CITY OF SANTA CLARA, CALIFORNIA

1530/1540 Pomeroy Avenue Residential Project

Case No. CEQ2017-01036

INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION

NOVEMBER 2017

Douglas Herring & Associates
Environmental, Policy, and Planning Services

1530/1540 Pomeroy Avenue Residential Project

Initial Study/Mitigated Negative Declaration

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California Environmental Quality Act (CEQA)
Environmental Checklist Form

1. Project Title: 1530/1540 Pomeroy Avenue Residential 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:

Elaheh Kerachian, Associate Planner
(408) 615-2454
ekerachian@santaclaraca.gov

4. Project Location:

1530/1540 Pomeroy Avenue
Santa Clara, CA 95050
(Santa Clara County)

Assessor Parcel Numbers (APNs): 290-02-097, 290-02-096

The project site is located on the west side of Pomeroy Avenue, between El Camino Real and Granada Avenue. The site is approximately 200 feet south of State Highway 82 (El Camino Real), 2.25 miles north of Interstate 280, and 2.5 miles south of U.S. Highway 101.

5. Project Sponsor's Name and Address:

Ridgecrest Group, Inc.
12280 Saratoga-Sunnyvale Road, Suite 109
Saratoga, CA 95070

Contact: Omid Shakeri
(408) 666-6556
omid@eccobuilders.com

6. General Plan Designation:

1530 Pomeroy: Very Low Density Residential

1540 Pomeroy: Community Mixed Use

7. Zoning:

1530 Pomeroy: R3-18D Low-Density Multiple Dwelling

1540 Pomeroy: A – Agriculture

1530/1540 Pomeroy Avenue Residential Subdivision Project

Project Description

Ridgecrest Group, the Applicant, is proposing to construct eight two-story townhomes on two contiguous residential lots located at 1530 and 1540 Pomeroy Avenue in the City of Santa Clara. The property is currently occupied by two single-family homes and miscellaneous small outbuildings 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 adjacent to commercial development flanking El Camino Real, but is bordered on the south, east, and west by predominantly residential development that is a mix of single-family homes and multi-family housing.

The proposed project would entail development of two rows of attached two-story townhomes extending into the site, separated by a driveway, as shown on the site plan (Figure 3). A two-story enclosed garage would be incorporated into the ground floor of each residential unit, and guest parking stalls for three vehicles would be located at the rear of the site. Each unit would provide four bedrooms in 1,880 square feet of living space. The existing 21,000-square-foot property consists of two parcels; a tentative subdivision map would be processed to consolidate and subdivide the land into eight private residential lots and a common lot for the driveway and guest parking areas.

The proposed townhomes would be configured in pairs of mirrored floor plans, which would place the garages side by side and create a greater separation between the downstairs living spaces of the paired units. Aside from the mirroring, all eight units would have identical floor plans that would provide a kitchen, combined living and dining room, and half bathroom on the ground floor, along with the garage. The second floor would provide a master bedroom and master bath along with three smaller bedrooms with a shared bathroom as well as a laundry room.

The homes have been designed with a modern architectural style featuring horizontal wood siding interspersed with stucco-covered bays, as shown on Figure 4. Fenestration would include a mix of divided-light vertical, horizontal, and square windows. The roofline would be articulated with pitched shed roofs with alternating orientations, such that the roof on one bay would be oriented to the north and the roof on the adjacent bay would be oriented to the south. Short lean-to shed roofs over projecting living room bays would provide additional articulation on the rear elevations. On the front elevations, articulation would be added by horizontal overhangs above the paneled garage doors, with matching second-story overhangs.

Access to the site would be via a single 20-foot-wide driveway at Pomeroy Avenue. The drive aisle would extend to the rear of the site, providing access to the private garages lining the driveway and to the three guest parking spots at the rear of the site. The driveway and guest parking areas would be surfaced with pervious concrete with an underdrain consisting of 12 inches of permeable aggregate rock and a 6-inch-diameter perforated pipe. Filter fabric would line the bottom and sides of the aggregate base. This system would provide onsite treatment of stormwater runoff from the site. The project would create and replace less than 10,000 square

Figure 1

Project Site Location

Source: Douglas Herring & Associates

Figure 2

Aerial Overview of Project Vicinity

Source: Google Maps; Douglas Herring & Associates

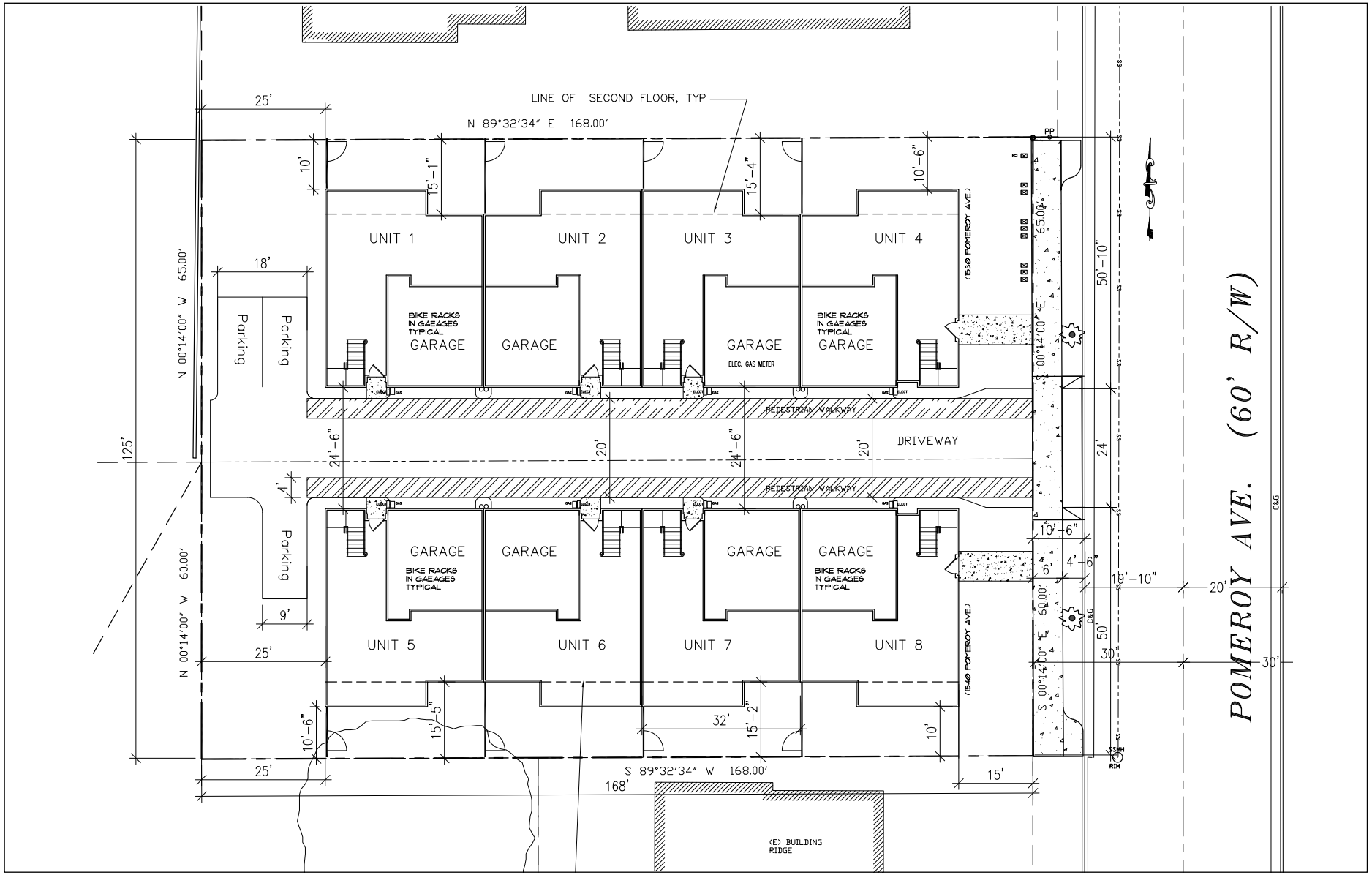


Figure 3

Site Plan

Source: Bassal Architecture

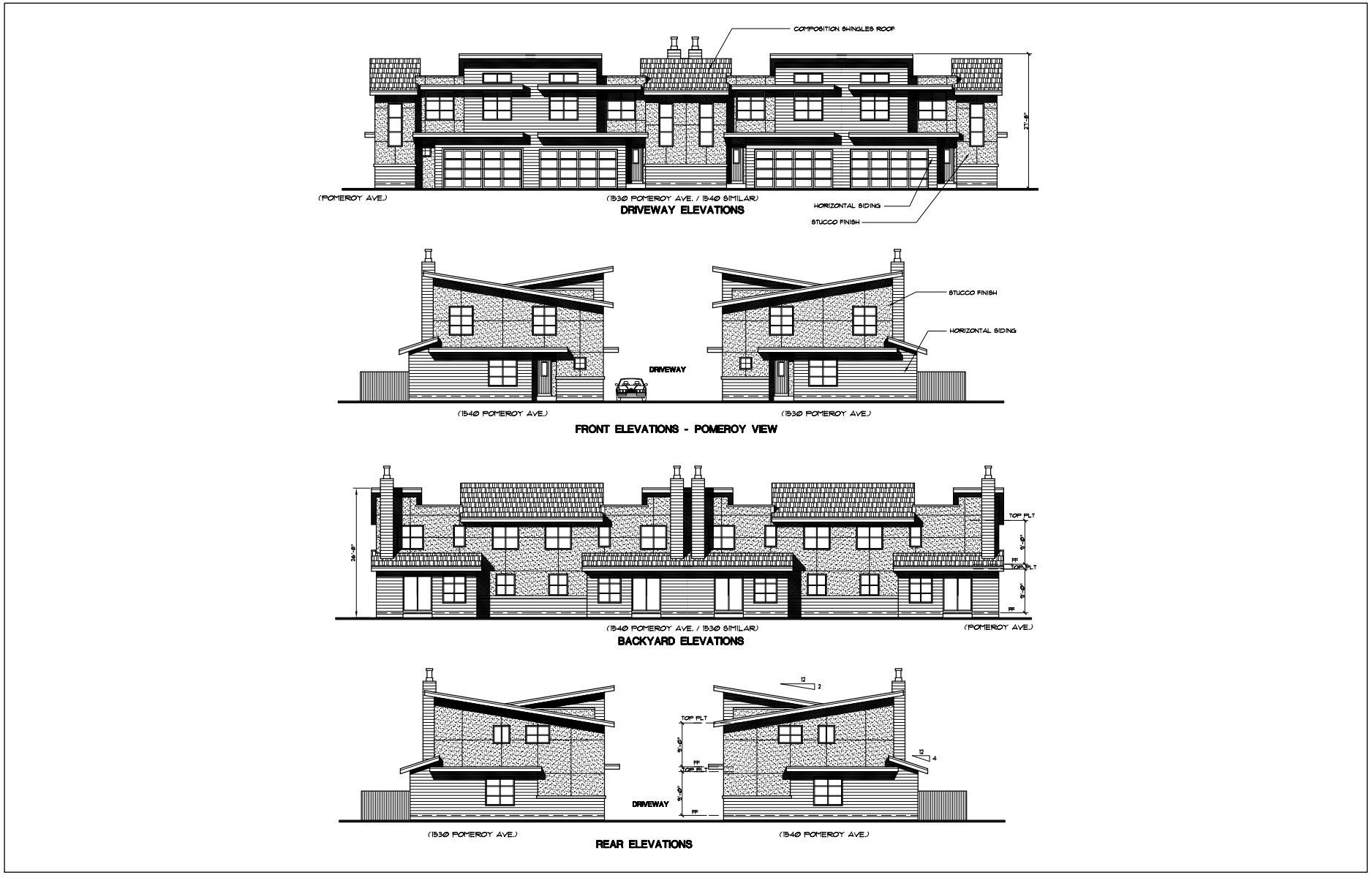


Figure 4

Project Elevations

Source: Bassal Architecture

feet of impervious surfaces, and therefore would be exempt from 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.

