to plant lawns, and periodic operation of a lawn mower could also be a future occasional source of short-term noise. All of these noise sources are associated with residential development and are commonly accepted components of urban life. There is no potential for four dwelling units to double the existing traffic volume on nearby roadways, which is the threshold necessary to produce a barely perceptible increase in traffic-generated noise. There is no potential for project-generated noise to exceed the standards established in the General Plan or Noise Ordinance, nor would future project residents be exposed to noise levels above the Normally Acceptable noise levels applicable to single-family residential use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

Explanation: There are no existing sources of groundborne vibration, such as a railroad line, in proximity to the project site. While vibration generated by construction activity can cause annoyance to nearby receptors, groundborne vibration falls off quickly with distance. Some vibration would likely be generated during demolition of the existing residence and pavements and during site grading. Such vibration is typical of most construction projects and is not sufficiently extreme to have the potential to result in structural damage to nearby properties. It's possible that the closest nearby residential receptors could experience some annoyance from construction-related vibration. However, such vibration would not be expected to result in adverse physical effects. It would represent an intermittent and short-term annoyance that would not last more than a day or two. Because construction activities would occur during daytime business hours, it's likely that a majority of nearby residents would be at work or away from home on personal business. Therefore, construction-related vibration would be a ***less-***

than-significant impact. Following completion of construction, operation of the project would not generate vibration.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

Explanation: See Section XII(a), above.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

Explanation: Construction of the project is expected to create high noise levels for a temporary, short-term period. The loudest construction noise would be generated by the operation of heavy equipment used for clearing and grading the site and excavating utility trenches. Due to the small size of the site and the limited amount of grading that would be required, it is assumed that smaller equipment would be used, such as a small backhoe loader. Although the smaller equipment would generate noise levels below noise levels typically generated by heavy construction equipment (i.e., on the order of 87 to 89 A-weighted decibels (dBA) at a distance of 50 feet from the equipment), substantial noise levels could still be experienced at neighboring residential receptors. Short-term noise levels above 80 dBA could be experienced at the closest neighboring properties. However, these are outdoor noise levels; interior noise levels could be expected to be at least 15 dBA lower inside neighboring homes.

Similar to most jurisdictions in California, Santa Clara does not treat short-term construction noise as a significant impact if it complies with the limits on construction hours established by the City's Noise Ordinance. The ordinance, promulgated in City Code Section 9.10.230, limits construction activity to the hours of 7:00 a.m. to 6:00 p.m. daily except Saturday, when the hours are limited to between 9:00 a.m. and 6:00 p.m. Construction is prohibited on Sundays and stipulated standard holidays.

The City also regulates noise exposure through adopted General Plan policies, as well as land use compatibility standards that mirror State standards. These standards and policies pertain to noise exposure from noisy or incompatible land uses, with residential uses afforded greater protection from noise than commercial or industrial land uses. The standards do not pertain to short-term construction noise, which is regulated by the Noise Ordinance. As discussed in Section XII(a), above, there is no potential for project-generated noise to exceed the standards established in the General Plan, nor would future project residents be exposed to noise levels above the Normally Acceptable noise levels applicable to single-family residential use.

While neighboring residents could experience annoyance at construction-generated noise during development of the project, the disturbance would be temporary and would be required to comply with the allowed hours of construction activity stipulated in the City's Noise Ordinance. Due to the small size of the site, it is expected that operation of equipment during the site preparation phase of development would last for less than one week. Therefore, noise generated during project construction would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) 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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Explanation: The project site is not located in an area addressed by an airport land use plan and there are no airports within 2 miles of the project site; the closest airport is San Jose International Airport, located approximately 3 miles northeast of the site. There is therefore no potential for project residents to be exposed to excessive noise levels from airport operations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Explanation: There are no private airstrips within 2 miles of the project site. There is therefore no potential for project workers to be exposed to excessive noise levels from private airstrip operations.

XIII. POPULATION AND HOUSING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial 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)?	☐	☐	☒	☐

Explanation: The proposed project would directly generate population growth through the development of four new single-family homes. Because there is an existing single-family residence on the site, there would be a net increase of three dwelling units. According to California Department of Finance (DOF) recent estimate of Santa Clara's population and housing units, the City has a 2017 population of 123,983 people and an average household size of 2.73 persons per household.[45] Applying this average household size to the project, the proposed single-family homes would generate a total population of approximately 11 persons, and a net increase of about 8 persons.

Given the DOF's 2017 population of 123,983 people in the City of Santa Clara, a net increase of 8 people would represent a 0.0064-percent increase in the City's population, which would not represent "substantial population growth." Furthermore, the project would increase the development intensity on a previously developed parcel, consistent with General Plan policy. Therefore, the population growth induced by the project would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Explanation: Although the project would displace one existing housing unit from the site, it would create four new housing units. Therefore, the project would not decrease the City's housing stock.

