22-259 **Agenda Date: 4/13/2022**

REPORT TO PLANNING COMMISSION

SUBJECT
Recommendation on General Plan Amendments for the Freedom Circle Future Focus Area and the Greystar Development Project

BACKGROUND
In 2016, Greystar Development (Greystar) submitted a proposal to the City to redevelop a 13.3 acre site in North Santa Clara between Freedom Circle and San Tomas Aquino Creek on the north side of US Highway 101 from low intensity commercial office use to a high intensity mixed-use development featuring residential and office towers. Rather than proceed independently with a General Plan Amendment (GPA) specific to the Greystar site, the City Council directed staff to process the General Plan Amendment along with an amendment to the City's General Plan to designate the Greystar site and adjacent properties to the west and north as a Future Focus Area in the City's General Plan, thereby establishing additional commercial and residential development capacity for the larger area. Greystar has been funding the Focus Area process while also moving forward with a GPA application for their site and an accompanying development proposal for up to 1,100 multi-family dwelling units.

The Planning Commission is being asked to conduct a public hearing and make recommendations on four actions for the City Council related to the creation and adoption of the Freedom Circle Future Focus Area and the associated Greystar General Plan Amendment (the project):

1) Determination of the adequacy of the Environmental Impact Report (EIR) prepared to analyze the potential environmental impacts for the project and an associated Mitigation Monitoring and Reporting Program;
2) Adoption of a General Plan text amendment to add language regarding the creation of additional Future Focus Areas, the re-designation of land outside of Focus Areas, creation of the new Very High-Intensity Office/Research & Development (R&D) designation, and adoption of a General Plan Amendment to create the Freedom Circle Future Focus Area;
3) Adoption of the Greystar General Plan Amendment from High Intensity Office/Research & Development (R&D) (maximum Floor Area Ratio of 2.0) to Very High Density Residential (51-100 Dwelling Unit/Acre; and
4) Adoption of the Planned Development Rezoning for the Greystar site, which would allow up to 1,100 units on a 13.3 gross acre site bounded by Freedom Circle to the west, Mission College Boulevard to the north, San Tomas Aquino Creek to the east and Highway 101 to the south.

DISCUSSION
In conjunction with the Greystar development, the City Council directed Planning staff to plan for a future transition to a mix of residential and office uses for the properties around Freedom Circle by creating a new General Plan Future Focus Area. Based on prior City Council direction, staff is considering preparation of the Freedom Circle Future Focus Area to be a precondition of the City Council for completing the processing of the GPA for the Greystar parcel.

The Freedom Circle area (shown in Attachment 1) is not currently designated for conversion to residential uses under any phase of the 2010 - 2035 General Plan, but rather planned over the long-term to be preserved for employment uses. The buildings in the Freedom Circle area are a mix of concrete tilt-ups, office towers, and single-use commercial buildings such as the Santa Clara Marriott Hotel and Pedro's Cantina. The Greystar site, which sits directly north of 101 and directly west of San Tomas Aquino Creek, is undeveloped.

The proposed Freedom Circle Future Focus Area encompasses approximately 108 gross acres in an employment-rich area of northern Santa Clara, comprising several moderate-intensity office and industrial parks accompanied by surface parking, along with the Santa Clara Marriot Hotel. The Plan Area is bounded by San Tomas Aquino Creek to the east, Great America Parkway to the west, Great America Theme Park to the north, and US-101 to the south. It is proximate to a range of regional destinations and amenities, including Levi's Stadium, Great America Theme Park, and the Santa Clara Convention Center.

The vision for the Freedom Circle Future Focus Area is an intensely urban environment, with Great America Parkway and Mission College Boulevard retaining their commercial character while sites along Freedom Circle could be converted to high-intensity residential use. As indicated in the Notice of Preparation circulated on June 26, 2020, the proposed Future Focus Area would support up to 2,500 residential dwelling units in addition to the 1,100 units proposed through the Greystar GPA, for a total of 3,600 dwelling units. The Future Focus Area designation will also add the potential to develop 2 million square feet of office space beyond the current General Plan capacity, allowing a total of 9.6 million square feet of potential office/industrial development. The addition of new residentially designated land will help the City achieve its Regional Housing Needs Assessment (RHNA) goals for housing production. The parcels designated High Intensity Office/R&D are currently developed with approximately 2.35 million square feet of building space.

Most of the proposed Specific Plan Area currently has a High Intensity Office/R&D General Plan designation, which supports high-rise and campus style office development with an allowed Floor Area Ratio (FAR) of up to 2.0. The Marriott Hotel site is the lone exception and is currently designated Regional Commercial. Unlike other Future Focus Areas where the City anticipates conversion of all or a large majority of lands to residential use, this Future Focus Area is intended to preserve a significant amount of commercial use, reflecting the existing commercial and office uses which play an important role in the City.

The Greystar General Plan Amendment would change the General Plan land use designation for a vacant 13.3 acre site, which is bounded by San Tomas Aquino Creek to the East, Freedom Circle to the West, and Highway 101 to the south from High Intensity Office/R&D (maximum Floor Area Ratio of 2.0) to Very High Density Residential (51-100 Dwelling Units/Acre). Greystar is proposing as depicted on a conceptual site plan a total of 1,075 dwelling units in three 7-story buildings, all of which are proposed to be a maximum of 100 feet in height. The proposal also includes a two-acre public park with a connection to the San Tomas Aquino Creek trail, and up to 2,000 square feet of neighborhood-serving retail.

The primary issues for the Planning Commission to consider in evaluating the proposed Future Focus Area Plan are its consistency with the General Plan and the strength of the Plan's policies to act as the foundation for a future Specific Plan. Because the General Plan does not currently include

a process or policies related to the creation of new Future Focus Areas, the following discussion relies on policies for existing Focus Areas, and on land use policies that are applicable City-wide.

General Plan Text Amendment-Future Focus Areas

The proposed General Plan Amendment would add the following text and new policy to the General Plan (under section "5.4.7 Future Focus Areas Goals and Policies"): "In addition to the three Future Focus Areas, additional Future Focus Areas may be added to the General Plan Land Use diagram through the General Plan Amendment process. The creation of a Future Focus Area is a precursor to the comprehensive planning process required for all Focus Areas."

This additional text provides a process for expanding the number of Future Focus Areas available for development.

The General Plan text amendment would also add the following policy to the General Plan: "Policy 5.4.7-P11: Allow for General Plan Amendments and rezonings outside of existing Future Focus Areas in combination with the designation of new Future Focus Areas." This proposed General Plan Text Amendment helps to resolve the conflict between the proposed Greystar General Plan Amendment and the General Plan requirement to develop under the existing land use designation (General Plan Policy 5.4.7-P4).

The Future Focus Area Plan includes goals and policies that will help to establish the vision for the Freedom Circle Future Focus Area, an urban-scaled, walkable mixed-use neighborhood, including policies relating to land use, building interfaces with the street, active transportation networks including establishing connections to the San Tomas Aquino Creek Trail, and housing affordability. These Focus Area Policies are consistent with General Plan Future Focus Area Policies to implement appropriate measures to reduce land use conflicts (Policy 5.4.7-P7), to require development of public amenities, including parks and open space in the first phase of the plan (Policy 5.4.7-P8), and to emphasize walkability and access to transit in comprehensive plans (Policy 5.4.7-P9).

Upon Plan approval (with the proposed General Plan Amendment), the Freedom Circle Future Focus Area would be added as a Phase III Future Focus Area to the General Plan (Section 5.4.7), and any change in land use designation or rezoning of land within the Freedom Circle area would be subject to the requirements of the Future Focus Area Goals and Policies of the General Plan, as amended (see above).

General Plan Text Amendment-Very High-Intensity Office/R&D

The text amendment also amends the General Plan to include the new Very High-Intensity Office/Research and Development (R&D) land use designation, which allows for industrial buildings to be developed at Floor Area Ratios of up to 3.0.