The proposed project would include construction of a new 18-inch-diameter reinforced concrete pipe (RCP) storm drain under Pomeroy Avenue, extending from in front of the project site approximately 215 feet north to tie in with an existing 33-inch-diameter storm drain in El Camino Real. A 12-inch RCP drain would extend through the project site under the driveway, connecting with the new storm drain in Pomeroy Avenue. Area drains would be located within the rear yards of the townhomes and at the north ends of the buildings, near the guest parking areas. These would be connected to the storm drain in the driveway by 6-inch-diameter PVC pipe. A sanitary sewer line would also extend under the site driveway, connecting with the existing 8-inch sanitary sewer in Pomeroy Avenue. Individually-metered water service would connect to an existing 8-inch water main in Pomeroy Avenue.

Although a landscape plan has not yet been developed, the applicant has indicated that the site would be landscaped with drought-tolerant, water-efficient landscaping in accordance with the California Water Conservation Landscaping Act and the City of Santa Clara's Water Conservation in Landscaping Ordinance. The site frontage would be planted with new street trees in accordance with City requirements.

Construction is expected to commence in August 2018 and is expected to last approximately 9 to 12 months. It is estimated that the number of construction workers on the site at any given time would range from five to ten workers.

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.

Subdivision Map: The project would require approval of a Tentative Subdivision Map by the City Council and recording of a Final Subdivision Map, 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 for work in the public right-of-way.

Site Description and Surrounding Land Uses

The project site consists of two contiguous rectangular parcels totaling 21,000 square feet (0.482 acre) on the north side of Pomeroy Avenue, approximately 200 feet south of El Camino Real. As shown on Figure 5, each parcel is currently occupied by a single-story home. Figure 6 shows the location of the existing homes and trees on the site. A low cyclone fence surrounds the easterly of the two parcels (1540 Pomeroy). A detached garage is located behind the home at 1530 Pomeroy and several small sheds are in the back yards of both properties; there is an attached one-car garage at 1540 Pomeroy. There are 10 mature trees interspersed across the two properties that would be removed along with all existing structures and pavements.

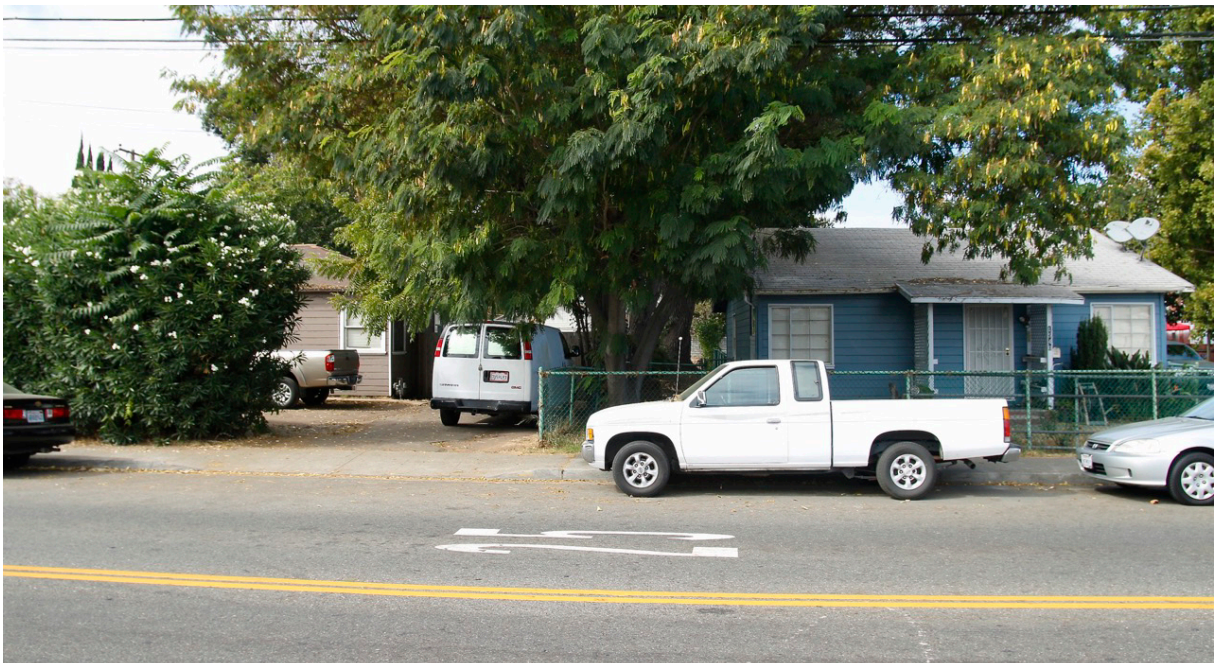
The two properties would be merged into a single lot (project site) that would measure 125 feet across the frontage and 168 feet deep. The site is essentially level, with elevations ranging from about 92 feet above mean sea level (msl) to approximately 95 feet msl in the northwest corner of the site. Other than the trees and buildings, the site surface is covered with driveways, grass, and bare dirt.

The existing home at 1530 Pomeroy Avenue is an 840-square-foot house with two bedrooms and one bathroom. It has a detached garage of 460 square feet and storage sheds totaling 406 square feet. With 1,706 square feet of lot coverage, the 10,080-square-foot site has site coverage of 17 percent.

The existing home at 1540 Pomeroy Avenue is an 870-square-foot house, with storage sheds totaling 349 square feet. With 1,706 square feet of lot coverage, the 10,920-square-foot site has site coverage of 12 percent.

The project site is abutted on the north by a small convenience store and a See's Candies store on the other side of the convenience store. These businesses are shown on Figure 7-a. A small commercial strip mall is across the street from the project site, occupied by a beauty salon, private dance school, bakery, and two vacant storefronts. With an alley separating the two sections, the strip mall, Buttitta Plaza, continues at the corner of El Camino Real with a flower store, restaurant, liquor store, and other commercial uses. These commercial businesses are part of the commercial development that lines much of El Camino Real across the City. However, a large four-story apartment complex is located opposite Buttitta Plaza, on the north side of El Camino Real.

The project site is at the northern edge of an extensive area of predominantly residential development. A small two-story apartment building is located directly opposite the site, but the rest of the block to the south is lined with single-family homes, such as the one depicted on Figure 7-b. South of Calabazas Boulevard there is a single-story apartment complex and just to the south of this is the Villa Serena retirement community. While single-family residential development continues along the east side of Pomeroy Avenue, after the retirement community the west side of the street is developed with Neighborhood Church, Pomeroy Elementary School, and Pomeroy Preschool. South of the schools, both sides of Pomeroy Avenue are lined with multi-family residential developments.



a) View of 1530 and 1540 Pomeroy Avenue from street, viewing north

b) Existing conditions at 1530 Pomeroy Avenue

Figure 5

Existing Site Conditions

Source: Douglas Herring & Associates

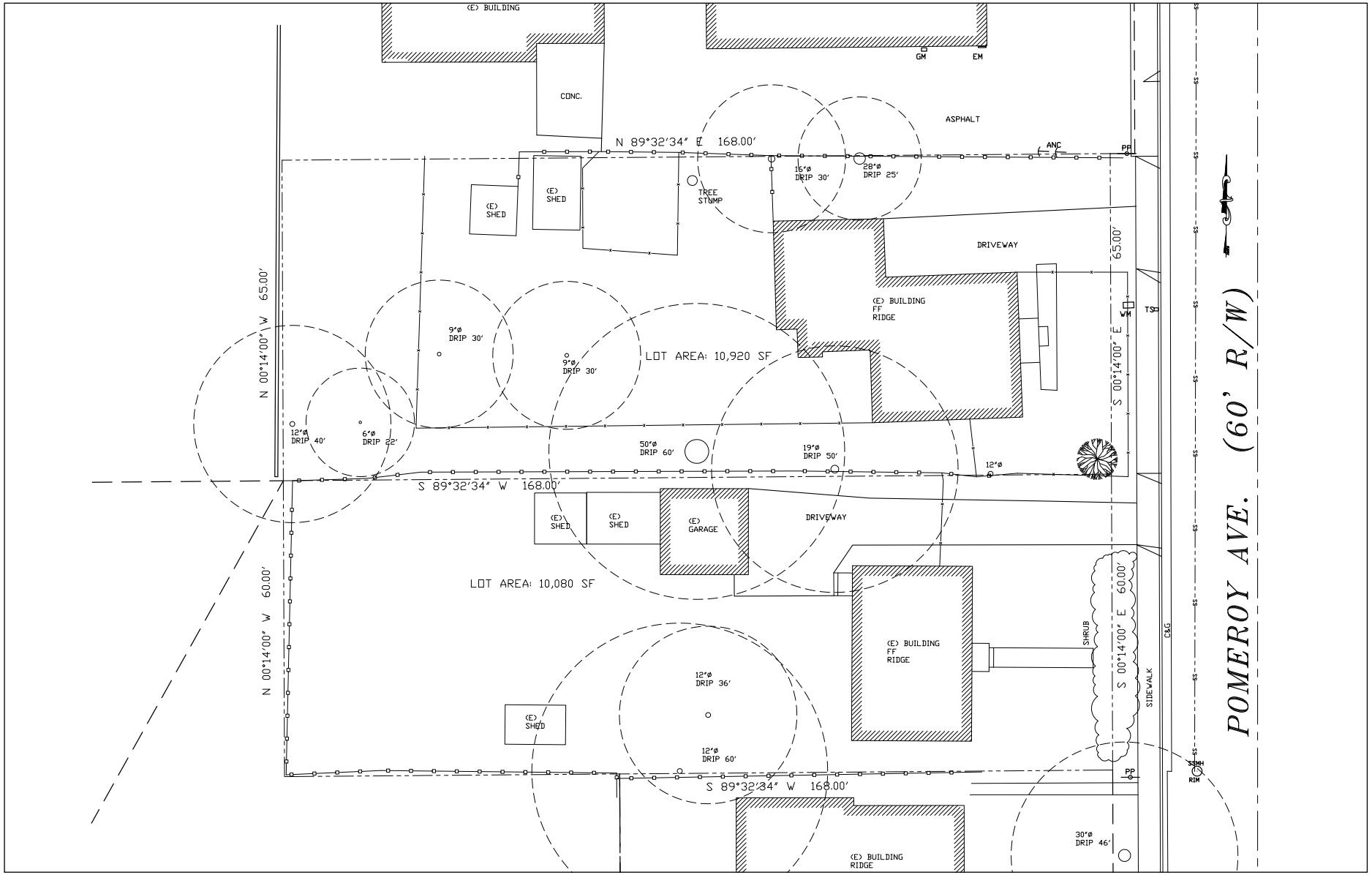


Figure 6

Existing Site Plan

Source: Bassal Architecture

a) Commercial uses immediately east of project site

b) Existing residential development opposite (south of) project site

Figure 7

Neighboring Land Uses

Source: Douglas Herring & Associates

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

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, while the view to the north is dominated by commercial 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 two contiguous single-family detached residential properties with eight new, single family attached townhomes compatible with surrounding development, but the project would have no 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.[1]

	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 two small, single-story houses, with a variety of small sheds in the rear yards and a detached garage behind the home at 1530 Pomeroy. The 1530 Pomeroy Avenue property is largely obscured from view from the street by a large hedge spanning all of the frontage except the driveway. Mature trees are interspersed across the two properties, substantially enhancing the aesthetic appeal of the site.