[45] California Department of Finance, Table E-5: Population and Housing Estimates for Cities, Counties, and the State, 2011-2017 with 2010 Census Benchmark, May 2017, accessed June 14, 2017 at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Explanation: The proposed project would displace the existing residents on the site, who are renting the home. They may elect to purchase one of the new homes, or they will relocate to alternative housing. Displacement of one household would not constitute substantial numbers of people, and therefore would not require construction of replacement housing.

XIV. PUBLIC SERVICES - *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☒	☐

Explanation: Fire response to the project site would be provided by the Santa Clara Fire Department (SCFD). The SCFD has ten fire stations interspersed throughout the City, equipped with eight engines, two trucks, one rescue/light unit, three ambulances, one hazardous materials unit, and one command vehicle. The Department is staffed by 120 full-time equivalent (FTE) staff in the Fire Suppression Division and an additional 14 FTE in the Fire Prevention Division. There are 44 firefighters in the Volunteer Reserve Division.

The target Fire Department staffing ratio established by City policy is 1.5 paid fire personnel per 1,000 residents. Last year the firefighter-to-service population ratio was 1.26 firefighters per 1,000 population, disregarding temporary spikes in service population that occur during events at Levi Stadium, but the Department was recruiting and hiring new firefighters, and the staffing ratio was expected to improve in 2016.[46]

Fire Station No. 7, located at 3495 Benton Street, would provide first response to the project in the event of a fire or medical emergency. Since the driving distance from Station No. 7 to the project site is approximately 1,700 feet (~0.32 mile), it is assumed that fire response time to the site would be well within the 3-minute response time goal established in the General Plan.

The proposed project would incrementally increase the development intensity on a site already developed with residential use in a neighborhood fully built out with residential uses. While the net increase of three homes could result in an incremental increase in the need for fire protection services, the actual increase would likely be imperceptible to the Fire Department

[46] John D. Madden, Deputy Fire Chief, Santa Clara Fire Department, personal communication, October 13, 2015.

and would certainly not result in a need for construction of new fire protection facilities. It should also be noted that the General Plan EIR found that new commercial and residential development and the associated population growth allowed under the 2010-2035 General Plan would result in an increased demand for fire and emergency medical response services, but existing facilities would have the capacity to absorb additional fire personnel without expanding the existing fire stations. Therefore, the proposed project would have a ***less-than-significant impact*** on fire protection services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?	☐	☐	☒	☐

Explanation: Police protection would be provided to the project by the Santa Clara Police Department (SCPD), which has a force of 149 sworn officers supported by 67 civilian employees and approximately 23 reserve officers, resulting in a staffing ratio of 1.2 sworn officers per 1,000 residents.[47] The Department operates out of two stations: the headquarters located at 601 El Camino Real, approximately 2.7 miles east of the project site, and a substation located at 3992 Rivermark Parkway.

In 2015 the SCPD responded to 4,244 serious crimes, such as rape, robbery, assault, burglary, larceny, auto theft, and arson; there were two homicides. The Santa Clara General Plan EIR concluded that although population growth allowed under the 2010-2035 General Plan would result in an increased demand for police services, which would require new police officers, the new officers could be housed in existing police facilities and no new construction would be required. On this basis, the EIR found that implementation of the 2010-2035 General Plan would have a less-than-significant impact on police protection services and facilities. The proposed project is consistent with the land use assumed for the site in the General Plan, which assumes up to five dwelling units could be developed on the site, based on the allowable density of 8 to 19 units per gross acre for the Low Density Residential land use designation assigned to the site. With a total of four dwelling units, the project would result in an on-site population below that envisioned in the General Plan. Therefore, the project's potential impact on police protection services was already disclosed in the General Plan EIR, and no further analysis is necessary.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?	☐	☐	☒	☐

Explanation: Any students living in the proposed homes would attend public schools in the Santa Clara Unified School District (SCUSD). SCUSD operates 16 elementary schools, three middle schools, two high schools, one K-8 school, two continuation schools, and one adult education school.[48] The SCUSD schools serving the project site include Pomeroy Elementary, at

[47] Santa Clara Police Department, http://scpd.org/index.aspx?page=25, accessed October 26, 2016.

[48] City of Santa Clara, *2010-2035 General Plan Integrated Final EIR*, Section 4.6.1.3, January 2011.

1250 Pomeroy Avenue (about 550 feet north of the project site); Cabrillo Middle School, at 2550 Cabrillo Avenue (about 1.8 miles travel distance from the site); and Santa Clara High School, at 3000 Benton Street (about 700 east of the project site).

Two private schools are also located nearby: Stratford School Santa Clara, at 890 Pomeroy Avenue, and Monticello Academy, at 3345 Lochinvar Avenue, located about 1,500 feet and 2,300 feet south of the project site, respectively. Both schools offer instruction for students from preschool through the eighth grade.

Although students in the City of Santa Clara are served by six different school districts in the region, the majority attend schools in the SCUSD. The Santa Clara General Plan EIR concluded that implementation of the 2010-2035 General Plan would add approximately 12,500 new households to the District's service area, resulting in an estimated 2,000 new students. The EIR noted that the District has four closed school sites that could be used to serve new development, and was anticipating construction of new school facilities in north San Jose that would accommodate growth in student population.