The definition for Very High-Intensity Office/Research and Development (R&D) is proposed as follows:

"Very High-Intensity Office/Research and Development (R&D). This classification is intended for landmark high rise developments for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Permitted uses include offices and prototype R&D uses. Data centers under this designation are limited to those that serve the use on site. Medical facilities,

except pharmacies, are not allowed. In addition, manufacturing uses are limited to less than ten percent of the building area. Accessory, or secondary, small scale supporting retail uses that serve local employees and visitors are also permitted. Parking is typically structured or below grade. The maximum FAR is 3.0, excluding any FAR devoted to supporting retail uses."

The creation of the Very High-Intensity Office/R&D designation is necessary to meet one of the goals of the creation of the Freedom Circle Future Focus Area, namely to provide the potential for up to 2 million square feet of additional office/R&D capacity within the Focus Area boundary.

Freedom Circle Future Focus Area

As proposed, the land use designations in the Future Focus Area would also create the capacity for up to 2,500 dwelling units beyond those anticipated in the Greystar project, at densities within the Very High-Density Residential range (51-100 DU/AC).

No development other than the Greystar project is planned under the Freedom Circle Future Focus Area at the present time. Any residential development proposals, or proposals implementing the Very High-Intensity Office/R&D designation within the plan area would need to complete a comprehensive plan, with associated rezonings to implement the General Plan land use designations.

The combination of designating sites for Very High-Intensity Office/R&D and the designation of sites for residential is necessary to meet the intent of the Future Focus Area, to create a vibrant, landmark mixed-use neighborhood.

The Freedom Circle Area is located to the northwest of Mineta San Jose International Airport (SJC). During good weather, aircraft take-offs from SJC depart heading northwest towards the Freedom Circle Area. The portion of the Freedom Circle Area north of Great America Parkway is located within SJC's Airport Influence Area, which requires a referral to the County's Airport Land Use Commission (ALUC) for consistency with the SJC's Comprehensive Land Use Plan. All of the additional intensity proposed in the Freedom Circle Future Focus Area is located outside of the Airport Influence Area and not subject to ALUC review, to ensure compatibility with airport operations. This arrangement of land uses is consistent with General Plan Policy 5.4.7-P2, to implement development in Focus Areas consistent with General Plan Policies related to Environmental Quality, specifically safety in relationship to the flight paths emanating from San Jose International Airport.

The proposed Future Focus Area Plan includes goals and policies that will be incorporated into the City's General Plan and will act as a starting point for the future development of the required comprehensive plan, including the following policy regarding regional transit solutions:

"FC-P24: Require developers and property owners to coordinate with North Santa Clara employers and stakeholders to explore participating in a private transit system and/or a Transportation Management Agency (TMA) as part of the Specific Plan process."

Similarly, a draft condition of approval for the Greystar development permit requires that Greystar participate in a TMA. Greystar and other future developers in the Freedom Circle Future Focus Area will be required to participate in the TMA formed by the Patrick Henry Drive Specific Plan. These requirements are consistent with General Plan Policy 5.8.5-P4, to "5.8.5 P4 Encourage new development to participate in shuttle programs to access local transit services within the City[.]"

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Planned Development Rezoning of the Greystar Site

The project also includes the rezoning of the Greystar site from CP - Commercial Park to PD - Planned Development. The subject Planned Development rezoning is intended to codify development standards for the subject site. The rezoning plans include proposed development standards, including setbacks, height limits, development densities, and maximum lot coverage. Building plans and elevations are shown to demonstrate conformance with the proposed development standards and are only illustrative.

As currently proposed, the Greystar project includes 1,075 units in three buildings, all of which are 7 stories and up to 100 feet in height. The project also includes a 2.0 acre park at the center of the site, and a bike path connection through the park to the adjacent San Tomas Aquino Creek Trail. The proposed connection to San Tomas Aquino Creek Trail is consistent with General Plan Policy 5.8.4 P2, to "Provide a system of pedestrian and bicycle friendly facilities that supports the use of alternative travel modes and connects to activity centers as well as residential, office and mixed use developments."

Building Architecture is illustrative and is not intended to be considered as a part of the development standards being adopted. Approval of building architecture and site improvements will occur as a part of a development review hearing, heard by the Director of Planning after the effective date of the rezoning.

Proposed Greystar park

On September 21, 2021, the Parks & Recreation Commission reviewed a proposed schematic design for the 2.0-acre park at the center of the Greystar site. After discussion, the Commission made a unanimous recommendation that Council approve the preferred schematic design for the proposed Neighborhood Park. The Council subsequently reviewed the conceptual design for the park on February 22, 2022 and indicated that the concept could move forward, contingent upon the completion of the environmental review and approval of the Future Focus Area Plan. Development of the Greystar park is consistent with General Plan Future Focus Area Policy 5.4.7-P8, to "Require development of public amenities, including parks and open space, in the first phase of development for all Future Focus Areas."

Conclusion

The General Plan Amendment proposed by Greystar along with the creation of a new Future Focus Area within the General Plan will allow for intensified land uses within the northern part of the City, supporting future economic development while also providing near-term and long-term capacity for new housing development. In doing so, the GPA and Future Focus Area will support City goals for efficient land use and future growth. Unlike other Focus Areas, the Freedom Circle Future Focus Area does not have close access to rail facilities, but its close proximity to the San Tomas Aquino Creek Trail, which is the north-south spine of the City's active transportation network, and proximity to employment and other commercial uses will support the continued development and prosperity of North Santa Clara as a more urban regional job center.

ENVIRONMENTAL REVIEW

An EIR was prepared for the Greystar General Plan Amendment and Freedom Circle Future Focus Area and related approvals (the "project") in accordance with the California Environmental Quality Act (CEQA) (Attachment 3). The EIR analyzes project-level impacts of the Greystar General Plan

Amendment and program-level impacts of the Freedom Circle Future Focus Area Plan. The EIR and Notice of Availability were circulated for a 45-day period from November 5, 2021, to December 20, 2021, in accordance with CEQA requirements. The EIR provides a comprehensive analysis of the potential environmental impacts for the project, and addresses topics identified within the General Plan policies for development in Future Focus Areas, including land use compatibility and provision of public facilities and parks and open space (Policies 5.4.7-P6, 5.4.7-P7, 5.4.7-P8, and 5.4.7-P9).

The EIR found that there would be significant and unavoidable environmental impacts to:

- Air Quality (toxic air contaminant emissions)
- Cultural Resources (potential destruction or degradation of Historic property and features)
- Noise (increases in traffic noise levels from development related to the Focus Area Plan)

The project would also result in the following significant unavoidable cumulative impacts:

- Air Quality (criteria pollutant emissions)

All of the other potentially significant impacts would be mitigated to a less than significant level. The mitigation measures are included in their entirety as a part of the proposed Mitigation Monitoring and Reporting Program (MMRP). A detailed discussion of the potential impacts and mitigation measures to be applied to the project is specified in the EIR and would be implemented through project conditions of approval and the MMRP for the proposed project.

The Draft EIR comment period ran from November 5, 2021 to December 20, 2021. A total of four comments were received during the comment period. None of the comment letters have identified a new significant impact or have provided substantial evidence that the CEQA analysis is otherwise inadequate. Recirculation of the EIR is therefore not required. Responses to the Draft EIR comments, as well as minor text changes and clarifications, in the form of a Final EIR, were made available to the public through the City's website on March 30, 2022, and have been forwarded on to any commenters on the Draft EIR.

Certification of the Freedom Circle EIR and adoption of the Future Focus Area Plan could potentially provide streamlining benefits for developers that choose initiate the comprehensive planning process for the Freedom Circle Plan area. Because the Freedom Circle Future Focus Area has already been analyzed at a programmatic level, the EIR could be also used as the starting point for the future approval of a specific plan, provided that it was supplemented with site-specific project-level analysis.