[1] 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.

The project site would be cleared of all structures, pavements, trees, and other vegetation to make way for the proposed townhome development. The site would be redeveloped with two rows of two-story townhomes separated by a 20-foot-wide driveway. Although a detailed landscape plan was not available for review during this environmental assessment, the site frontage would be landscaped with trees, shrubs, and ground covers. Similar landscaping would be installed at the rear of the property around the guest parking spaces. Landscaping of the fenced private back yards would be the responsibility of the future residents. Street trees would be planted in accordance with Santa Clara's requirements for street improvements, established in Section 17.15.130 of the City Code.

The primary view of the site that would be available from public vantage points would be the view of the east ends of the new buildings, as seen from Pomeroy Avenue. The proposed buildings have been attractively designed, with considerable articulation of the massing, even on the east ends of the buildings. As shown on Figure 4, the majority of the first story would be clad in horizontal wood siding, while the second story would be clad in stucco that extends partway into the first story near the fronts of the buildings. Wooden front entry doors would punctuate the front elevations on Pomeroy Avenue, while the front entrances to the other units would face the driveway. The massing of the buildings would be further broken up by a horizontal projecting roof overhang separating the two stories where the wood siding extends all the way to the second story. Vertically-oriented divided-light windows would punctuate both stories. Opposing, intersecting slanted rooflines and wood-clad chimneys would add additional visual interest.

Once the site has been redeveloped, it would be an attractive residential property that is consistent and compatible with other residential development in the project vicinity, including a two-story apartment building located directly opposite the site on the east side of Pomeroy Avenue. It would be landscaped with trees and other vegetation that is appropriate for the residential property. It could be argued that the project would enhance and improve upon the existing visual character of the immediate surroundings.

Assessing visual impacts is an inherently subjective endeavor. However, while some viewers might object to the visual changes associated with the replacement of two single-family homes with townhomes, given the attractive, contemporary styling of the townhomes, the limited and articulated massing of the buildings, and the anticipated landscaping around the buildings, it cannot reasonably be argued that this would 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 townhomes. 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, including the much more dominant lighting of the adjacent commercial development lining El Camino Real and the north end of the project block. 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.[2] 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 under a Williamson Act contract, but the property at 1540 Pomeroy is currently zoned A – Agriculture. However, the proposed project would include rezoning the property to a PD – Planned Development zoning district, in which the proposed project would be a permitted use. The Agriculture zoning is a remnant of the former agricultural uses on and in the vicinity of the project site in the 1940s. Residential uses on and to the south of the site were developed in the 1950s and the properties immediately to the north (south of El Camino Real) were developed with commercial uses by the late 1960s. There has been no agricultural use of the property for more than 50 years. As demonstrated by relevant planning documents, there has been no intention on the part of the City to return the fully urbanized area to agricultural use. Therefore, the project would not conflict with the agricultural zoning.

	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?	☐	☐	☐	☒

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

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: As noted above, there is no forest land in the area and the project property and surrounding properties have not been used for agricultural production for over 50 years. Therefore, 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 (O_3) 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 *2010 Bay Area Clean Air Plan* were developed by BAAQMD to address the O_3 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 *2010 Bay Area Clean Air Plan* (Bay Area CAP) in accordance with the requirements of the California Clean Air Act (CCAA) to implement all feasible measures to reduce O_3; provide a control strategy to reduce O_3, 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.[3] The primary goals of the 2010 Bay Area CAP are to:

[3] In 2015, the BAAQMD initiated an update to the 2010 Bay Area CAP. On February 28, 2014, the District held a public meeting to report progress on implementing the control measures in the 2010 Bay Area CAP, to solicit ideas and strategies to further reduce O_3 precursors, particulate matter, toxic air contaminants, and GHGs, and to seek input on innovative strategies to reduce GHGs, mechanisms for tracking progress in reducing GHGs, and how the

- 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 considered by the Air District to comply with the Clean Air Plan and with the Ozone Strategy, the applicable air quality plans.[4] Additionally, a project is considered to be inconsistent with the Plan if it results in population and/or employment growth that exceeds estimates used to develop the Plan. Projects that propose development consistent with the growth anticipated by the Plan would be consistent with the Plan. Since the project is not anticipated to result in any unavoidable significant air quality impacts, as discussed in Section III(b), below, and would not result in population growth that exceeds that assumed in the Bay Area CAP, 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.

	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.[5] 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. The City has consistently applied these thresholds to environmental review projects in the City. It is expected that, as the primary regulatory agency in the Bay Area with jurisdiction over air quality, the BAAQMD will again be in a position to recommend thresholds of significance for air quality and GHGs in the near future. When this occurs, the City will continue to use the District's recommended thresholds of significance for CEQA review, as has previously been the case with most cities and counties in the nine-county Bay Area over which BAAQMD has jurisdiction.

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 GHG impacts of the proposed project. The BAAQMD spent more than a year and a half developing the June 2010

District may further support actions to reduce GHGs. The culmination of this effort will be an updated Bay Area CAP.

[4] Alison Kirk, Senior Environmental Planner, Bay Area Air Quality Management District, personal communication, March 12, 2012.

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

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) set by the California Air Resources Board and the national ambient air quality standards (NAAQS), which were developed pursuant to the federal Clean Air Act. Thresholds for toxic air contaminants (TACs) 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. Absent further 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 TACs, 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. 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 general townhouse and condominium uses, the construction screening threshold is 240 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 eight proposed townhomes, 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 about 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 the existing homes and sheds on the site, these structures are small and their demolition would not require extensive operation of heavy equipment. It can reasonably be assumed that the demolition would result in far fewer air emissions than would occur during construction of 232 townhomes, which is the delta between BAAQMD's threshold for townhome construction and the number of proposed townhomes. 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. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 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 general townhome/condominium projects, the screening threshold is 451 dwelling units. The proposed 8 townhomes would represent less than 2 percent of BAAQMD's operational screening threshold for townhomes. 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 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.[6] TACs are a 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 either by introducing a new sensitive receptor in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals, and residences. 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. The proposed project would introduce new sensitive receptors to the project site, and there are also existing sensitive receptors within 1,000 feet of the project, including other residences and two schools: Pomeroy Preschool and Pomeroy Elementary School, both located at 1250 Pomeroy Avenue, about 1,000 feet south of the project site.

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 caused by project-generated TACs or $PM_{2.5}$ to be a significant adverse impact.

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

The proposed project would create a new short-term emission source of diesel particulate matter (DPM) due to construction activities. [7] 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***.

Impacts to Future Project Residents

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 15, 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). Consequently, the following analysis is provided for informational purposes only, and not to assess impacts under CEQA.

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. 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.[8] 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.[9]

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[7] 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.

[8] 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.

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

The BAAQMD provides screening tools and recommended procedures for evaluating the potential health risk associated with proposed land use development.[10] 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.

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.[11] 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. Four permitted stationary sources are located within 1,000 feet of the project site. They are:

G10711: KT Valero Gas, 3305 El Camino Real. This gas station is located approximately 160 feet northwest of the project site. It has a cancer risk of 17.049 cancers per million and a health hazard risk index of 0.028.[12]

G11050: Unocal Service Station #4425, 3499 El Camino Real. This gas station is located approximately 450 feet west-northwest of the project site. It has a cancer risk of 67.848 cancers per million, a health hazard risk index of 0.022, and a $PM_{2.5}$ hazard index of 0.015.

17236: City of Santa Clara, 1693 Pomeroy Avenue. This permitted source, which is an emergency generator for a City-owned water well, is located about 850 feet northeast of the project site.[13] It has a cancer risk of 63.14 cancers per million and a health hazard risk index of 0.112. This facility is also a potential source of $PM_{2.5}$ emissions, with an average annual concentration of 0.015 micrograms per cubic meter ($\mu g/m^3$).

18757: All City Auto Body, 3459 El Camino Real. Despite the address, the BAAQMD coordinates for this listing place this permitted source about 970 feet southwest of the project site. BAAQMD acknowledges errors in some location coordinates, and says the physical address should be relied on which, in this case, place the source about 1,300 feet west-northwest of the project, outside the screening radius. In any event, this source has been demolished and is no longer an active source, and is not considered further in this analysis.[14]

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

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

[12] The hazard index (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). 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 an HI of 1.0 to be a significant adverse impact.

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

[14] *Ibid.*

The BAAQMD database provides the estimated cancer risk and non-cancer (i.e., chronic or acute) health risk at these sources. The risk numbers provided in the database were adjusted for the appropriate distance to the project site using the BAAQMD's Gasoline Dispensing Facility (GDF) Distance Multiplier Tool[15] for the gas stations and the District's Diesel Internal Combustion (IC) Engine Distance Multiplier Tool[16] for the diesel generator to derive the adjusted risk factors shown in Table AQ–1. It should be noted that the cancer and health risks as reported by BAAQMD are based on a very conservative set of assumptions.[17] Furthermore, 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.

As shown in Table AQ–1, project residents would be exposed to an aggregate screening-level additional cancer risk of 12.07 cancers per million persons from the three active permitted stationary air pollutant sources located in the project vicinity. The aggregate non-cancer health risk would be a hazard index of 0.0101. The hazard index (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). 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 $\mu g/m^3$. These cumulative thresholds 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.

As shown in Table AQ–1, project residents would be exposed to increased cancer and health risks below these cumulative impact thresholds. Although the increased cancer and health risks to project residents do not constitute impacts under CEQA, the effects would nevertheless be a ***less-than-significant impact***. While the 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.

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[15] Bay Area Air Quality Management District (BAAQMD), *Gasoline Dispensing Facility (GDF) Distance Multiplier Tool*, updated June 13, 2012.

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

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

Table AQ–1
Cancer and Health Risk from Nearby Stationary Sources

Site ID#	Facility Type	Address	Cancer Risk[1]		Chronic Health Impact[2]	
			Project	Threshold	Project	Threshold
G10711	Gas station	3305 El Camino Real	5.204	10	0.0085	1.0
G11050	Gas station	3499 El Camino Real	3.709	10	0.0012	1.0
17236	Diesel generator	1693 Pomeroy Ave.	3.157	10	0.0004	1.0
		TOTALS	**12.07**	**10**	**0.0101**	**1.0**

Source: Bay Area Air Quality Management District (BAAQMD), 2012.
Notes:
[1]Number of cancer cases per 1,000,000 persons.
[2]Hazard Index.