The General Plan EIR found the increased demand for schools that would result from population growth allowed under the 2010-2035 General Plan to be a less-than-significant impact. Since the proposed project is consistent with the land use and population growth assumed for the site in the General Plan, the project's potential impact on schools was already disclosed in the General Plan EIR, and no further analysis is necessary. Furthermore, pursuant to Senate Bill 50, which became effective in 1998, payment of the School Facilities Mitigation Fee has been deemed by the State legislature to be full and complete mitigation for the impacts of a development project on the provision of adequate school facilities. The proposed project would be required to pay the applicable School Facilities Mitigation Fee, which is based on the number of new housing units developed. With payment of these fees, the project would have a ***less-than-significant impact*** on schools.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Parks?	☐	☐	☒	☐

Explanation: 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 the various parks and recreation facilities, and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of April 2017, the Department maintains and operates Central Park, a 45.04-acre community park, 25 neighborhood parks (122.67 acres), four mini parks (2.59 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (14.76 acres improved, 9.04 acres unimproved and excluding SCG&TC/BMX resulting in 23.8 acres), recreational trails (7.59 acres) and joint use facilities (48.52 acres) throughout the City totaling approximately 257.3 improved 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 project site is located near Earl R. Carmichael Park at 3445 Benton Street. This neighborhood park contains a gymnastics center, basketball courts, picnic areas, two lighted tennis courts, a children's play area and restroom facilities. The little league field at this park is the home of Homestead Little League.

Santa Clara City Code Chapter 17.35 requires new residential developments to provide adequate park and recreational land and/or pay a fee in-lieu of parkland dedication, at the discretion of the City, to mitigate the impacts of the new growth. The parkland standard is 3.0 acres per 1,000 residents per the Quimby Act (Quimby) provision of the City Code and 2.53 Acres per 1,000 residents per the Mitigation Fee Act (MFA) provisions of the City Code. The Quimby Act provisions of the City Code apply to this project. Consistent with City Code Section 17.35.20 for subdivisions of 50 parcels or fewer, the City has determined that payment of fees in lieu of parkland dedication will mitigate the project's impact to parks and recreational facilities to a less than significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?	☐	☐	☒	☐

Explanation: The City of Santa Clara has three libraries within its boundaries, including the Central Park Library, at 2635 Homestead Road; the Northside Branch Library, at 695 Moreland Way; and the Mission Library and Family Reading Center, at 1098 Lexington Street. The majority of the Library's collection is housed in the Central Park Library, an 84,000-square-foot facility that serves over 1.4 million visitors per year.

The City also has various public arts and cultural facilities, including the Triton Museum of Art, Mission City Center for Performing Arts, de Saisset museum, Santa Clara Convention Center, Headen-Inman House, Edward Peterman Museum of Railroad History, and other facilities.

The Santa Clara General Plan EIR evaluated the potential impact of future development allowed under the 2010-2035 General Plan on library and other community facilities. With respect to library facilities, the EIR concluded that future new development in the northern portion of the City could generate sufficient demand that construction of new library facilities could be required. However, development in other areas of the City could be served by the large Central Park Library, located about one-half mile east of the project site. Regarding other community facilities, the EIR concluded that the increased demand for arts, cultural, and community facilities generated by new growth allowed under the 2010-2035 General Plan would not exceed the existing capacity of such facilities or require construction of new facilities. Implementation of the 2010-2035 General Plan was therefore found to have a less-than-significant impact on libraries and other community facilities.

The proposed project could be served by the existing Central Park Library and would not require construction of new facilities to meet project-generated demand. The proposed development is consistent with the land use assumed for the site in the General Plan and would result in an on-site population under that assumed in the General Plan. Therefore, the project's potential impact on libraries and other public facilities was already disclosed in the General Plan EIR, and no further analysis is necessary.

XV. RECREATION —

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

Explanation: Consistent with City Code Section 17.35.20 for subdivisions of 50 parcels or fewer, the City has determined that payment of fees in lieu of parkland dedication will mitigate the project's impact to parks and recreational facilities to a less than significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Explanation: The proposed project does not entail construction or expansion of recreational facilities.

XVI. TRANSPORTATION/TRAFFIC — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐

Explanation: Direct access to the project site is from Pomeroy Avenue, which is identified as a collector street in the General Plan. Secondary access is from Benton Street from the south and from El Camino Real from the north, both major arterials. Regional access to the site is from the Lawrence Expressway (County route G2) (located about 2,600 feet to the west), Interstate 280 (about 1.9 miles to the south), and U.S. Highway 101 (about 2.9 miles to the north). The nearest intersection to the project site is the signalized intersection of Pomeroy Avenue at Benton Street, which features a dedicated left-turn lane on all four approaches, with two through lanes on Benton Street and a single through lane on Pomeroy Avenue. There is a shared parking lane and bike lane on both sides of Pomeroy Avenue; parking is also allowed on both sides of Benton Street.