FISCAL IMPACT

Consultant costs borne by the City for the preparation of the Future Focus Area Plan have been funded through a reimbursement agreement with the Greystar Corporation. In addition, Greystar has paid development fees for their General Plan Amendment, EIR review and development permit, which are all intended to be cost recovery.

The eventual change in land uses would significantly increase land values and the property tax base as well as demand for services, having both positive and negative fiscal impacts upon the City. An increased local population will add to more sales tax revenue for the City. It is understood that residential land uses generally have a net negative fiscal impact (as increased land value revenue does not completely offset increased costs for service), but infill development and higher density development, particularly utilizing Type I or Type III construction, provides for more efficient delivery of services and can be revenue neutral or even positive in some circumstances. Furthermore, the

Greystar proposal would include the delivery of a two-acre park to the City, which is a valuable amenity, given the potential increase in local population. On the whole, implementation of the Greystar General Plan Amendment and Freedom Circle Future Focus Area Plan is expected to have a relatively minor net fiscal impact to the City and will provide housing necessary for Santa Clara's ongoing economic vitality.

The potential conversion of land from jobs-generating land uses to residential land uses could have a potentially negative fiscal impact on the City. While the City has not conducted a fiscal analysis for the future focus area and General Plan Amendment, it is understood that residential land uses generally have a net negative fiscal impact (as increased land value revenue does not completely offset increased costs for service). As discussed above, the resulting infill and higher density mixed-use development, particularly utilizing Type I or Type III construction, can provide for more efficient delivery of services and support more tax revenue generating activity, potentially resulting in net neutral or positive fiscal implications.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by publishing a hearing notice in the Santa Clara Weekly on March 30, 2022, by mailing a hearing notice to properties within a 1,000-foot radius of the plan area, and by posting a notice of public hearing at three conspicuous locations within 300 feet of the project site. The Planning Commission agenda was also posted on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov>.

The City held a community meeting on the North Santa Clara area including the Freedom Circle area on February 25, 2019. Approximately 28 members of the public attended the meeting.

ALTERNATIVES

That the Planning Commission adopts Resolutions recommending that the City Council:

1. Adopt a resolution approving and certifying the Final EIR prepared for the Freedom Circle Future Focus Area Plan and the Greystar Project General Plan Amendment (SCH #2020060425), including CEQA Findings and a statement of overriding consideration;
2. Adopt a resolution approving a General Plan text amendment to add language regarding the creation of additional Future Focus Areas, the re-designation of land outside of Focus Areas, creation of the new Very High-Intensity Office/R&D designation, and adoption of a General Plan Amendment to create the Freedom Circle Future Focus Area;
3. Adopt a resolution approving the Greystar General Plan Amendment from High Intensity Office/R&D (maximum Floor Area Ratio of 2.0) to Very High Density Residential (51-100 Dwelling Unit/Acre;
4. Adopt a resolution approving the Planned Development Rezoning for the Greystar site, which would allow up to 1,100 units on a 13.3 gross acre site bounded by Freedom Circle to the west, Mission College Boulevard to the north, San Tomas Aquino Creek to the east and Highway 101 to the south; or

5. Provide direction to staff to make modifications to the Freedom Circle and Greystar General Plan Amendments and/or the Greystar Planned Development rezoning for City Council consideration.

RECOMMENDATION

That the Planning Commission adopt Resolutions recommending that the City Council:

1. Adopt a resolution approving and certifying the Final EIR prepared for the Freedom Circle Future Focus Area Plan and the Greystar Project General Plan Amendment (SCH #2020060425), including CEQA Findings and a statement of overriding considerations.
2. Adopt a resolution approving a General Plan text amendment to add language regarding the creation of additional Future Focus Areas, the re-designation of land outside of Focus Areas, creation of the new Very High-Intensity Office/R&D designation, and adoption of a General Plan Amendment to create the Freedom Circle Future Focus Area.
3. Adopt a resolution approving the Greystar General Plan Amendment from High Intensity Office/R&D (maximum Floor Area Ratio of 2.0) to Very High Density Residential (51-100 Dwelling Unit/Acre.
4. Adopt a resolution approving the Planned Development Rezoning for the Greystar site, which would allow up to 1,100 units on a 13.3 gross acre site bounded by Freedom Circle to the west, Mission College Boulevard to the north, San Tomas Aquino Creek to the east and Highway 101 to the south.

Prepared by: John Davidson, Principal Planner
Reviewed by: Alexander Abbe, Assistant City Attorney
Approved by: Reena Brilliot, Assistant Director of Community Development

ATTACHMENTS

1. Proposed Freedom Circle Future Focus Area Plan
2. Greystar Rezoning Proposal
3. Freedom Circle/Greystar General Plan Amendment EIR
4. Freedom Circle/Greystar General Plan Amendment Findings of Fact
5. Freedom Circle/Greystar General Plan Amendment MMRP
6. Freedom Circle/Greystar General Plan Amendment EIR Resolution
7. General Plan Text and Map Amendment Resolution to recommend adoption of the Freedom Circle Future Focus Area
8. General Plan Amendment Resolution for the Greystar project
9. Planned Development Rezoning Resolution for the Greystar site



FREEDOM CIRCLE RESIDENTIAL
PLANNED DEVELOPMENT ZONING SET

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Freedom Circle Residential
Santa Clara, California

Greystar
450 Sansome Street, Suite 200
San Francisco, California

Revisions:

No.	Description	Date

Sheet Title:
COVER PAGE

Job No. : 20002
Date: 3/21/2022
Scale:

Sheet No:

PROJECT SUMMARY:

Greystar is hereby submitting a proposal for a General Plan Amendment to rezone the 13.3 acre site from High Intensity Office / R&D to allow for a Very High Density Residential Zone. The project area includes two parcels bounded by Freedom Circle, Mission College Boulevard, Highway 101, and the San Tomas Aquino Creek. The General Plan Amendment proposal includes high density residential and a 2-acre public park to be built and maintained by the developer.

The existing use consists of 13.3 acres of vacant land (APNs 104-40-036 and 104-40-021). The development program consists of the following:

- Residential (1075 residential units in 907,325 sf with 1,379 parking stalls)
- Neighborhood Amenity Space (up to 2,000 square feet with up to 10 parking stalls)
- A 2-acre public park with 20 parking stalls for park visitors provided in Building B and C.

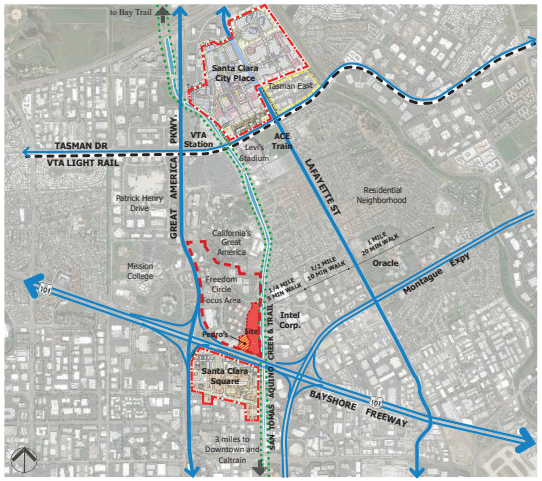
One of the key project goals is to create a vibrant residential community that encourages walking and bike riding, linking the Freedom Circle neighborhood to the San Thomas Aquino Creek Trail via a new, two-acre public park. This new park, with connections to the city-spanning San Thomas Aquino Creek Trail, will become a key component of what the Lawrence Station Area Plan calls the "Green Web" of activated public spaces. As the centerpiece of the project, the new park will reinforce a strong sense of place for this vibrant new residential community as well as the greater Freedom Circle neighborhood by providing a venue for both community events as well as casual recreational use.