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 200 feet to the north of the site, and Lawrence Expressway, located about 2,800 feet to the west. The Lawrence Expressway is outside the 1,000-foot screening radius recommended by BAAQMD, and therefore does not pose a potential cancer or health risk to future project residents.[18] The General Plan EIR reports 2011 average daily traffic (ADT) volumes on the segment of El Camino Real near the project site, based on 2008 traffic counts and modeling. The EIR lists an ADT of

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

32,800 vehicles on El Camino Real between the Lawrence Expressway and Calabazas Boulevard.[19]

This ADT value and the distance between the roadway and the project site were input into the BAAQMD's Roadway Screening Analysis Calculator to derive the annual average $PM_{2.5}$ concentration and the corresponding cancer risk for occupants of the proposed project. The results indicated a cancer risk of 7.47 cancers per million, based on a $PM_{2.5}$ concentration of 0.187 $\mu g/m^3$, from traffic on El Camino Real. The potential cancer risk at the project site from exposure to roadway emissions would be below the recommended significance thresholds of 100 cancers per million and an annual average $PM_{2.5}$ concentration of 0.8 $\mu g/m^3$. Again, the screening tools used for this analysis are based on very conservative assumptions, such that they overstate the actual risk.

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 in close proximity to the project site, including apartments located due east of the project and single-family residences within a 150-foot radius to the west, south, and southeast. 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 apartments and single-family homes, 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.

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 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***.

[19] City of Santa Clara, *Integrated Final Environmental Impact Report, City of Santa Clara Draft 2010-2035 General Plan*, Volume I, Table 4.12.1.6, January 2011.

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 commercial and residential uses. The site has been developed with the existing residential structures since at least 1980, based on historic aerial photographs of the site.[20] Aside from the homes and sheds 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.

The existing trees on the site would be removed to accommodate the project. Removal of these trees 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.

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

	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 commercial and residential 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 eleven trees on the project site, all 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. 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). 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, which corresponds to a diameter at breast height (DBH) of 11.4 inches. Policy 5.10.1-P4 applies to trees on private property as well as those on public property or in public rights-of-way.

All of the trees on and adjacent to the project site were evaluated by a certified arborist so as to enable the City to determine the tree protection and replacement requirements for the proposed project.[21] There are eleven mature trees on the project site—all proposed for removal—and an additional five trees on neighboring properties whose canopies extend over the project site. There are no cedars, redwoods, oaks, olives, bay laurel, or pepper trees on the site, but there are eight trees of other species exceeding the 36-inch circumference size threshold of Policy 5.10.1-P4. The on-site tree species include mulberry (*Morus alba*), lemon (*Citrus spp.*), silk tree (*Albizia julibrissin*), four black walnuts (*Juglans nigra*), almond (*Prunus dulcis*), three persimmon (*Diospyros kaki*), and Lombardy poplar (*Populus nigra 'Italica'*). None of the trees is in good condition; two of them were rated as Fair condition, with fair vigor and fair form, and the rest were rated as Poor condition. The arborist determined that two of the black walnut trees are in such poor condition that they are at risk of failure and pose a hazard to the property, and their removal is recommended regardless of the proposed project. The trees on neighboring properties are addressed below.

While removal of eight trees with circumferences greater than 36 inches would conflict with General Plan Policy 5.10.1-P4, the policy is generally intended to apply to healthy trees in good or excellent condition.[22] Nonetheless, the removal of two mature trees in fair condition would be considered a conflict with Policy 5.10.1-P4, which was adopted for the purposed of avoiding or

[21] Kielty Arborist Services LLC, Arborist Report for 1530-1540 Pomeroy Avenue, Santa Clara, CA, February 9, 2017.

[22] Elaheh Kerachian, Associate Planner, City of Santa Clara, Community Development Department, personal communication, February 14, 2017.

mitigating an environmental effect. This would be a ***significant adverse impact***, which would be reduced to a less-than-significant level through implementation of the following mitigation:

Mitigation Measure BR–2: The project sponsor shall plant 24-inch box replacement trees at a 2:1 replacement ratio for the two existing trees (mulberry and black walnut) rated in fair condition and proposed for removal. Replacement trees shall be of species included on the City of Santa Clara's Approved Residential Street Tree List or of species approved by the City Arborist. The project sponsor shall also plant 24-inch box street trees along the project frontage, as directed by the City of Santa Clara Public Works Department. These trees shall also be on the City's Approved Residential Street Tree List.

Trees on neighboring properties to the project site include an American sycamore (*Platanus occidentalis*), avocado (*Persea americana*), lemon (*Citrus spp.*), and two Spanish daggers (*Yucca gloriosa*). The avocado tree is in fair condition, with a height of 40 feet and an estimated 25-foot DBH, encroaches into the project property by about 10 feet. Construction of the foundation for the proposed townhomes could damage the roots of this tree and adversely affect its health and vitality. The two Spanish dagger trees are located 1 foot from the western property line of the project site. Although the roots of these trees would need to be cut to accommodate the proposed parking area, this species responds well to root cutting if properly done. The neighboring sycamore tree is located 10 feet from the property line, and project construction is not expected to adversely affect this tree or the lemon tree on the adjoining property. Absent appropriate precautions, proposed construction activities could potentially damage the neighboring avocado or Spanish dagger trees, which would be a ***potentially significant adverse impact***. Implementation of the following mitigation measure would reduce the impact to a less-than-significant level:

Mitigation Measure BR–3: Prior to the initiation of demolition and construction activity, a tree protection zone (TPZ) shall be established with exclusionary fencing around the mature avocado tree located adjacent to the project site, and shall be maintained throughout project construction. The TPZ shall extend into the project site approximately 15 feet, or as close to the proposed building foundation as possible, and shall have a width of 35 feet, centered on the tree, as depicted in the arborist report prepared for the project by Kielty Arborist Services (February 2017). The TPZ fencing shall conform to the specifications stipulated in the Kielty arborist report. Within the TPZ, the piers for the pier and grade beam foundation shall be hand dug to a depth of 3 feet below the ground surface (bgs). The grade beams shall be hand dug and shall not exceed a depth of 6 inches bgs. All encountered roots of the avocado or Spanish dagger trees shall be protected from damage and shall be fully exposed by hand and be inspected by a certified arborist. If cutting of any roots is required, the construction contractor shall first receive authorization from the arborist. Any root cuts shall be cut cleanly by hand saw or loppers. Soaker hoses shall be placed within the TPZ for the avocado tree, as close as possible to the proposed foundation, and close to any cut roots of the Spanish dagger trees and shall be turned on every two weeks for five hours at a time throughout the dry season.

Throughout the construction period, the project construction contractor shall comply with all other provisions of the Tree Protection Plan set forth in the Kielty arborist report.

Prior to the initiation of construction activity, all project construction contractors shall attend a pre-construction meeting with the project arborist to review the tree protection guidelines, which should identify access routes, storage areas, and work procedures.

No activity shall encroach upon the TPZ and no materials, debris, or excess soil shall be placed within the TPZ. The TPZ fencing shall be periodically inspected and repaired as needed. A certified arborist shall conduct a final inspection of the TPZ prior to its removal at the end of construction. Any warranted remedial work on the trees identified by the arborist shall be performed prior to issuance of occupancy permits for the project.

There are no other local policies or ordinances protecting biological resources that would apply to the project or with which the project could conflict.

	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 or other conservation plan applicable to the project site.

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;
- 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.[23]

Based on historical aerial photographs of the project site, the existing residence at 1530 Pomeroy Avenue was constructed between 1948 and 1956, and the residence at 1540 Pomeroy was constructed between 1956 and 1960. They are therefore both over 50 years old. However, there is no known association of the houses with important historical events or persons, and they are not unique examples of an architectural style, nor are they 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

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

Historical Resources Information System (CHRIS).[24] The archival search did not identify any known historic resources on or near the project site. 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.

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 February 16, 2017, 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 less than 150 meters north of Calabazas Creek. The undifferentiated alluvial deposits that are located within the project area date from the Holocene and have been known to overlay archaeological material within sterile alluvium of varying depths. Given this context, 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.

[24] Northwest Information Center, Sonoma State University, *Record Search Results for the Proposed 1530/1540 Pomeroy Avenue Townhomes Project, City of Santa Clara*, NWIC File No. 16-0562, October 24, 2016.

Although no known cultural resources are located in the project vicinity, if significant prehistoric cultural artifacts are buried within the area of the proposed project 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. Fossil-rich geological formations in the Santa Clara Valley include Pleistocene-era alluvial and fluvial strata and the underlying Plio-Pleistocene Santa Clara formation.

Much of the City is situated on alluvial fan deposits of the Holocene age. 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.[25, 26] This is also reflected in the Santa Clara General Plan EIR, which states that geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils, and because these sediments have low potential to yield fossils. However, the EIR acknowledged that Holocene materials in the Santa Clara Valley may have some level of sensitivity for paleontological resources, because remains of a Rancholabrean Columbian mammoth (*Mammuthus columbi*) were found in 2005 along the Guadalupe River in San Jose, in a strata identified as Holocene by published geologic maps. (These remains may have originated in older geologic strata.) Holocene-age sediments in the region overlie sediments of older Pleistocene sediments with high potential to contain paleontological resources. These Pleistocene formations, often found at depths of 10 feet or more below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Accordingly, the General Plan EIR concluded that ground-disturbing activities associated with new development allowed under the General Plan that extends to depths greater than 10 feet has the potential to damage undiscovered paleontological resources in older Pleistocene sediments.

The Santa Clara General Plan EIR indicates that the project site is underlain by Holocene-era basin deposits, indicating a low probability for encountering paleontological resources, particularly since subsurface disturbance would not extend to a depth of 10 feet or more.[27] Therefore, while it is not expected that paleontological resources would be encountered during project construction, 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).

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

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

[27] 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
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.[28] 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,

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

corresponding to moderate structural damage.[29] 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 0.759 g at the site.[30]

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.[31, 32] 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.

[29] Association of Bay Area Governments, Earthquake and Hazards Program, Probabilistic Seismic Hazard Analysis [interactive map], accessed November 7, 2016 at: http://gis.abag.ca.gov/website/Hazards/?hlyr=seismicHazardAnalysis.

[30] California Department of Conservation, California Geological Survey, Ground Motion Interpolator, Accessed November 7, 2016 at: http://www.quake.ca.gov/gmaps/PSHA/psha_interpolator.html.

[31] 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.

[32] City of Santa Clara, *2010-2035 City of Santa Clara General Plan Integrated Final Environmental Impact Report*, Figure 5.10-1: Liquefaction Hazard, January 2011.

	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 essentially 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 under a half-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 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.[33] 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 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

[33] 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.

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.

	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.[34]

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

[34] 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.

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.