The project would expand the existing residential uses on the site from one to four units of single-family housing, for a net increase of three units. Based on the current *Trip Generation* (9th Edition) rates published by the Institute of Transportation Engineers, the project would generate 14 net new daily traffic trips, including 3 trips during the AM peak hour and 3 trips during the PM peak hour. The General Plan EIR reported an average daily traffic (ADT) volume on Pomeroy Avenue between Calabazas Boulevard and Benton Street of 4,100 vehicles, with a level of service (LOS) of LOS C, which corresponds to moderate traffic congestion.[49] The ADT on Pomeroy was calculated by the City's Travel Demand Model, using actual traffic counts conducted on many road segments in the City in April and May of 2008. With buildout of the General Plan in 2035, the ADT was projected to be 6,900 vehicles with LOS D, which is more congested but still considered an acceptable level of service in the General Plan.

The General Plan EIR reported an ADT on Benton Street between Pomeroy Avenue and Kiely Boulevard of 9,240 vehicles, based on traffic counts on this roadway.[50] West of Pomeroy, the ADT was 9,750 vehicles on Benton Street. The resulting level of service on both segments was

[49] City of Santa Clara, *City of Santa Clara Draft 2010-2015 General Plan Integrated Final Environmental Impact Report*, Table 4.12-9, January 2011.

[50] City of Santa Clara, *City of Santa Clara Draft 2010-2015 General Plan Integrated Final Environmental Impact Report*, Table 4.12-4, January 2011.

LOS C. Under General Plan buildout the ADT was projected to be 13,550 vehicles and 12,660 vehicles, respectively, but the level of service on both segments would continue to be LOS C.

The new traffic trips generated by the project would represent a 0.15-percent increase in traffic on Benton Street east of Pomeroy Avenue and a 0.14-percent increase in traffic on Benton Street west of Pomeroy Avenue. Such a negligible increase in traffic would not have the potential to degrade the level of service. This is illustrated by the General Plan EIR analysis, which determined that a 46-percent increase in traffic volume (4,310 vehicles) on Benton Street from existing conditions to General Plan buildout would not increase the level of service. Further away from the site, project-generated traffic would disperse in different directions, adding even smaller incremental increases in traffic volumes to individual roadways. For example, assuming half of the project's ADT traveled on El Camino Real from Pomeroy Avenue, this would represent 0.02 percent of the existing ADT of 32,800 vehicles reported in the General Plan EIR.

Following the addition of project-generated traffic to the local road network, the roadways that would be most affected would continue to operate at acceptable levels of service, based on the standard established in the General Plan. Therefore, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*	☐	☐	☐	☒

Explanation: A quantified analysis of the project's consistency with the Santa Clara County Congestion Management Program (CMP) was not required because the threshold for CMP analysis is 100 peak-hour trips and, as discussed in Section XVI(a), above, the project would generate just 3 net new peak-hour vehicle trips. Therefore, the project would not conflict with the Santa Clara County CMP.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*	☐	☐	☐	☒

Explanation: The proposed project would have no effect on air traffic patterns.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

Explanation: The project would reconfigure the access to the site by replacing the existing circular driveway, with ingress/egress points near the northwestern and southwestern corners of the site, with a single driveway centrally located on the site frontage on Pomeroy Avenue. This will simplify access to the site, and would not create a traffic hazard or increase an existing traffic hazard. No other project changes would occur within public right-of-ways.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?	☐	☐	☐	☒

Explanation: The project would not affect emergency access to the site. In the event of an emergency at the site, such as a medical emergency involving a future resident, emergency response personnel would access the project site from Pomeroy Avenue, which would not be affected by the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety to such facilities?	☐	☐	☐	☒

Explanation: The Santa Clara General Plan designates Pomeroy Avenue between Calabazas Boulevard and Pruneridge Avenue as an existing Class II bike lane.[51] Benton Street between the Lawrence Expressway and the San Tomas Expressway is identified as a proposed Class II bike lane. Existing County bike facilities are located along the sides of both of these expressways. The project site is well served by pedestrian facilities, with sidewalks located on both sides of the streets in the project vicinity, crosswalks at intersections, and walk/don't walk lights at signalized intersections. The project would cause a temporary interruption of pedestrian access across the site frontage; such short-term disruptions are not considered significant impacts on pedestrians. The project would be required to reconstruct the sidewalk along the site frontage in accordance with City standards.

[51] City of Santa Clara, *City of Santa Clara 2010-2015 General Plan, Celebrating Our Past, Present and Future*, Figure 5.7-3: Mobility & Transportation Diagram: Bicycle and Pedestrian Network, adopted November 16, 2010.

The closest existing transit facilities are bus lines that run on El Camino Real, Lawrence Expressway, Kiely Boulevard, and Homestead Road.[52] Each of these bus routes are approximately one-half mile from the project site. El Camino Real is also identified as a potential future Bus Rapid Transit (or similar transit service) route with a dedicated or shared bus lane and signal priority. Any incremental increase in demand for transit service that would result from project implementation would have a negligible effect on the provision of bus service in the project area.