The project consists of three Type III residential podium structures - Buildings A, B, and C - over 3 levels of Type I A parking with the first level of parking to be partially below grade. The buildings will be designed to reinforce and engage the urban form and character and activate public spaces within and surrounding the project. The 3, 7-story buildings will be up to 100' tall inclusive of architectural elements and elevator overruns.

The proposal includes an application for a Vesting Tentative Parcel Map to establish four lots.

ASSESSORS PARCEL NUMBER	:	104-40-036, 104-40-021
SITE AREA	:	13.3 AC
EXISTING GENERAL PLAN	:	HIGH INTENSITY OFFICE / R&D
PROPOSED GENERAL PLAN	:	VERY HIGH DENSITY RESIDENTIAL (51-100 DU/AC)
EXISTING ZONING	:	COMMERCIAL PARK
PROPOSED ZONING	:	PLANNED DEVELOPMENT
EXISTING USE	:	PARKING & VACANT LAND
PROPOSED USE	:	RESIDENTIAL & OPEN SPACE
SURROUNDING USES	:	OFFICE & OPEN SPACE
DENSITY	:	51-100 DU / AC
BUILDING HEIGHT	:	100 FT MAXIMUM
OCCUPANCY GROUP	:	R2, A3, S2, B
CONSTRUCTION TYPE	:	5 STORIES OF TYPE IIIA OVER 3 LEVELS OF TYPE IA (1 LEVEL PARTIALLY BELOW GRADE)

VICINITY MAP



PROJECT TEAM:

APPLICANT:
Greystar Real Estate Partners
450 Sansome Street, Suite 500
San Francisco, CA 94111
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Phone: 415.947.7887

ARCHITECT / PLANNER:
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Contact: Chek Tang, Principal
Phone: 510.451.2850

CIVIL ENGINEER:
BKF
1730 N. First Street, Suite 600
San Jose, CA 95112
Contact: Casey Johnson
Phone: 408.467.9139

LANDSCAPE ARCHITECT:
RHAA
225 Miller Ave
Mill Valley, CA 94941
Contact: Manuela King
Phone: 415.387.7900

PROJECT TABULATION

PROGRAM			
Building A			
	Residential Units		363
	Studios	17.1%	62
	One Bedrooms	54.5%	198
	Two Bedrooms	28.4%	103
	Leasing		2300 SF
	Club Room		2100 SF
	Fitness / Yoga		2750 SF
	Co-Working / Business Lounge		1250 SF
	Pet Spa		580 SF
	Bicycle Storage (Class I)		4800 SF
	Courtyards		28645 SF
	Lobby		1600 SF
Building B			
	Residential Units		398
	Studios	13.1%	52
	One Bedrooms	57.3%	228
	Two Bedrooms	29.6%	118
	Leasing		2500 SF
	Club Room		2300 SF
	Fitness		2200 SF
	Co-Working / Business Lounge		1300 SF
	Pet Spa		775 SF
	Lounge		725 SF
	Bicycle Storage (Class I)		5000 SF
	Courtyards		35055 SF
	Neighborhood Amenity Space		2000 SF
	Lobby		1440 SF
Building C			
	Residential Units		314
	Studios	17.8%	56
	One Bedrooms	54.5%	171
	Two Bedrooms	27.7%	87
	Leasing		1150 SF
	Club Room		2500 SF
	Fitness		2400 SF
	Co-Working / Business Lounge		1450 SF
	Pet Spa		550 SF
	Misc Amenity		1250 SF
	Bicycle Storage (Class I)		4370 SF
	Courtyards		20620 SF
	Lobby		1900 SF
Site			
	Dedicated Public Park		2.0 acres

Gross Building Area	
Level B1 Subterranean Garage	228,415
Level 1 Garage	203,750
Level 1 Residential, retail, & amenities	96,165
Level 2 Garage	194,000
Level 2 Residential & amenities	105,600
Level 3 Residential & amenities	207,715
Level 4 Residential	207,715
Level 5 Residential	210,335
Level 6 Residential	210,335
Level 7 Residential	205,805
TOTAL	**1,869,835**

UNITS	Quan.	R.S.F.	Mix	Rentable S.F.	Parking Ratio	Parking Req'd
Studios Total	170	570	15.8%	96,815	1	170
1BR Units Total	597	750	55.5%	447,785	1	597
2BR Units Total	308	1177	28.7%	362,415	2	616
ALL UNITS -TOTAL	**1,075**	844	**100.0%**	**907,015**		**1383**

BUILDING A PARKING PROPOSED	
Residential (1 per bedroom)	466
Guest - 10% of Assigned Residential (inclusive)	47
Accessible Parking (Inclusive)	9
EV Parking - 15% (EV Ready/Future EV) Inclusive	70
BUILDING A PARKING PROVIDED	**466**

BUILDING B PARKING PROPOSED	
Residential (1 per bedroom)	516
Guest - 10% of Assigned Residential (inclusive)	52
Accessible Parking (Inclusive)	10
EV Parking - 15% (EV Ready/Future EV) Inclusive	77
Retail (1 per 200 SF)	10
Public Park Parking	10
BUILDING B PARKING PROVIDED	**536**

BUILDING C PARKING PROPOSED	
Residential (1 per bedroom)	401
Guest - 10% of Assigned Residential (inclusive)	40
Accessible Parking (Inclusive)	9
EV Parking - 15% (EV Ready/Future EV) Inclusive	60
Public Park Parking	10
BUILDING C PARKING PROVIDED	**411**

TOTAL PARKING PROPOSED	
Assigned Residential (1 per bedroom)	1383
Guest - 10% of Assigned Residential (inclusive)	138
Public Park Parking	20
Neighborhood Amenity Space (1 per 200 SF)	10
TOTAL PARKING PROVIDED	**1413**

BIKE PARKING PROPOSED	
Building A Residential Class I (1 per 1 units)	363
Building B Residential Class I (1 per 1 units)	398
Building C Residential Class I (1 per 1 units)	314
Building A Residential Class II (1 per 15 units)	25
Building B Residential Class II (1 per 15 units)	27
Building C Residential Class II (1 per 15 units)	21
Neighborhood Amenity Space Class I (1 per 30 employees)	1
Neighborhood Amenity Space Class II (1 per 1000 sf)	2
Total Bike Parking Provided	**1151**

OPEN AREA	
Site Area SF	580916
Building Coverage SF	299915
OPEN AREA PROVIDED	**48%**

SHEET LIST:

A-000	PROJECT SUMMARY
A-001	DEVELOPMENT STANDARDS
A-020	ILLUSTRATIVE SITE PLAN
C2.0	PRELIMINARY CIVIL SITE PLAN
C2.1	PRELIMINARY CIVIL SITE PLAN
A-401	COMPOSITE SECTIONS
L-102	STREET LEVEL LANDSCAPE PLAN

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No.	Description	Date

Sheet Title:
PROJECT SUMMARY

Job No. : 20002
Date: 3/21/2022
Scale:

Sheet No:
A-000

DEVELOPMENT STANDARDS [1]

Very-High-Density Residential Zone

The purpose of the Very-High-Density Residential Zone is to provide land areas for the construction, use, and occupancy of high density and intensity multi-family developments (i.e., low-rise, mid-rise, and high-rise apartments and condominiums). It is the intent of this zone to encourage development to use innovative site planning, provide on-site recreational amenities and be located near major community facilities, business centers, transporation corridors, and/or major thoroughfares. The residential density range for this zone is 51-100 dwelling units per acre. This zone implements the Very-High-Density land use designation in the General Plan.

Permitted Uses and Permit Requirements - Residential.