	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 (Santa Clara CAP) on December 3, 2013 for the purpose of reducing the emissions of GHGs.[35] The Santa Clara 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. The project would be consistent with Santa Clara CAP Reduction Strategy 3.1, calling for a reduction in per-capita water use by 2020, because it would be required to install low-flow toilets and other water-efficient fixtures so as to achieve a 20-percent reduction in indoor water use, pursuant to the California Green Building Code. 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 would therefore be consistent with Reduction Strategy 4.2, requiring increased diversion of solid waste from landfill disposal. As discussed in Section III, Air Quality, the applicant will be required to comply with BAAQMD-recommended basic construction mitigation measures, and therefore the project would be consistent with Reduction Strategy 5.2, which requires construction projects to comply with BAAQMD best management practices. In accordance with General Plan policy (Policy 5.3.1-P10), the project applicant would be required to provide street trees and two replacement trees for every tree removed, which would require the planting of at least 20 trees on the site. Consequently, the project would be consistent with Santa Clara CAP Reduction Strategy 7.1, calling for a tree-planting standard for new development to mitigate the urban heat island effect. The project's driveway and parking areas would be surfaced with permeable concrete, rendering the project consistent with Reduction Strategy 7.2, which requires new parking lots to be surfaced with low-albedo materials, including permeable pavements.

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

The Santa Clara 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 Santa Clara 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 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, that it will be consistent with the GHG reduction strategies identified above, and its 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 GHG emissions by the year 2020. Therefore, the proposed project would not conflict with the goals of AB 32 and the applicable CAP, and the project would have a ***less-than-significant impact***.

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.[36] Although there are three LUST cleanup sites and one Cleanup Program sites within 1,000 feet, cleanup at all of the sites has been completed, and they all have been assigned a Case Closed status by the SWRCB. 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).[37]

Historical Pesticide Use

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. However, prior to development with residential uses, a portion of the project site and much of the 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.[38] It's unknown how far back agricultural production in

[36] California Environmental Protection Agency, State Water Resources Control Board, Groundwater Ambient Monitoring & Assessment Program (GAMA), GeoTracker GAMA Groundwater Data Sources, Accessed October 28, 2016 at: http://geotracker.swrcb.ca.gov/map/?CMD=runreport&myaddress=2055+Union+St.%2C+san+francisco%2C+ca.

[37] California Department of Toxic Substances Control, EnviroStor Data Base of Cleanup Sites and Hazardous Waste Permitted Facilities, accessed October 28, 2016 at: http://www.envirostor.dtsc.ca.gav/public.

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

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.[39] 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 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.[40]

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.[41] 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, general use of the property would not lead to resident exposure. Similarly, future use of the site by residents of the proposed project would not result in exposure. Site disturbance during grading and other site preparation could expose soils with residual levels of pesticides, but the exposure would be short-term, indirect, and toxicity levels would not be expected to be high. Therefore, based on all of the foregoing considerations, the risk of exposure of construction workers and future residents to residual pesticides in site soils would be ***less than significant***.

Asbestos and Lead

Based on historical aerial photographs of the project site, the existing residence at 1530 Pomeroy Avenue was constructed between 1948 and 1956, and the residence at 1540 Pomeroy was constructed between 1956 and 1960. Given the age of the two buildings, 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 buildings contain 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

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

[40] 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.

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

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–1: 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–2: 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.

Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) of the site was performed by American Soil Testing, Inc. to identify recognized environmental conditions on the site, including the presence or likely presence of any hazardous substances that could create a significant hazard to the public or the environment, whether through an existing release, past release, or threat of a

release into structures, into the ground, or into surface or groundwater.[42] As part of the Phase I ESA, EDR reviewed over 100 publicly available local, State, and federal environmental databases to identify hazardous waste and hazardous materials release sites in the project vicinity. Neither of the two properties comprising the project site was listed on any of the searched databases.

Although the Phase I ESA found no recognized environmental conditions (RECs) on the site as defined by the American Society of Testing and Materials (ASTM) and concluded that the potential for contamination from off-site sources is very low, at the request of the applicant, limited subsurface soil sampling was conducted at the site in September 2017. Shallow samples were collected at depths of 6 to 12 inches below the surface at three locations on the site: one near the northeast corner, one near the southwest corner, and one in the approximate center of the site. The samples were tested at a State-certified analytical laboratory for heavy metals (CAM-17); total petroleum hydrocarbons (TPH) as diesel, motor oil, and gasoline; and pesticides. The laboratory results were compared to the applicable Environmental Screening Levels (ESLs) for residential soils established by the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Elevated levels (i.e., above the applicable ESL) of the pesticides chlordane, dieldrin, dichloro-diphenyl-dichloroethane (DDD), dichloro-diphenyl-dichloroethene (DDE), dichloro-diphenyl-trichloroethane (DDT) were encountered in soil sample S-1, taken near the northeast corner of the site. Elevated levels of DDD, DDE, and DDT were measured in soil sample S-2, taken near the center of the site.[43]

CAM-17 heavy metals were also found at concentrations above their ESL in all three soil samples. The concentrations of arsenic, lead, and mercury exceeded their ESLs in sample S-1. ESLs for arsenic and mercury were exceeded in soil sample S-2 as well as in soil sample S-3, collected from the southwest corner of the site. Table HM–1 lists the detected concentrations in the soil samples that exceeded their ESLs.

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[42] American Soil Testing, Inc., *Phase I Environmental Site Assessment of Proposed Multi Units Residential Development, 1530 & 1540 Pomeroy Avenue, Santa Clara, California*, July 28, 2017.

[43] American Soil Testing, Inc., *Contamination Assessment of 1530 & 1540 Pomeroy Avenue, Santa Clara, California*, October 2, 2017.

Table HM–1

Laboratory Analytical Results of Site Soil Sampling

(in milligrams per kilogram (mg/kg))

Constituent	ESL[1]	Measured Concentrations		
		Sample S-1	Sample S-2	Sample S-3
Chlordane	0.48	914	ND[5]	ND
Dieldrin	0.00017	5.7*	ND	ND
DDD[2]	2.7	64.5	7.8*	ND
DDE[3]	1.9	151	24.1*	28.1*
DDT[4]	1.9	95.1*	15.2*	12.8*
Arsenic	0.067	5.3	4.1	4.1
Lead	80	163	15.4	15.4
Mercury	0.0051	0.26	0.13	0.48

Source: SGS ACCUTEST, American Soil Testing, Inc., 2017

Notes:

[1] ESL = Environmental Screening Level for Residential Soil

[2] DDD = Dichloro-diphenyl-dichloroethane

[3] DDE = Dichloro-diphenyl-dichloroethene

[4] DDT = Dichloro-diphenyl-trichloroethane

[5] ND = Not Detected

* Estimated Value

These soil sample results indicate that there may residual pesticide contamination in the near-surface soils of the site as a result of the historical use of the property for agricultural production.

Regarding the elevated arsenic concentrations, naturally-occurring background concentrations of arsenic in soils within the flatlands surrounding San Francisco Bay frequently exceed the risk-based screening level for residential use (0.067 mg/kg) by one or more orders of magnitude.[44] The measured mercury concentrations could also reflect naturally-occurring levels in soil, but the lead concentration in sample S-1 would appear to exceed potential background concentrations.

Given the contaminant concentrations reported in Table HM–1, further characterization of the site's soils is warranted to ensure construction workers and future residents of the project are not exposed to dangerous levels of hazardous materials. Such exposure would be a ***potentially***

[44] San Francisco Bay Regional Water Quality Control Board, *User's Guide: Derivation and Application of Envrionmental Screening Levels (ESLs)* [Interim Final], Section 10.5.3, 2016.

significant impact. Implementation of the following mitigation measure would reduce the impact to a less-than-significant level.

Mitigation Measure HM–3: Prior to issuance of a demolition permit for the existing buildings on the site, a Phase II Environmental Site Assessment (ESA) of the site shall be performed by a Registered Environmental Assessor (REA) or Certified Engineering Geologist (CEG). The Phase II ESA shall perform additional subsurface soil testing to characterize and determine the extent of soil contamination in excess of applicable regulatory limits. If contaminant levels in excess of applicable regulatory limits are identified, a qualified professional shall prepare and implement a Site Remediation Plan, subject to review and approval by the Santa Clara Fire Department.

If the Phase II ESA does not identify a need for site remediation, no further action would be required. If it determines that site remediation is required, the project applicant shall implement Mitigation Measures HM–4 and HM–5.

Mitigation Measure HM–4: Areas of contaminated soil identified by the Phase II ESA shall be excavated to the depth(s) indicated in the Site Remediation Plan and properly disposed of prior to issuance of a grading permit for the project. The contaminated soils shall be excavated and removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations and/or applicable State regulations. Employees of the Removal Contractor assigned to the project shall have completed a safety training program that complies with federal Occupational Safety and Health Administration (OSHA) requirements set forth in Title 29, Section 1910.120 of the Code of Federal Regulation (CFR) and with California Occupational Safety and Health Administration (CAL-OSHA) requirements set forth in Title 8, Section 5192 of the California Code of Regulations (CCR). If temporary stockpiling of contaminated soil is necessary, it shall be covered with plastic sheeting or tarps and a berm shall be constructed around the stockpile to prevent stormwater runoff from leaving the area. Confirmation sampling shall be performed on soils surrounding the excavations to verify that all contaminated soil above regulatory thresholds has been removed.

The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. If applicable, other non-hazardous excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations.

Following completion of the removal of impacted soil, the Removal Contractor or another qualified Registered Environmental Assessor shall prepare a closure report to be reviewed and approved by the Santa Clara County Department

of Environmental Health (CSCDEH). The project applicant shall provide a copy of the "No Further Action" letter (i.e., regulatory case closure) from CSCDEH to the City of Santa Clara Building Inspection Division prior to issuance of a grading permit.

Mitigation Measure HM–5: Prior to initiating any work, the Removal Contractor specified in Mitigation Measure HM–4 shall prepare a Health and Safety Plan (HASP) to be implemented throughout the excavation and removal of contaminated soil from the project site. The HASP would specify safe contaminated soil handling and disposal procedures and would identify procedures and other protections for workers to prevent exposure to contaminants, inundation of excavations, excessive noise levels, and other potential hazards. The HASP would identify measures for eliminating or controlling hazards, monitoring exposure levels, worker training procedures, emergency response procedures for a variety of potential emergencies, first aid and medical treatments, and required record keeping.

	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: Pomeroy Preschool and Pomeroy Elementary School, both located at 1250 Pomeroy Avenue, are about 1,000 feet (~0.19 mile) south of the project site. 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 active 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.[45] 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 eight new townhomes would not impair implementation of or physically interfere with the Santa Clara EOP.

	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.

[45] 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.[46] 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.

[46] 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.

Because the project site has an area of 21,000 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. 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.[47] 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 relatively 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. R2-2009-0074). The revised Municipal Regional Stormwater Permit (MRP) was issued on October 14, 2009 and replaced the previous permit originally issued in February 2003 with substantial new requirements for development and redevelopment projects.

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. of the MRP. 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 rooftops. Project applicants are required to implement appropriate source control and site design measures and to design and implement stormwater treatment measures

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

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.

Additional amendments to NPDES Order No. R2-2009-0074 were adopted by the RWQCB on November 28, 2011 as Order No. R2-2011-0083, establishing minimum green roof specifications, model biotreatment soil media specifications, and soil infiltration testing methods.

The MRP was again revised by the RWQCB on November 19, 2015 by Order No. R2-2015-0049, which became effective on January 2, 2016 and replaced the previous permit. The primary change was to consolidate the multiple countywide permits 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. Other changes pertain to requirements that are the responsibility of member agencies, rather than new development projects, and include requirements for water quality monitoring, trash reduction, reduced loads of PCBs, inspection of stormwater treatment facilities and flow controls, green infrastructure planning, and more.