All of the City's Mobility and Transportation, Transit Network, and Bicycle and Pedestrian Network goals and policies set forth in the General Plan were reviewed to identify any potential conflicts; no conflicts were identified. Therefore, the proposed project would not conflict with adopted policies, plans, or programs regarding public transit or bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

Explanation: Wastewater from the project would be treated at the San Jose-Santa Clara Water Regional Wastewater Facility (the Facility), operated by the San Jose Department of Environmental Services. The Facility is located in San Jose at 700 Los Esteros Road, near San Francisco Bay, about 5 miles north of the project site. The Facility is permitted by the Regional Water Quality Control Board (RWQCB) and effluent from the plant is regularly monitored to ensure that water quality standards are not violated.

Based on a search of violation reports over the past five years, the San Francisco Bay Regional Water Quality Control Board (RWQCB) shows two National Pollutant Discharge Elimination System (NPDES) violations for the Facility in the past five years.[53] In December 2011 a high residual chlorine concentration was measured downstream of the plant. Investigation revealed that the plant's dechlorinating agent had been diluted by pump flushing water. An alternate sulfur dioxide (SO_2) gas system was put into operation and subsequent monitoring determined that chlorine residual was no longer present.

More recently, a violation was reported on July 20, 2016 when an estimated 952,778 gallons of treated secondary wastewater bypassed filtration and disinfection as a result of an operator error in opening an isolation valve. This allowed a slug of secondary treated wastewater to mix with final effluent flowing from the Facility outfall in Artesian Slough, on the margins of San Francisco Bay. The duration was short and occurred during a high-flow period. Sampling was

[52] City of Santa Clara, *City of Santa Clara 2010-2015 General Plan, Celebrating Our Past, Present and Future*, Figure 7.7-3: Transit Network, adopted November 16, 2010.

[53] California Environmental Protection Agency, State Water Resources Control Board, California Integrated Water Quality System Project (CIWQS), Violation Reports, accessed November 2, 2016 at: http://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&placeID=255333.

conducted at the outfall and all water quality parameters were within the limits established in the Facility operating permit. No other violations were reported over the past five years.

The plant operator is responsible for complying with the applicable wastewater treatment requirements. As indicated by the search results, the Facility is generally in compliance with these requirements, as confirmed by the San Francisco Bay RWQCB. Wastewater generated by the proposed project would be typical of wastewater generated throughout the Facility service area. There is no potential for the project to cause the Facility to exceed wastewater treatment requirements.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*	☐	☐	☒	☐

Explanation:

Water Facilities

The Santa Clara Valley Water District (SCVWD) provides potable water to 13 water retailers in Santa Clara County, including the City of Santa Clara. The SCVWD's water system infrastructure includes 142 miles of pipelines and ten local reservoirs with a total storage capacity of approximately 170,000 acre-feet (AF).[54] The District operates three water treatment facilities that have a combined daily treatment capacity of 220 million gallons per day (mgd). Plans are underway to upgrade the Rinconada Treatment Plant, the District's oldest treatment plan, with replaced infrastructure and seismic improvements.

Although District-wide consumption is currently well over 220 mgd, as discussed below in Section XVII(b), only about 100 to 120 mgd is treated; the remainder is groundwater and recycled water use.[55] In 2015, the District used a total of 284,200 AF, but just 94,500 AF was treated, while 119,800 AF was pumped groundwater.[56] The existing SCVWD water treatment capacity is more than adequate for existing and projected demand, and the project would have no appreciable effect on water treatment capacity.

Wastewater Facilities

As noted in Section XVII(a), above, wastewater from the project would be treated at the San Jose-Santa Clara Regional Wastewater Facility. The wastewater treatment plant provides primary, secondary, and tertiary treatment of wastewater for four sanitation districts and eight cities in the region, including the City of Santa Clara). The current treatment capacity of the

[54] An acre-foot is the amount of water necessary to cover 1 acre of land to a depth of 1 foot, and is equivalent to 325,851.43 gallons, or 43,560 cubic feet.

[55] Tracy Hemmeter, Senior Project Manager, Water Supply Planning and Conservation, Santa Clara Valley Water District, personal communication, November 7, 2016.

[56] Santa Clara Valley Water District, *45th Annual Report: Protection and Augmentation of Water Supplies 2016-2017*, Table 1-3.1: Water Use in Santa Clara County for Calendar Years 2013-2015, February 26, 2016.

plant is 167 mgd and average daily flows are 110 mgd.[57] According to the Santa Clara General Plan EIR, the City of Santa Clara has a treatment capacity allocation of 22.585 mgd, while its average dry weather flow (ADWF) in 2009 was 13.3 mgd. With buildout of Phase 3 of the General Plan, the ADWF was projected to be 20.1 mgd, leaving 2.485 mgd of remaining capacity. The EIR concluded that implementation of the 2010-2035 General Plan would therefore have a less-than-significant impact on wastewater treatment capacity. Since the proposed project is consistent with the land use and population assumed for the project site in the General Plan EIR, the proposed project would also have a ***less-than-significant impact*** on wastewater treatment capacity.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