Residential Buildings (Permit Requirements)	
P MUP CUP TUP --	Allowed by Right Minor Use Permit (Chapter 18.124) Conditional Use Permit (Chapter 18.124) Temporary Use Permit (Chapter 18.122) Not allowed
Land Use (see Article 8 for land use definitions).	Residential Zones
Dwelling, Accessory Units	P
Dwelling, Multifamily	P
Dwelling, Second Unit	-
Dwelling, Single-Family	-
Dwelling, Two-Family	-
Employee Housing	P
Home Occupations	P
Live-Work Facilities	MUP
Mobile Home Park	-
Organizational Houses	-
Rooming and/or Boarding Houses	-
Supportive Housing	P
Transitional Housing	P
Assisted Living Facilities	CUP
Day Care Homes, Up to 14 Children	P
Community Care Facilities, Small	P
Community Care Facilities, Large	CUP
Emergency Shelters	-
Community Gardens	P
Parks and Public Plazas	P
Retail and Office Uses (ground floor only, in mixed-use buildings only)	
Retail	P
Off-sale of alcohol	P
Restaurants, including on-sale of alcohol	P
Bars	CUP
Office Uses	P

[1] The Development Standards page establishes the zoning standards for the Project. All other pages are for illustrative purposes.

Development Standards.

Development feature (minimum unless otherwise indicated)	Freedom Circle
Parcel Area (minimum) area required for each NEWLY CREATE parcel.	
Parcel Area	10,000
Street Frontage (feet)	70
Structural Coverage (maximum percentage)	
Parcel Area (less than 10,000 sq. ft.)	None
Parcel Area (greater than 10,000 sq. ft.)	None
Setbacks (minimum) – Setback lines are measured from the back of walk	
Residential (front, side corner and interior)	10
Mixed-Use (front, side corner and interior)	0
Office (front, side corner and interior)	0
Height (maximum) measured in front	
Height (within 20 feet of the R1-6L, R1-8L, and R2 zones)	32
Height (all other zones)	100
Number of Stories (maximum)	
Number of Stories (all other zones)	10
Gross Residential Density (minimum to maximum) shown in number of dwelling units per acre	
Allowable Density	51-100
Recreation Space for Multi-Family Dwellings (minimum) measured in square feet per dwelling unit	
Private Recreation Space	25 GSF / Unit
Common Recreation Space (per unit)	65 GSF / Unit

Parking Requirements.

(a) Minimum Parking Requirements.

Use	For Residents / Employees	For Visitors / Customers
Residential	Minimum 1 space per unit for units 1BR or less Minimum 2 spaces per unit for units w/ more than 1 BR	Minimum 0.05 spaces per unit (inclusive in residents parking)
Retail / Flex	None required	Minimum 1 space per 1,000 SF
Office	Minimum one space for each 500 SF of gross floor area	Minimum 1 space per 3,000 SF
Community/Civic	None required	None required

(b) Shared Parking. Parking shared among uses is encouraged, and up to 20% of parking spaces provided may be shared between two uses. For the purposes of this title, those parking spaces shared between two uses count towards the parking requirement of both.

(c) Surface Parking. Surface parking is only allowed as a temporary or interim use.

(d) Mechanical parking stackers/lifts and tandem parking may be used to satisfy minimum requirements.

(e) Unbundled Parking. A maximum of one parking space shall be rented or sold with each unit. Additional parking spaces shall be rented or sold separately.

(i) As an alternative to renting or selling parking spaces separately from residential unit, property managers may implement a parking preference program, with prospective renters without cars put on a separate waiting list from renters with cars, and renters being chosen alternately from the two lists.

Minimum Bicycle Parking Requirements.

(i) For each multi-family unit, one Class 1 bicycle parking space per unit and one Class 2 bike rack, accommodating two bikes, per 60 units is required.
(ii) Mixed-use developments: One Class 1 bicycle parking space per 30 employees and one Class 2 bike rack for every 1,000 square feet of retail, flex or community use.
(iii) Office developments: One bicycle parking space per 6,000 square feet with 75 percent as Class One spaces and 25 percent as Class Two racks."

Affordability Levels

For either ownership or rental housing developed under the this Planned Development rezoning, the following affordable housing requirements apply:

(a) Notwithstanding Subsection 17.40.080(a), residential ownership projects of ten or more units must provide at least fifteen percent (15%) of the units at affordable housing costs for extremely low, very low, low, moderate and above-moderate income households, or some combination of those income categories. A developer shall select income categories such that the average income of purchasers will not exceed eighty percent (80%) of AMI. Residential ownership projects of fewer than ten units may either provide one dwelling at an affordable housing cost for a household earning up to eighty percent (80%) of AMI, or pay an in-lieu fee identified for residential ownership projects in the affordable housing master fee schedule.

(b) Notwithstanding Subsection 17.40.090(a), for residential rental projects of ten or more units, the developer must provide at least fifteen percent (15%) of the units at affordable housing costs for extremely low, very low, low, moderate and above-moderate income households, or some combination of those income categories. A developer shall select income categories such that the average income of renters will not exceed eighty percent (80%) of AMI.

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No.	Description	Date

Sheet Title:
DEVELOPMENT STANDARDS

Job No. : 20002
Date: 3/21/2022
Scale:

Sheet No:
A-001



ILLUSTRATIVE SITE PLAN
SCALE: 1" = 60'-0"

1

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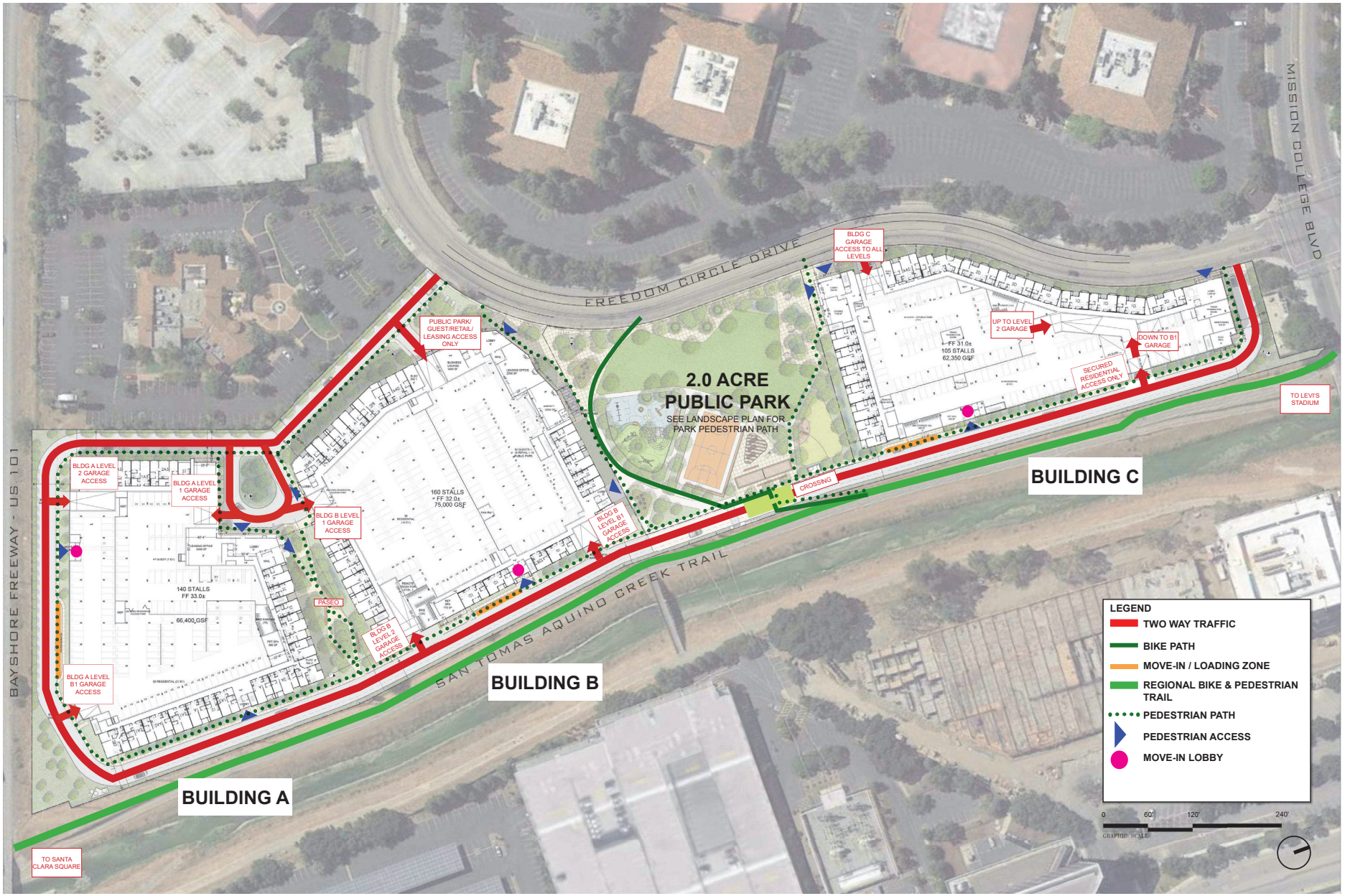
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No.	Description	Date