The proposed project would create approximately 8,960 square feet of new impervious surfaces, below the 10,000-square-foot threshold for Provision C.3 compliance. Furthermore, there is currently 4,991 square feet of impervious surfaces on the site from the existing single-family homes, outbuildings, and pavements. Implementation of the project would therefore result in a net increase in the amount of impervious surfaces on the site by just 3,969 square feet. Furthermore, the project would include features that 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. The driveway and parking areas would be surfaced with pervious concrete with an underdrain consisting of 12 inches of permeable aggregate rock and a 6-inch-diameter perforated pipe. Filter fabric would line the bottom and sides of the aggregate base. The pervious concrete would allow rainwater to percolate into the pavement and through the aggregate layer 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 to maximize infiltration and natural treatment of stormwater collected from the roofs. Most or all of this water would percolate to groundwater. Because the project is too small to require implementation of Provision C.3 LID requirements, and would also include features to provide on-site treatment of stormwater and minimize the discharge of stormwater offsite, operation of the proposed project would have a ***less-than-significant impact*** on water quality.

	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 increase the amount of impervious surfaces on the site by just 3,969 square feet in comparison with existing conditions. This would have a negligible effect on the recharge of underlying groundwater, and would not have the potential to cause a lowering of the groundwater table. 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. This would therefore be a ***less-than-significant impact***.

	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, these 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 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 runoff.

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. Due to the use of pervious pavements and the discharge of stormwater collected from building roofs into the landscaped areas, the volume of stormwater discharged from the site would be quite small. Therefore, the project

would not result in substantial erosion or siltation on- or off-site. Accordingly, this would be a ***less-than-significant impact***.

	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: Similar to the previous discussion, this discussion focuses on permanent changes in drainage that would be caused by the project. Please see Section IX(a) for a discussion of temporary construction impacts related to drainage. The project would create a net increase of 3,969 square feet of new impervious surfaces on the project site, which could result in an incremental increase in the amount and rate of stormwater discharge from the site. However, all of the water would be collected from the impervious surfaces on the site (i.e., the building rooftops) and discharged to the on-site landscaping, where most of the water would percolate to groundwater except in extreme storm events or after multiple storm events in quick succession, whereby the upper soil layers could become temporarily saturated. Pervious concrete would be used to pave the driveway and guest parking areas, which would also allow for percolation of stormwater into underlying groundwater. The driveway would be underlain by a 6-inch-diameter perforated pipe that would collect excess water that could exceed the capacity for percolation in peak storm events and discharge the water into the storm drain in Pomeroy Avenue. The proposed project would include construction of a new 18-inch-diameter reinforced concrete pipe (RCP) storm drain under Pomeroy Avenue, extending from in front of the project site approximately 215 feet north to tie in with an existing 33-inch-diameter storm drain in El Camino Real. With this upgrade, the incremental increase in stormwater discharge from the site that could occur during peak storm events would not exceed the capacity of the downstream receiving facilities, and therefore it would not have the potential to cause flooding off-site. The perforated drain in the driveway would collect and discharge any excess water falling on the driveway, which would prevent on-site flooding. Therefore, 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 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: Regarding stormwater drainage capacity, see Section IX(d), above. With respect to the potential to generate substantial additional sources of polluted runoff, as discussed in more detail in Section IX(a), a majority of the stormwater falling on the site is expected to be treated

naturally on-site through biofiltration. While excess stormwater may be discharged from the site during peak storm events where the rate and volume of stormwater exceed the ability of the soils underlying the site to absorb the water and allow it to percolate to groundwater, during such events the majority of pollutants collecting on rooftops and the driveway would be washed into the site soils during the initial flush of stormwater. By the time the soils become oversaturated during a peak storm event, the majority of collected pollutants would be entrained in the stormwater discharged into the on-site landscaping and/or percolate through the pervious concrete driveway into the underlying aggregate and soil layers. Any residual pollutants in stormwater discharged from the site would be *de minimus* quantities and would not constitute a substantial additional source of polluted runoff. This would be a ***less-than-significant impact***.

	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.[48] This is not considered a flood hazard area.

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

	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.[49] The project site is not within the dam failure inundation zones of either of these reservoirs.

	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.[50] Therefore, the project would not be subject 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.

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

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

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. Therefore, there is 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 two single-family residences with eight townhome 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.

	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 northern half of the site (1540 Pomeroy) is Community Mixed Use and is located in the El Camino Real Focus Area. The designation of the southern half (1530 Pomeroy) of the site is Very 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 same land use designations are assigned to the project site under all three phases of the General Plan.

The Community Mixed Use classification is a combination of the Community Commercial and Medium Density Residential designations and is intended to encourage a mix of residential and commercial uses along major streets. Auto-oriented uses are not appropriate in this designation,

except under certain circumstances within the El Camino Real Focus Area. Parking should be behind buildings, below grade or in structures, to ensure that active uses face public streets. Retail, commercial, and neighborhood office uses, at a minimum floor area ratio (FAR) of 0.10, are required in conjunction with residential development between 20 and 36 units per acre. The Community Mixed Use land use designation in the El Camino Real Focus Area allows development consistent with Community Commercial consisting of commercial, retail, or neighborhood office uses, or Medium Density Residential development, or a combination of retail, commercial, and neighborhood office uses at a minimum FAR of 0.10 and residential development at 20 to 36 dwelling units per acre (du/ac).

The Very Low Density Residential land use category is intended for a prevailing building type of detached single-family dwelling units, with development typically single-family in scale and character. Development in this classification is intended to maintain a feeling of suburban living, with setbacks between structures, parking, large landscaped yards, and tree-lined streets. The Very Low Density Residential designation allows densities of up to 10 units per gross acre.

The project site has a total site area of 21,000 square feet (~0.48 acre), approximately half of which (10,500 square feet, or 0.24 acre) is designated Community Mixed Use. Thus, this portion of the site allows 4.8 to 8.6 dwelling units, while the other half allows up to 2.4 dwelling units, for a combined density of up to 11 dwelling units on the project site. The proposed 8 townhomes are therefore within the combined allowable residential density for the site. However, if the density allowances are applied separately to each parcel, the 4 townhomes that would be developed on the northern Community Mixed Use parcel would be 0.8 units shy of the minimum density. The City Council has discretion to approve projects that are outside a specified General Plan density range. Since the City Code no longer requires projects with Planned Development (PD) zoning to strictly conform with General Plan density requirements, and a rezoning to a PD district is part of the proposed project, this minor deviation from the allowable density would be a ***less-than-significant impact***.

For 1530 Pomeroy Avenue, the proposed attached townhomes are not strictly consistent with the single-family scale and character described in the Very Low Density Residential land use category. However, General Plan Policy 5.5.1-P1 also authorizes the use of a density category of up to one range higher or lower than the property designation for parcels less than one-half acre in size. The next higher density category, Low Density Residential, allows for detached or attached dwelling units, and development may come in the form of single-family dwelling units, townhomes, row houses, and combinations of these development types, at a density of 8 to 19 units per acre, which would be 1.9 to 4.6 dwelling units on a 0.24-acre parcel. Consequently, the proposed four townhomes at 1530 Pomeroy would be consistent with the Low Density Residential designation in the General Plan, and there would be no land use impact.

For 1540 Pomeroy Avenue, the Community Mixed Use (CMU) designation ordinarily requires the inclusion of retail uses, at a floor-area ratio of 0.10, and the proposed project would include no retail. General Plan Mixed Use Policy 5.3.4-P17 and El Camino Real Focus Area Policy 5.4.1-P2 allow CMU properties under one-half acre to forego retail uses to facilitate development on smaller lots, but these policies require that the project comply with the specified residential density range. As noted above, this parcel is slightly below the minimum CMU density of 4.8 dwelling units, with only 4 dwellings proposed, and so these policies would not apply to this project. Nevertheless, as described in more detail below, the proposed project would be consistent and compatible with surrounding development and generally consistent with planning objectives established in the General Plan to redevelop sites with higher intensity development. And although the exclusion of retail uses would not be strictly consistent with the mixed use land use designation, the retail requirement is not a land use policy adopted to

avoid or mitigate an environmental effect. Consequently, this conflict would not represent a significant adverse effect on the environment, and it would constitute a ***less-than-significant impact***.

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 Phases II and III of General Plan implementation. The northern half of the project site (1540 Pomeroy) is located in one of the existing areas, the El Camino Real Focus Area, which extends the entire length of El Camino Real within the City limits. The General Plan vision for El Camino Real is to transform this Focus Area from a series of automobile-oriented strip-malls to a tree-lined, pedestrian- and transit-oriented corridor with a mix of residential and retail uses.

The General Plan states that building design and scale in the El Camino Real Focus Area should represent the City's historic character, with two- and three-story structures and special attention to articulation and proportion. As discussed in Section I(c), the proposed two-story townhomes would be well articulated. The proposed modern architecture, while aesthetically pleasing, does not appear to be consistent with the City's historic character, but it will be up to the City's decision makers to make this determination.

No other conflicts with the El Camino Real Focus Area Goals and Policies promulgated in Section 5.4.1 of the General Plan were identified. In particular, the project would be consistent with the following policies:

El Camino Real Focus Area Policies

5.4.1-P6 Encourage lower profile development, in areas designated for Community Mixed Use in order to minimize land use conflicts with existing neighborhoods.

5.4.1-P9 Residential development should include front doors, windows, stoops, porches, and bay windows or balconies along street frontages.

5.4.1-P11 Locate parking at the side or rear of parcels and active uses along street frontages.

5.4.1-P13 Encourage the retention of on street parking, particularly adjacent to Community Mixed Use designated properties.

The General Plan discussion of the El Camino Real Focus Area states that the General Plan Transition Goals and Policies, which are intended to address compatibility between existing and new development, apply throughout the Focus Area. The project is consistent with all three of the transition goals, which are:

5.5.2-G1 High quality, enjoyable and livable neighborhoods.

5.5.2-G2 Preservation of the character of individual neighborhoods.

5.5.2-G3 New development that is compatible with adjacent existing and planned residential neighborhoods.

The transition policies, set forth in Section 5.5.2 of the General Plan, were reviewed and no project conflicts or inconsistencies were identified.

Zoning Ordinance

Although the northern half of the project site is currently zoned A – Agriculture and the southern half is 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 zoning districts;
- Utilizes imaginative planning and design concepts that would be restricted in other zoning 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, on-site 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 six of the eight 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. The proposed project is consistent with the use and density allowed in the R3-25D – Moderate-Density Multiple Dwelling zoning district. The parking requirement for this district, set forth in City Code Section 18.18.130, is 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 townhome, the project would meet the minimum parking requirement and would also provide three off-street guest parking spaces. Where opposing garage doors are less than 40 feet apart, Section 18.18.130 also requires automatic garage door openers and roll-up garage doors to be provided. With opposing garage doors separated by 24.6 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 18.18 (Moderate-Density Multiple-Dwelling Districts) are the most applicable to the project. The standards in Chapter 18.18 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 rear yard requirements but does not meet the minimum front and side yard requirements for Moderate-Density Multiple-Dwelling Districts. The proposed front yard setback is 15 feet. Roughly half of each dwelling unit has a side yard of over 15 feet, but the rest of the side yard measures 10 feet at some units, and 10 feet 6 inches at others. With a proposed height of 27 feet 8 inches, the townhomes exceed 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 3,500 square feet of the site proposed for landscaping and 3,080 square feet allocated to private back yards, the project would have a total of approximately 31.5 percent of the site as landscaped area, which drops to 16.8 percent if the private back yards are excluded. Therefore, the project does not conform to the 40-percent open landscape requirement.