Explanation: The proposed project would not cause an increase in stormwater discharge and would not require construction of new or expanded stormwater drainage facilities. Although approximately 4,685 square feet of new impervious surfaces would be created by the project, there is currently approximately 5,990 square feet of impervious surfaces on the site from the existing single-family home and the circular driveway. Thus, there would be a net reduction in impervious surfaces, which would reduce the amount of stormwater runoff from the site in comparison with existing conditions. Furthermore, rainwater captured from the proposed building roofs would flow from gutters to downspouts that would discharge away from the buildings, to landscape areas with pop-up emitters. Thus, stormwater that would normally discharge into the storm drain running under Pomeroy Avenue (which is currently the case at the site) would instead filter through landscaping and percolate to groundwater. Thus, the amount of stormwater discharged from the site to the City's storm drainage system would be reduced, and the project would have no impact on existing stormwater drainage facilities and capacity.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐

Explanation: The Public Policy Institute of California previously reported that per capita water consumption in coastal areas of California averages 145 gallons per day (gpd),[58] but it recently

[57] City of Santa Clara, San Jose-Santa Clara Regional Wastewater Facility, accessed November 3, 2016 at: https://www.sanjoseca.gov/Index.aspx?NID=1663.

[58] Public Policy Institute of California, Just the Facts: Water Use in California, accessed July 22, 2015 at: http://www.ppic.org/main/publication_show.asp?i=1108.

reported that per-capita consumption in the Bay Area fell to 130 gpd in 2015 in response to the ongoing drought.[59] Applying the higher consumption rate (i.e., 145 gpd) and an estimated net population of eight residents, the proposed project would generate demand for about 1,160 gpd of domestic water. With a projected total demand in the Santa Clara Valley Water District (SCVWD) (the City's wholesale water supplier) of 371,200 acre-feet in 2020, equivalent to about 331,386,440 gpd, the project's incremental water demand would represent about 0.00035 percent of daily demand in the District.[60] This incremental increase can be presumed to have been planned for in SCVWD projections of future growth in demand, which were based on demand projections provided by the City of Santa Clara and the other water retailers in the District.[61] Future projected demand was also based on the most current demographic projections provided by the Association of Bay Area Governments (ABAG), which in turn are based on adopted general plans of local agencies.

The latest Urban Water Management Plan (UWMP) prepared by the SCVWD in 2016 indicates that the District would have sufficient supplies through the planning horizon year of 2040 during average rainfall years and would have sufficient supplies through 2035 during a single severe drought year (modeled on 1977, the driest year on record). During multiple drought years (modeled on the 2013-2015 drought years), demand would exceed supply beginning in the second year of drought in every modeled three-year period from 2020 through 2040. However, these projections assume no water use reductions were in place.

To address shortfalls during multiple drought years, the District adopted a Water Supply and Infrastructure Master Plan in 2012 that identifies a variety of strategies for meeting future demand, which include developing new groundwater recharge ponds along Saratoga Creek near Highway 85, constructing a supply pipeline between Lexington Reservoir and the raw water system, and expanding the capacity of the Rinconada Water Treatment Plant to 100 mgd, among other coordinated strategies.[62] The District plans to update the Water Supply and Infrastructure Master Plan in 2017 and as part of that process will evaluate supply projects and programs that will allow the District to minimize the need for water use reductions greater than 10 percent. It is District policy to develop water supplies designed to meet at least 100 percent of average annual water demand identified in the UWMP during non-drought years and at least 90 percent of average annual water demand in drought years. The SCVWD anticipates that additional projects and programs may include additional long-term water conservation savings, water recycling, recharge capacity, storm water capture and reuse, banking, and storage.

The SCVWD is also a participant in the Bay Area Regional Reliability (BARR) program, launched in concert with six other Bay Area water agencies to identify projects and processes to enhance water supply reliability across the region. Other participants in the BARR program include the Alameda County Water District (ACWD), Bay Area Water Supply and Conservation Agency (BAWSCA), Contra Costa Water District (CCWD), East Bay Municipal Utility District (EBMUD), Marin Municipal Water District (MMWD), San Francisco Public Utilities Commission (SFPUC), and Zone 7 Water Agency. Possible future BARR projects may include interagency interties and pipelines; treatment plant improvements and expansion; groundwater management and recharge; potable reuse; desalination; and water transfers. The SCVWD

[59] *Ibid*., accessed November 2, 2016.

[60] Santa Clara Valley Water District, *2015 Urban Water Management Plan*, Table 4-1: Countywide Demand Projection, May 2016.

[61] *Ibid*, Sections 2.3 and 4.3.

[62] Santa Clara Valley Water District, *2012 Water Supply and Infrastructure Master Plan*, Chapter 3: The Water Supply Strategy Ensures Sustainability, October 2012.

anticipates that this planning effort will result in increased water supplies and reliability for the District.