Sheet Title:
ILLUSTRATIVE SITE PLAN

Job No. : 20002
Date: 05/14/2020
Scale: 1" = 60'-0"

Sheet No:
A-020



SITE CIRCULATION PLAN
SCALE: 1" = 60'-0"

1

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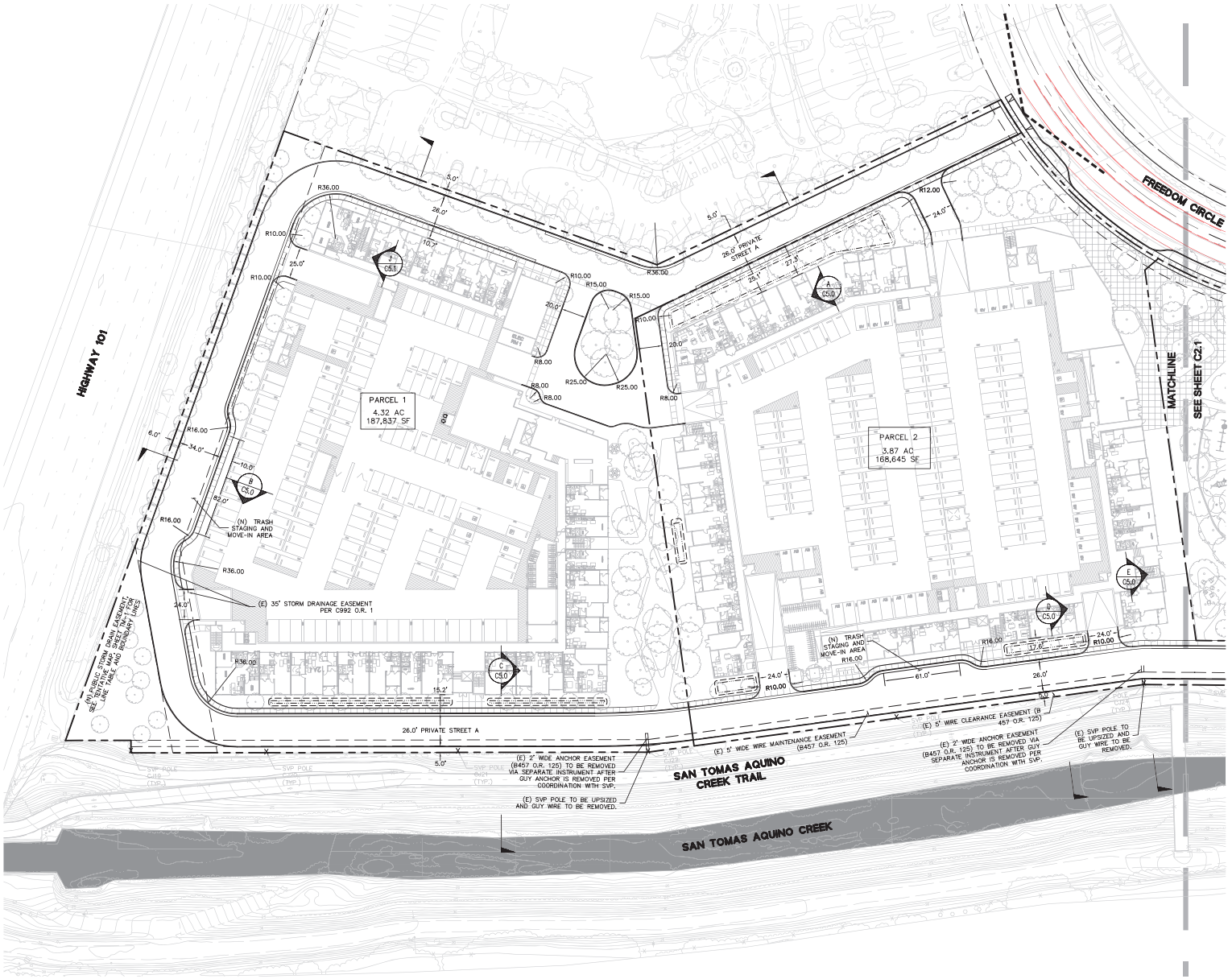
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Sheet Title:
SITE CIRCULATION PLAN

Job No. : 20002
Date: 8/11/2021
Scale: 1" = 60'-0"

Sheet No:
A-030



LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- BIORETENTION AREA
- (N) VERTICAL CURB
- (N) VERTICAL CURB AND GUTTER
- EXISTING EASEMENT LINE
- SIGHT TRIANGLE LINE
- CROSS SECTION REFERENCE
- SAN TOMAS AQUINO CREEK

SITE PLAN NOTES

1. UNUSED DRIVEWAYS IN THE PUBLIC RIGHT-OF-WAY SHALL BE REPLACED WITH CITY STANDARD CURB, GUTTER, AND SIDEWALK.
2. DAMAGE CURB, GUTTER, AND SIDEWALK WITHIN THE PUBLIC RIGHT-OF-WAY ALONG THE PROPERTY'S FRONTAGE SHALL BE REPAIRED OR REPLACED (TO THE NEAREST SCORE MARK) IN A MANNER ACCEPTABLE TO THE CITY ENGINEER OF HIS DESIGNEE. THE EXTENTS OF SAID REPAIR OR REPLACEMENT WITHIN THE PROPERTY FRONTAGE SHALL BE AT THE DISCRETION OF THE CITY ENGINEER OR HIS DESIGNEE.
3. ALL NEW DRIVEWAYS ALONG THE PROPERTY WILL COMPLY WITH THE CITY'S DRIVEWAY AND INTERSECTION VISION TRIANGLE REQUIREMENTS. VISUAL OBSTRUCTIONS OVER THREE FEET IN HEIGHT WILL NOT BE ALLOWED WITHIN THE DRIVER'S SIGHT TRIANGLE NEAR DRIVEWAYS AND INTERSECTIONS IN ORDER TO ALLOW AN UNOBSTRUCTED VIEW OF ONCOMING TRAFFIC.
4. SEE THE VESTING TENTATIVE PARCEL MAP, SHEET TM-1, FOR ALL PARCEL LINE AND CURVE TABLES.
5. SEE THE VESTING TENTATIVE PARCEL MAP, SHEET TM-1, FOR ALL OF THE PROPOSED EASEMENT INFORMATION.
6. NORTHERN DRIVEWAY ENTRANCE/EXIT AT INTERSECTION OF PRIVATE STREET A AND FREEDOM CIRCLE SHALL HAVE SIGNAGE AND STRIPING, BOTH ON-SITE (PRIVATE STREET A) AND OFF-SITE (FREEDOM CIRCLE) THAT DESIGNATES RIGHT TURN IN, RIGHT TURN OUT ONLY.