As noted above, the PD district is intended to accommodate such deviations from the normal development standards and explicitly stipulates the allowed building heights, setbacks, landscape requirements, and more, that will apply to the new PD district. The project does not substantially deviate from the density allowed under the General Plan. The project appears to be a harmonious, integrated project of sufficient unity and architectural quality to justify the requested exceptions to the standard regulations. The City Council will ultimately determine whether or not the project can be developed as proposed or must be modified to conform more strictly to the development regulations for the Moderate-Density Multiple-Dwelling zoning district.

Assuming approval of the PD 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 Moderate-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, and would therefore have a ***less-than-significant*** land use impact..

	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: There is no habitat conservation plan or natural community conservation plan applicable to the project site.

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).[51] 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.

[51] 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.

	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.

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. A landscape plan has not yet been developed for the project, so it's unknown whether any turf lawn would be planted. If lawns are planted in private back yards or in the landscaped commons, there is a possibility that a lawn mower could be operated periodically, but this would not be a substantial or long-term source of noise. The vehicle-generated noise and periodic lawn mower noise are typical residential sources of noise and are commonly accepted components of urban life. There is no potential for eight 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.

	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 residences 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 week. 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.

While neighboring residents could experience annoyance from 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 eight new townhomes. Because there are two existing single-family residences on the site, there would be a net increase of six dwelling units. According to the California Department of Finance, the average household density in Santa Clara is currently 2.74 persons per household. Applying this average household size, the existing population on the site is approximately 5 people, while the proposed project would generate a population of approximately 22 persons, for a net increase of about 17 persons.

According to the Department of Finance, the City of Santa Clara has an existing population of 123,752 persons as of 2016. A net increase of 17 people would represent a 0.01-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 (e.g., Policies 5.3.1-P4, 5.3.1-P13, 5.3.2-P2, and 5.3.4-P17). 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 two existing housing units from the site, it would create eight new housing units. Therefore, the project would not decrease the City's housing stock.

	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 two existing single-family homes that would be demolished to accommodate the project. These residents may elect to purchase one of the new homes, or they will relocate to alternative housing. Displacement of two households 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.

Since 2015, the Fire Department staffing level and other performance measures are evaluated by a Standards of Cover (SOC) analytical model that evaluates the Department's ability to provide an adequate number of firefighters on the scene of an emergency within a given time period. The current SOC performance measures, which conform to National Fire Protection Association (NFPA) recommendations, are:

Distribution of Fire Stations: To treat medical patients and control small fires, the first-due unit should arrive within 7 minutes, 90 percent of the time. This equates to a 1-minute dispatch time, a 2-minute turnout time, and a 4-minute drive time.

Multiple-Unit Effective Response for Serious Emergencies: To confine fires near the room of origin, to stop wildland fires to fewer than three acres, and to treat up to five medical patients at once, responding units should arrive within 11 minutes, 90 percent of the time. This equates to a 1-minute dispatch time, 2-minute turnout time, and 8-minute drive time.

Hazardous Materials Response: To minimize or halt the release of a hazardous substance, the first company capable of investigating a hazardous materials release at the operations level should arrive within 6-minutes travel time or less, 90 percent of the time.

Technical Rescue: Respond to technical rescue emergencies within 6-minutes travel time or less 90 percent of the time and initiate a rescue within a total response time of 11 minutes, 90 percent of the time.

Emergency Medical Services: Provide first responder paramedic services to all neighborhoods to 90 percent of the higher priority medical incidents within at least 7:59 minutes from fire crew notification, per the County's EMS Medical Direction.

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 3,850 feet (~0.73 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 and commercial uses. While the net increase of six 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 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. Furthermore, the Santa Clara Fire Marshal stated that the proposed project was not expected to adversely affect Fire Department operations or capacity.[52] 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.[53] 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

[52] Jake T. Tomlin, Fire Marshal, Santa Clara Fire Department, Fire Prevention and Hazardous Materials Division, personal communication, February 13, 2017.

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

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 that a total of up to 11 dwelling units could be developed on the site, based on the allowable density of 0 to 10 units per gross acre for the Very Low Density Residential land use designation assigned to one-half of the site and the allowable density of 20 to 36 dwelling units per gross acre for the Community Mixed Use land use designation assigned to the other half of the site. With a total of eight dwelling units, 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 attending public (rather than private) schools would attend 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.[54] The SCUSD schools serving the project site include Pomeroy Preschool and Pomeroy Elementary, at 1250 Pomeroy Avenue (about 1,000 feet south of the project site); Cabrillo Middle School, at 2550 Cabrillo Avenue (about 1.6 miles travel distance from the site); and Santa Clara High School, at 3000 Benton Street (about 3,500 feet travel distance from 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 0.7 mile and 0.85 mile 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

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

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: When the 2010-2035 General Plan was adopted in November 2010, the City had an inventory of 48 parks, including 1 community park (Central Park), 4 mini parks, 24 neighborhood parks, 3 public open spaces, and 16 recreation facilities. In total, the City had 497.6 acres of parkland, which corresponded to 2.4 acres of local-serving parkland per 1,000 residents. Pursuant to the Quimby Act, the City is currently requiring new development to provide an equivalent of 3 acres of local-serving parkland per 1,000 residents or pay a corresponding in-lieu fee.

The closest public park to the project site is Earl R. Carmichael Park, at 3445 Benton Street, approximately one-half mile southwest of the project. This 10.5-acre neighborhood park provides basketball courts, a little league baseball field, two lighted tennis courts, a picnic/BBQ area, and children's playground. Central Park is located about one-half mile east of the project site. No other parks are within easy walking distance of the project site.

Although the proposed project residents would incrementally increase the use of existing parks, with an estimated net new population of 17 people (see Section XIII, Population and Housing), the amount of additional use by new residents would not be expected to result in physical deterioration of the parks or to otherwise adversely affect park facilities.

Santa Clara City Code Chapter 17.35 requires new residential development to provide adequate park and recreational land and/or pay a fee in-lieu of parkland dedication pursuant to the Quimby Act and/or Mitigation Fee Act (MFA). Consistent with the Quimby Act, City Code Section 17.35.020 allows the City to require payment of a park in-lieu fee only for subdivisions of 50 or fewer parcels. The payment of Quimby fees is generally considered to mitigate the impact of new development on existing parks. Because the proposed project would be required to pay in-lieu fees for parkland as a condition of approval, in accordance with the Quimby Act and Santa Clara City Code Chapter 17.35, the project would have a ***less-than-significant impact*** on parks.

	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 approximately 1.3 miles travel distance (southeast) from 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: The park facilities discussed in Section XIV(d) provide various recreation facilities, including baseball and softball fields, tennis courts, basketball courts, a swimming pool, picnic/BBQ areas, and playgrounds. The potential impact from a project-generated increase in parks and associated recreation facilities was addressed previously in Section XIII(d).

	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 El Camino Real from the north and from Benton Street from the south, both major arterials. Regional access to the site is from the Lawrence Expressway (County route G2) (located about 2,700 feet to the west), Interstate 280 (about 2.3 miles to the south), and U.S. Highway 101 (about 2.5 miles to the north). The nearest intersection to the project site is the signalized intersection of Pomeroy Avenue at El Camino Real. El Camino Real is a divided highway with three travel lanes in each direction, dedicated left-turn lanes on both approaches, and on-street parking on both sides of the roadway. Pomeroy Avenue is a two-way, two-lane roadway with on-street parking on both sides of the street. The northbound approach at El Camino Real has a dedicated left-turn lane and a shared right-turn/through lane.

The project would expand the existing residential uses on the site from two to eight dwelling units. The new units would be townhomes, replacing two existing single-family homes. According to the current *Trip Generation* (9th Edition) rates published by the Institute of Transportation Engineers (ITE), the existing homes generate 10 daily traffic trips, including 1 trip during the AM peak hour and 2 trips during the PM peak hour. Based on the ITE rates for townhomes, the proposed eight townhomes would generate 23 daily traffic trips, including 4

trips during both the AM and PM peak hours. Thus, the net increase in traffic generated by the project would be 13 daily trips, including 3 trips during the AM peak hour and 2 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.[55] 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 El Camino Real between the Lawrence Expressway and Calabazas Boulevard of 32,800 vehicles, operating with LOS D, also determined by the City's Travel Demand Model. With buildout of the General Plan in 2035, the ADT was projected to be 39,280 vehicles with LOS F, which is the most congested level of service, representing oversaturated, stop-and-go conditions.[56] The Santa Clara General Plan considers LOS E and LOS F to be unacceptable levels of service.

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.[57] West of Pomeroy, the ADT was 9,750 vehicles on Benton Street. The resulting level of service on both segments was 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.

If all net new project-generated traffic were distributed to El Camino Real (a conservative but unrealistic assumption), the project would increase existing traffic on this roadway by about 0.04 percent. Such a negligible increase in traffic would not have the potential to degrade the level of service or cause a noticeable change in operating conditions. While El Camino Real is expected to operate unacceptably at LOS F at General Plan buildout, this was previously identified as a significant and unavoidable impact in the General Plan EIR, despite the adoption of General Plan policies that would implement roadway improvements and contribute to reductions in vehicle trips. Since this impact was already disclosed to the public in the General Plan EIR and the proposed project is consistent with the General Plan, this impact has already been addressed, and no further mitigation requirements would apply to the proposed project.

The General Plan EIR did not evaluate traffic conditions on Pomeroy Avenue between El Camino Real and Calabazas Boulevard, which is a segment of the roadway that is less than 750 feet in length. As noted above, it did evaluate traffic conditions on Pomeroy south of Calabazas Boulevard. Conservatively assuming all new project vehicle trips travelled on Pomeroy south of Calabazas, the project would increase traffic on this roadway by 0.32 percent. The EIR projected a 63.4-percent increase on this roadway between 2008 and 2035 buildout of the General Plan, which did not result in an expected degradation in the current level of service (LOS C). Therefore, the incremental additional traffic generated by the project would not have the potential to degrade the level of service.

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

[56] *Ibid*.

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

If all new traffic trips generated by the project travelled on Benton Street east of Pomeroy Avenue, traffic on this roadway segment would increase by 0.14 percent. If all new project traffic travelled on Benton Street west of Pomeroy Avenue, traffic on this roadway segment would increase by 0.13 percent. The General Plan EIR analysis determined that a 46-percent increase in traffic volume (4,310 vehicles) on Benton Street from existing conditions to General Plan buildout would not adversely affect the level of service. Therefore, the minor amount of traffic that would be added to project roadways by the proposed project would not have the potential to degrade the level of service.