The City of Santa Clara Water Department also prepares its own UWMP, in coordination with SCVWD, SFPUC, and South Bay Water Recycling (SBWR), and updates the plan every five years in accordance with State law.[63] California Water Code Section 10617 requires urban water suppliers serving more than 3,000 customers or supplying more than 3,000 acre-feet (AF) annually to prepare an UWMP. Because the City serves 25,715 water customers and supplied 17,620 AF of water to the City in 2015, it must prepare its own UWMP. However, its water supply planning is coordinated with the SCVWD and the SFPUC, and the City's UWMP incorporates portions of the SCVWD's UWMP.

In addition to water provided by the SCVWD and the SFPUC, the City's water sources include groundwater and recycled water. The City's water distribution system includes 335 miles of distribution mains, 7 storage tanks totaling 28.8 million gallons of storage capacity, 26 wells, and 3 booster pump stations. Sixty percent of the 7.6 billion gallons of water that flows to Santa Clara customers each year is obtained from the City's own wells. The recycled water comes from the San Jose-Santa Clara Regional Wastewater Facility.

In November 2009, the California state legislature passed the Water Conservation Act of 2009 (also known as SBx7-7). SBx7-7 requires the State of California to achieve a 20-percent reduction in urban per capita water use by the end of 2020. As part of this bill, the City of Santa Clara Water Department is required to set water use targets to be met by 2020, based on methodologies stipulated in SBx7-7. The resulting target water use for 2020 is 186 gallons per capita per day (gpcd), with an interim target for 2015 of 210 gpcd. The City exceeded this interim target, achieving water use of 127 gpcd in 2015.

Because the long-term reliability of water supplied by the SFPUC is unknown, the Santa Clara UWMP provides future water supply projections both with and without the SFPUC supply. Under both scenarios, in normal rainfall years the City's water supplies would exceed demand through the planning horizon of 2035 and including the optional year of 2040. For example, potable water demand in 2025 is projected to be 31,040 AF, while the projected supply is 33,984 AF without SFPUC water and 39,024 AF with the SFPUC supply.

During a single drought year, the City's water supply would continue to exceed demand through 2040 both with and without SFPUC water. This is also true of a multi-year drought if the SFPUC supply continues to be available. If that supply is removed, supplies would be sufficient to meet 100 percent of projected demand during an extended drought through Year 2030, but in 2035 there would be a shortfall of 113 AF and in 2040 there would be a shortfall of 847 AF. However, the UWMP notes that these are conservative estimates because during a critical extended drought, mandatory conservation measures and increased use of recycled water would be expected to reduce potable water demand.

In the event of a multi-year drought in 2035 or 2040, the City would meet water demand through increased pumping of groundwater and recycled water, as well as conservation. Conservation is expected to occur through replacement of water-consuming appliances and fixtures (e.g., clothes washers, dishwashers, toilets, etc.) with more water-efficient devices, additional reliance on drought-tolerant landscaping, and prohibitions on outdoor uses, including irrigation, car washing, and washing down pavement. The City could also impose mandatory water rationing.

[63] City of Santa Clara, *2015 Urban Water Management Plan: City of Santa Clara Water and Sewer Utilities*, adopted November 22, 2016.

The Santa Clara UWMP concluded that there are adequate water supplies available to meet projected demand through 2040. It notes that the 2010-2035 General Plan includes a range of policies to ensure a reliable, safe supply of potable water to meet present and future needs through promotion of water conservation, expansion of the use of recycled water, and appropriate coordination with SCVWD. Furthermore, the Santa Clara UWMP includes a Water Shortage Contingency Plan to be implemented in the event that unanticipated water shortages occur in the future, including up to a shortage of 50 percent of normal supply. The Plan includes provisions and strategies for staged reductions, based on the percentage of shortage, with issuance of warnings, citations, and/or fines for non-compliance by water customers. The UWMP also lays out a program of Demand Management Measures intended to increase water conservation and recycling.

The foregoing discussion demonstrates that the water supply planning of the SCVWD already anticipated construction of additional water supply infrastructure. Based on the current Santa Clara UWMP, the City does not anticipate the need for new water supply entitlements beyond those it already has. The minute incremental demand that would be generated by the project was included in future water demand projections. The project would not result in the need for new water supplies or infrastructure that was not already planned. Therefore, the project's impact on water supply and water treatment and distribution facilities would be ***less than significant***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

Explanation: See Section XVII(b), above.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

Explanation: Solid waste collection service would be provided to the project by Mission Trail Waste System. Collected non-recyclable waste would be disposed of at the Newby Island Landfill, located in San Jose. The General Plan EIR evaluated potential impacts on waste disposal capacity that would result from implementation of the 2010-2035 General Plan. Although the City has a waste disposal contract to dispose of the City's waste at Newby Island Landfill through 2024, and the landfill has sufficient available capacity to operate through 2024, it is currently unknown whether the City will extend the contract with Newby Island Landfill (if

additional capacity remains) or contract with the operator of another landfill. Given the uncertainty of the future availability of solid waste disposal capacity through the entire planning horizon of the General Plan (i.e., through 2035), the EIR concluded that implementation of the 2010-2035 General Plan would have a significant and unavoidable impact on solid waste disposal capacity. Because this impact was previously disclosed, and the proposed project is consistent with the land use type and density evaluated in the General Plan EIR, no further analysis of this impact is required.