GRAPHIC SCALE
40 0 40 80

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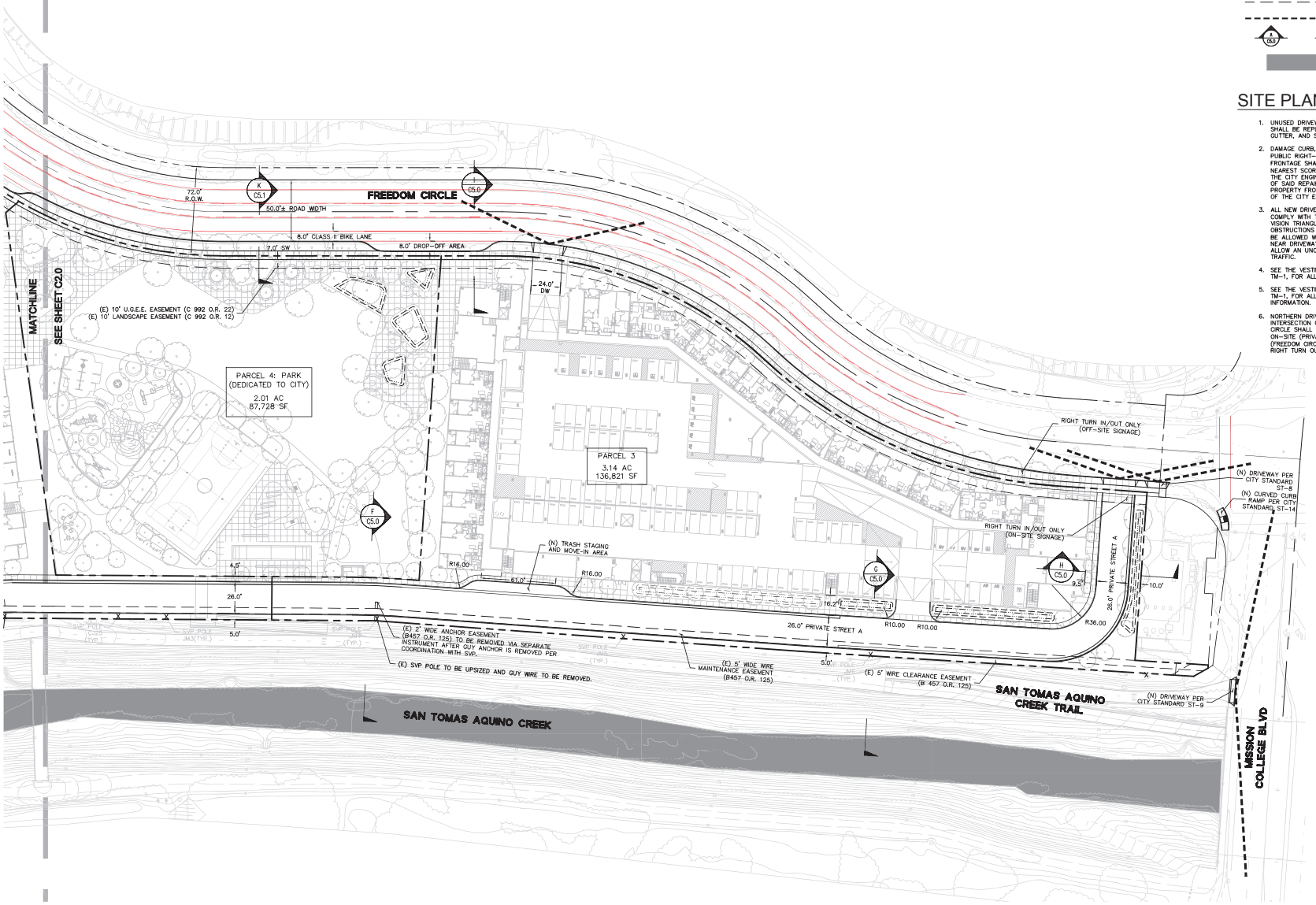
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Sheet Title:
PRELIMINARY SITE PLAN

Job No. : 20002
Date: 07/13/2021
Scale: AS SHOWN

Sheet No:
C2.0



LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- BIORETENTION AREA
- (N) VERTICAL CURB
- (N) VERTICAL CURB AND GUTTER
- EXISTING EASEMENT LINE
- SIGHT TRIANGLE LINE
- CROSS SECTION REFERENCE
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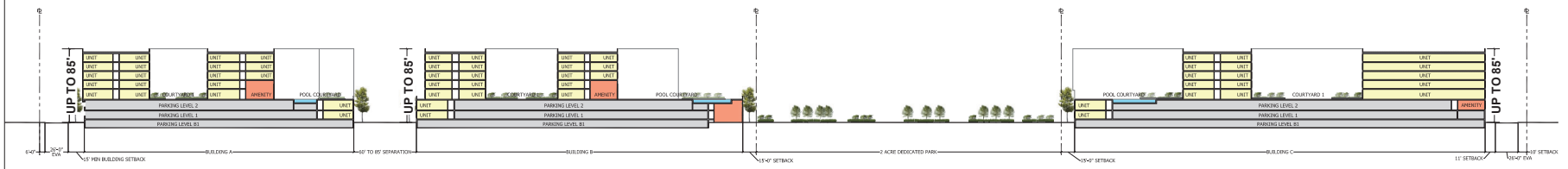
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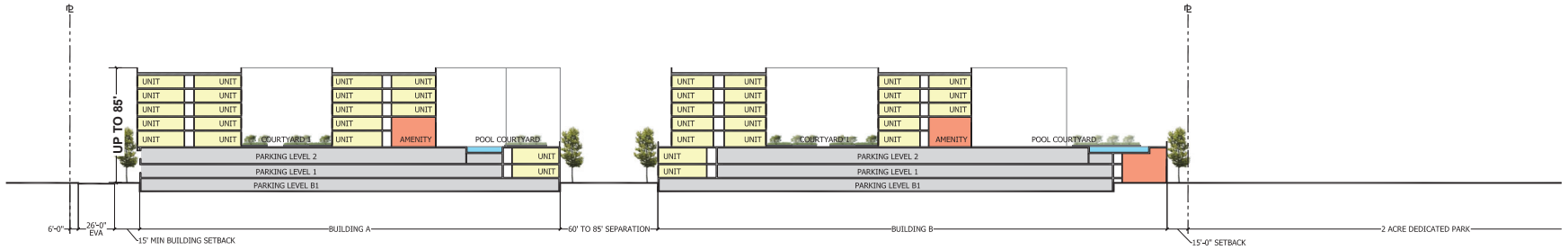
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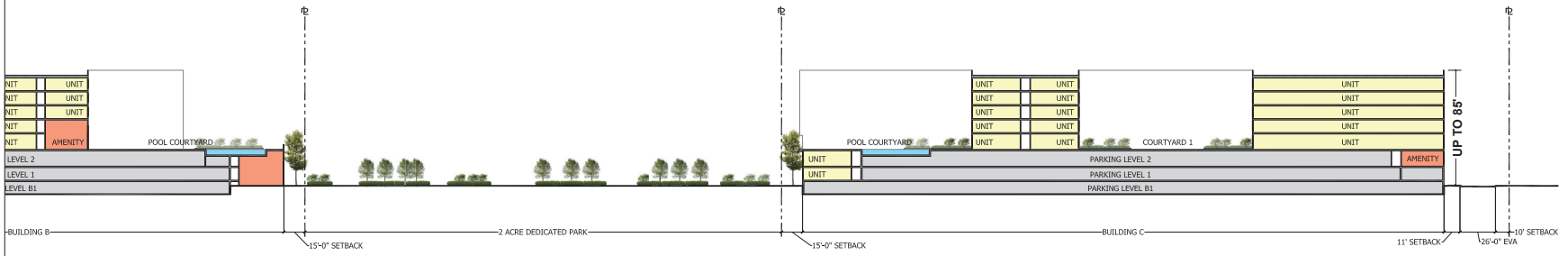
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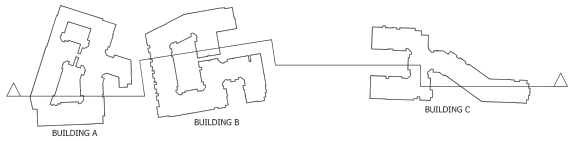
COMPOSITE SITE SECTION - SCALE: 1' = 60' | 3