The amount of project traffic that would be added to these local roadways would actually be less than that assumed in the discussions above. It would be distributed in various directions, with smaller increments travelling on any given roadway. Following the addition of project-generated traffic to the local road network, the nearby roadways that would be most affected would continue to operate at acceptable levels of service, based on the standard established in the General Plan. Although El Camino Real would operate unacceptably at LOS F at General Plan buildout, this was already identified as a significant and unavoidable impact in the General Plan EIR. The project would not cause an increase in the severity of this impact, and would not cause any new significant impacts on the performance of the circulation system. Therefore, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

Similarly, traffic generated during project construction would not be substantial and would not have the potential to degrade levels of service on area roadways. It is estimated that the number of construction workers on the site at any given time during the 9- to 12-month construction period would range from five to ten workers. Although construction workers typically travel outside the peak traffic periods, if it is conservatively assumed that all workers would drive separately to the site during peak commute hours, this would add up to 10 new trips during the AM and PM peak periods for up to one year. There would be additional trips generated during off-peak hours, with workers traveling to supply stores or off-site for lunch. Again, these trips would represent well under 1 percent of existing traffic on the local road network and, based on the General Plan EIR analysis discussed above, would not have a significant impact on traffic. The City will require as a condition of approval that the applicant submit a truck hauling route for removal of soil and demolition debris, subject to approval of the Director of Community Development, prior to issuance of demolition or building permits. Compliance with the designated truck route would further reduce the project's impact on traffic during demolition and construction.

	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 replace two existing driveways providing access to Pomeroy Avenue with a single centrally-located driveway that would be wider that the existing driveways. This would 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.[58] Benton Street between the Lawrence Expressway and the San Tomas Expressway is designated as a proposed Class II bike lane. The entire length of El Camino Real is identified as a potential bicycle corridor for future study. 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.

The closest existing transit facilities are Valley Transportation Authority (VTA) bus lines that run on El Camino Real, Lawrence Expressway, Kiely Boulevard, and Homestead Road.[59] El Camino Real is less than 200 feet north of the project site and has bus stops with Route 22 bus service near the intersection of El Camino Real and Pomeroy Avenue, (approximately 365 feet and 375 feet respectively from the project site). Route 22 links to other local and regional bus and rail transit services at the Santa Clara Transit Center. The bus routes on Lawrence Expressway and Kiely Boulevard are approximately one-half mile west and east, respectively, of the project site while Homestead Road is about 4,900 feet (0.93 mile) to the south. 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.

[58] 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.

[59] 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.

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 (water pollution control plant, or WPCP), operated by the San Jose Department of Environmental Services. The WPCP is located in San Jose at 700 Los Esteros Road, near San Francisco Bay, about 5 miles north of the project site. The WPCP 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 WPCP in the past five years.[60] 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 WPCP outfall in Artesian Slough, on the margins of San Francisco Bay. The duration was short and occurred during a high-flow period. Sampling was conducted at the outfall and all water quality parameters were within the limits established in the WPCP 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 WPCP 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 WPCP service area. There is no potential for the project to cause the WPCP to exceed wastewater treatment requirements.

[60] 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.

	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).[61] 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.[62] 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.[63] 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 WPCP. 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 plant is 167 mgd and average daily flows are 110 mgd.[64] 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.

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[61] 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.

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

[63] 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.

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

	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 a substantial increase in stormwater discharge and would not require construction of new or expanded stormwater drainage facilities. Although the proposed project would increase the amount of impervious surfaces on the site by 3,969 square feet in comparison with existing conditions, stormwater would be captured from the site's impervious surfaces (i.e., the rooftops) and directed into landscaped areas, where much of it would infiltrate the soil and percolate to groundwater. Because of this feature, there would likely be a reduction in stormwater discharged from the site during most storm events. During extreme storm events or after a rapid succession of multiple storms, the upper soil layers could become saturated, in which case excess storm runoff would flow to the street and be collected in the storm drain underlying Pomeroy Avenue. While this could result in a short-term increase in stormwater discharged from the site in comparison with existing conditions, it would be a small incremental increase that could be accommodated by the proposed upgrade to the existing storm drain in Pomeroy Avenue. The project would include construction of a new 18-inch-diameter reinforced concrete pipe (RCP) storm drain under Pomeroy Avenue that would extend from in front of the project site approximately 215 feet north to tie in with an existing 33-inch-diameter storm drain in El Camino Real. With this upgrade, the incremental increase in stormwater discharge from the site that could occur during peak storm events would not exceed the capacity of the downstream receiving facilities, and therefore it wouldn't require construction of other new or expanded stormwater drainage facilities. Construction of the short storm drain segment in Pomeroy Avenue would be required to comply with the City's standard erosion and stormwater control measures, and would not result in any significant environmental effects. This would be a ***less-than-significant impact***.

	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),[65] but it recently reported that per-capita consumption in the Bay Area fell to 130 gpd in 2015 in response to the ongoing drought.[66] Applying the higher consumption rate (i.e., 145 gpd) and an estimated net population of 17 residents, the proposed project would generate demand for about 2,465 gpd of

[65] 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.

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

domestic water. With a projected total District-wide demand of 371,200 AF in 2020, equivalent to about 331,386,440 gpd, the project's incremental water demand would represent about 0.00074 percent of daily demand in the District.[67] 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.[68] 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.[69] 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, stormwater 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 Bay Area Water Supply and Conservation Agency , Contra Costa Water District East Bay Municipal Utility District , Marin Municipal Water District, San Francisco Public Utilities Commission, 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 anticipates that this planning effort will result in increased water supplies and reliability for the District.

Although projections in the current UWMP indicate that the District will have a supply shortfall during future multi-year droughts, it is expected that the updated Water Supply and Infrastructure Master Plan currently underway will identify supplemental supplies and strategies that will provide the District with sufficient supplies to meet 100 percent of projected Year 2040 demand during the first five years of an extended drought, and more than 90 percent

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

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

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

of demand during the sixth year of an extended drought, which is consistent with the supply reliability level of service goal adopted by the SCVWD.[70] In addition, the SCVWD also has a Water Shortage Contingency Plan that has a five-stage approach for reducing consumption to address water shortages, including up to a 50-percent reduction in water supplies in the event of a catastrophic infrastructure failure. The foregoing discussion demonstrates that the water supply planning of the SCVWD already anticipated construction of additional water supply infrastructure. 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.

[70] Tracy Hemmeter, Senior Project Manager, Water Supply Planning and Conservation, Santa Clara Valley Water District, personal communication, November 3, 2016.

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 Planning Division.

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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. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 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.

Mitigation Measure BR–2: The project sponsor shall plant 24-inch box replacement trees at a 2:1 replacement ratio for the two existing trees (mulberry and black walnut) rated in fair condition and proposed for removal. Replacement trees shall be of species included on the City of Santa Clara's Approved Residential Street Tree List or of species approved by the City Arborist. The project sponsor shall also plant 24-inch box street trees along the project frontage, as directed by the City of Santa Clara Public Works Department. These trees shall also be on the City's Approved Residential Street Tree List.

Mitigation Measure BR–3: Prior to the initiation of demolition and construction activity, a tree protection zone (TPZ) shall be established with exclusionary fencing around the mature avocado tree located adjacent to the project site, and shall be maintained throughout project construction. The TPZ shall extend into the project site approximately 15 feet, or as close to the proposed building foundation as possible, and shall have a width of 35 feet, centered on the tree, as depicted in the arborist report prepared for the project by Kielty Arborist Services (February 2017). The TPZ fencing shall conform to the specifications stipulated in the Kielty arborist report. Within the TPZ, the piers for the pier and grade beam foundation shall be hand dug to a depth of 3 feet below the ground surface (bgs). The grade beams shall be hand dug and shall not exceed a depth of 6 inches bgs. All encountered roots of the avocado or Spanish dagger trees shall be protected from damage and shall be fully exposed by hand and be inspected by a certified arborist. If cutting of any roots is required, the construction contractor shall first receive authorization from the arborist. Any root cuts shall be cut cleanly by hand saw or loppers. Soaker hoses shall be placed within the TPZ for the avocado tree, as close as possible to the proposed foundation, and close to any cut roots of the Spanish dagger trees and shall be turned on every two weeks for five hours at a time throughout the dry season.

Throughout the construction period, the project construction contractor shall comply with all other provisions of the Tree Protection Plan set forth in the Kielty arborist report.

Prior to the initiation of construction activity, all project construction contractors shall attend a pre-construction meeting with the project arborist to review the tree protection guidelines, which should identify access routes, storage areas, and work procedures.

No activity shall encroach upon the TPZ and no materials, debris, or excess soil shall be placed within the TPZ. The TPZ fencing shall be periodically inspected and repaired as needed. A certified arborist shall conduct a final inspection of the TPZ prior to its removal at the end of construction. Any warranted remedial work on the trees identified by the arborist shall be performed prior to issuance of occupancy permits for the project.

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).

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 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–2: 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.

Mitigation Measure HM–3: Prior to issuance of a demolition permit for the existing buildings on the site, a Phase II Environmental Site Assessment (ESA) of the site shall be performed by a Registered Environmental Assessor (REA) or Certified Engineering Geologist (CEG). The Phase II ESA shall perform additional subsurface soil testing to

characterize and determine the extent of soil contamination in excess of applicable regulatory limits. If contaminant levels in excess of applicable regulatory limits are identified, a qualified professional shall prepare and implement a Site Remediation Plan, subject to review and approval by the Santa Clara Fire Department.

If the Phase II ESA does not identify a need for site remediation, no further action would be required. If it determines that site remediation is required, the project applicant shall implement Mitigation Measures HM–4 and HM–5.

Mitigation Measure HM–4: Areas of contaminated soil identified by the Phase II ESA shall be excavated to the depth(s) indicated in the Site Remediation Plan and properly disposed of prior to issuance of a grading permit for the project. The contaminated soils shall be excavated and removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations and/or applicable State regulations. Employees of the Removal Contractor assigned to the project shall have completed a safety training program that complies with federal Occupational Safety and Health Administration (OSHA) requirements set forth in Title 29, Section 1910.120 of the Code of Federal Regulation (CFR) and with California Occupational Safety and Health Administration (CAL-OSHA) requirements set forth in Title 8, Section 5192 of the California Code of Regulations (CCR). If temporary stockpiling of contaminated soil is necessary, it shall be covered with plastic sheeting or tarps and a berm shall be constructed around the stockpile to prevent stormwater runoff from leaving the area. Confirmation sampling shall be performed on soils surrounding the excavations to verify that all contaminated soil above regulatory thresholds has been removed.

The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. If applicable, other non-hazardous excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations.

Following completion of the removal of impacted soil, the Removal Contractor or another qualified Registered Environmental Assessor shall prepare a closure report to be reviewed and approved by the Santa Clara County Department of Environmental Health (CSCDEH). The project applicant shall provide a copy of the "No Further Action" letter (i.e., regulatory case closure) from CSCDEH to the City of Santa Clara Building Inspection Division prior to issuance of a grading permit.

Mitigation Measure HM–5: Prior to initiating any work, the Removal Contractor specified in Mitigation Measure HM–4 shall prepare a Health and Safety Plan (HASP) to be implemented throughout the excavation and

removal of contaminated soil from the project site. The HASP would specify safe contaminated soil handling and disposal procedures and would identify procedures and other protections for workers to prevent exposure to contaminants, inundation of excavations, excessive noise levels, and other potential hazards. The HASP would identify measures for eliminating or controlling hazards, monitoring exposure levels, worker training procedures, emergency response procedures for a variety of potential emergencies, first aid and medical treatments, and required record keeping.

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