The project's impact on solid waste disposal during project construction would be reduced through required compliance with Section 8.25.285 of the City Code, which requires all projects involving construction, demolition, or renovation of 5,000 square feet or more of building area to recycle, reuse, or otherwise divert at least 50 percent of the construction and demolition (C&D) debris generated during development of the project, or must divert the amount specified in the applicable California Green Building Standards Code if that is more restrictive. Within 60 days of completing the project, the applicant must submit a construction and demolition debris recycling report, or face a monthly fine until compliance is achieved. After 120 days of non-compliance, the project will be subject to civil or criminal penalties.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Does the project have the potential to 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, 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?*	☐	☒	☐	☐

Explanation: There is no potential for the project 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, or reduce the number or restrict the range of a rare or endangered plant or animal so long Mitigation Measure BR–1 is implemented. There is a remote possibility for encountering buried historic/prehistoric cultural resources on the site, but mitigation measures have been identified in Section V to minimize potential impacts in the event such resources are encountered during project construction.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *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.)*	☐	☐	☒	☐

Explanation: No significant cumulative impacts were identified for the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*	☐	☒	☐	☐

Explanation: During implementation of the project, air emissions from operation of construction equipment could potentially have adverse effects on project workers and neighboring residents. In addition, construction workers could potentially be exposed to hazardous asbestos and lead-based paint during demolition of the existing houses on the project site. Implementation of mitigation measures identified in Section III, Air Quality, would reduce these potentially significant impacts to less-than-significant levels.

REPORT PREPARATION

This Initial Study and Mitigated Negative Declaration was prepared under the direction of Douglas Herring & Associates (DHA), with support from the Santa Clara Economic & Community Development Department.

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MITIGATION MEASURES

Air Quality

Mitigation Measure AQ–1: The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:

- 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.
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- 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.

Biological Resources

Mitigation Measure BR–1: If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. The survey shall encompass both trees on the project site and trees on adjoining properties if the biologist determines that nesting birds

in nearby trees could be adversely affected by project construction activities. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.

Cultural Resources

Mitigation Measure CR–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 shall be stopped, the Director of Planning and Inspection shall be notified, and a qualified archeologist or paleontologist shall examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A professional-quality report of findings documenting any data recovery during monitoring shall be submitted to the Director of Planning and Inspection and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)–(f) of the *CEQA Guidelines* and Public Resources Code Section 21083.2.

Mitigation Measure CR–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 shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are 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 the NAHC identifies the most likely descendants, the descendants will make recommendations regarding the proper burial which shall be implemented in accordance with Section 15064.5(e) of the *CEQA Guidelines*.

Mitigation Measure CR–3: If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific

institution, such as the University of California Museum of Paleontology (UCMP).

Hazards and Hazardous Materials

Mitigation Measure HM–1: Prior to issuance of a grading permit, the project sponsor shall retain the services of a qualified environmental assessor to conduct a Phase I Environmental Site Assessment (ESA) in accordance with the procedures included in *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* published by the American Society for Testing and Materials (ASTM). If the Phase I ESA does not identify a need for subsurface testing of soils, no further mitigation would be required. If the Phase I ESA recommends subsurface testing of soils to further characterize the risk at the site, the project sponsor shall commission a qualified environmental assessor to perform a Phase II ESA, which will include conducting the subsurface testing in accordance with the recommendations presented in the Phase I ESA. The results of the Phase I ESA, and the Phase II ESA, if required, shall be presented in a professional report(s) to be submitted to the Santa Clara Planning Division.

If the Phase II ESA identifies soil contamination in excess of applicable standards for residential properties, site remediation shall be performed in accordance with the Phase II ESA recommendations and satisfactory cleanup levels shall be achieved prior to commencement of any project construction activities. The Santa Clara Building Division shall confirm site cleanup prior to issuance of a grading permit.

OR

In lieu of conducting the Phase I ESA, the project sponsor may elect to retain the services of a qualified environmental assessor to conduct a limited program of subsurface testing, collecting the minimum number of soil samples stipulated in the applicable ASTM standards and submitting the samples for analysis by a State-certified laboratory for pesticides, lead, and arsenic. If the results identify soil contamination in excess of applicable standards for residential properties, site remediation shall be performed in accordance with the limited Phase II ESA recommendations and satisfactory cleanup levels shall be achieved prior to commencement of any project construction activities. The Santa Clara Building Division shall confirm site cleanup prior to issuance of a grading permit.

Mitigation Measure HM–2: Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor,

in accordance with all applicable State and local regulations. The Bay Area Air Quality Management District (BAAQMD) shall be notified ten days in advance of any required abatement work. To document compliance with the applicable regulations, the project sponsor shall provide the City of Santa Clara Building Inspection Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.

Mitigation Measure HM–3: Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Santa Clara Building Inspection Division prior to issuance of a demolition permit.