BUILDING A AND B SITE SECTION - SCALE: 1' = 40' | 2



BUILDING C SITE SECTION - SCALE: 1' = 40' | 1



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Sheet Title:
COMPOSITE SECTIONS

Job No. : 20002
Date: 8/11/2021
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Sheet Title:
STREET LEVEL LANDSCAPE PLAN

Job No.: 20002
Date: 08/11/2021
Scale: 1"=60'-0"

Sheet No:
L-102

FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT

FOR THE FREEDOM CIRCLE FOCUS AREA/GREYSTAR GENERAL PLAN AMENDMENT

City of Santa Clara Project Nos. PLN2017-12516 and PLN2022-00054

(EIR, Freedom Circle General Plan Amendment, and Greystar General Plan and Zoning Amendments)

SCH #2020060425

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2020060425) FOR THE FREEDOM CIRCLE FOCUS AREA / GREYSTAR GENERAL PLAN AMENDMENT

(CITY PROJECT NUMBERS PLN2017-12516 and PLN2022-00054)

I. INTRODUCTION

The California Environmental Quality Act of 1970 ("CEQA"), Public Resources Code section 21081 *et seq*, and the Guidelines for Implementation for the California Environmental Quality Act, Title 14 California Code of Regulations, section 15091 *et seq* ("CEQA Guidelines") require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The CEQA Guidelines section 15091 specifically provides as follows:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to section 15093 does not substitute for the findings required by this section.

CEQA Guidelines section 15093 further provides as follows:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/ or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the

> notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to section 15091.

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*). The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 (court upholds CEQA findings rejecting alternatives in reliance on applicant's project objectives); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (*CNPS*) ("an alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record'") (quoting Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009] (*Kostka*), § 17.39, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) ("[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives"; "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"). Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." *City of Del Mar*, *supra*, 133 Cal.App.3d at p. 417; see also *CNPS*, *supra*, 177 Cal.App.4th at p. 1001 ("an alternative that 'is impractical or undesirable from a policy standpoint' may be rejected as infeasible") (quoting *Kostka*, *supra*, § 17.29, p. 824); *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17.

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] *or* substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been "avoided" (i.e., reduced to a less than significant level).

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. CEQA Guidelines § 15091(a), (b).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable"

its "unavoidable adverse environmental effects." CEQA Guidelines §§ 15093, 15043(b); see also Pub. Resources Code § 21081(b). The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." *Goleta II*, *supra*, 52 Cal.3d at p. 576. The EIR (as defined below) for the Project (as defined below) concluded the Project would create significant and unavoidable impacts; thus, a Statement of Overriding Considerations is required.

These Findings of Fact (sometimes referred to herein as "Findings") constitute the City of Santa Clara's (City's) evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to ensuring that these measures are implemented by the appropriate party(ies). These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

In addition, a Mitigation Monitoring and Reporting Program ("MMRP") has been prepared for the Project, and is being approved by the City Council by the same Resolution that has adopted these Findings. The City will use the MMRP to track compliance with Project mitigation measures. The Mitigation Monitoring and Reporting Program will remain available for public review during the compliance period. The Final Mitigation Monitoring and Reporting Program is attached to and incorporated into the environmental document approval resolution and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

Having received, reviewed, and considered the Draft Environmental Impact Report ("Draft EIR") and the Final Environmental Impact Report ("Final EIR" and, together with the Draft EIR, the "EIR") for the Freedom Circle Focus Area/ Greystar General Plan Amendment (the "Project"), State Clearinghouse ("SCH") No. 2020060425, as well as other information in the record of proceedings on this matter, the City of Santa Clara City Council, in its capacity as the decision-making body of the CEQA Lead Agency hereby finds, determines, and declares the following Findings and Facts, in accordance with Section 21081 of the Public Resources Code.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the County for the development of the Project. These actions include the approval of the following for the Freedom Circle Focus Area/ Greystar General Plan Amendment (Project:

- Environmental Impact report (SCH No. 2020060425)
- Freedom Circle Focus Area General Plan Amendment

- Greystar General Plan Amendment
- Greystar Zoning Amendment

A. Document Format

These Findings have been organized into the following sections:

(1) Section I provides an introduction to these Findings.

(2) Section II provides a summary of the Project, overview of the discretionary actions required for approval of the Project, and a statement of the Project's objectives.

(3) Section III provides a summary of environmental review related to the Project and a summary of public participation in the environmental review for the Project

(4) Section IV sets forth findings regarding the potential impact areas identified in the EIR. This section details findings for those impacts for which the County has determined that there is no impact or the impact is less than significant and thus no mitigation is required; findings regarding potentially significant environmental impacts identified in the EIR that the County has determined can be feasibly mitigated to a less than significant level through the imposition of mitigation measures; and findings regarding those significant or potentially significant environmental impacts identified in the EIR that will or may result from the Project and which the County has determined will remain significant and unavoidable, despite the identification and incorporation of all feasible mitigation measures.

In order to ensure compliance and implementation, all of the mitigation measures will be included in MMRP for the Project and adopted as conditions of the Project by the Lead Agency. Where potentially significant impacts can be reduced to a less than significant level through mitigation, these findings specify how those impacts would be reduced to an acceptable level.

(5) Section V sets forth findings regarding alternatives to the Project

(6) Section VI sets forth findings regarding the growth-inducing impacts of the Project.

(7) Section VII sets forth findings regarding recirculation of the Draft EIR.

(8) Section VIII sets forth findings regarding rejection of recommended mitigation measures.

(9) Section IX contains the findings pursuant to Public Resources Code section 21082.1(c)(3).

(10) Section X contains the Statement of Overriding Considerations for the Project pursuant to CEQA Guidelines section 15093.

B. Custodian and Location of Records

The Freedom Circle Focus Area Plan/ Greystar General Plan Amendment Environmental Impact Report consists of:

1. the Draft Environmental Impact Report (Draft EIR) and Appendices 25.1 through 25.6, dated November, 2021; and

2. the Final Environmental Impact Report (Final EIR) dated March, 2022.

The following Findings of Fact are based in part on the information contained in EIR for the Project, as well as additional facts found in the complete record of proceedings. The EIR is hereby incorporated by reference and is available for review at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, California, 95050 during normal business hours.

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code Section 21167.6, subdivision (e). The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these Findings:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR for the Project and all documents relied upon or incorporated by reference;
- All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;
- All comments and correspondence submitted to the City during the public comment period on the Draft EIR, in addition to all other timely comments on the Draft EIR;
- The Final EIR for the Project, including the Planning Commission staff report, minutes of the Planning Commission public hearing; City Council staff report; minutes of the City Council public hearing; comments received on the Draft EIR; the City's responses to those comments; technical appendices; and all documents relied upon or incorporated by reference;
- The MMRP for the Project;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or

trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- The City's General Plan and applicable Specific Plans and all updates and related environmental analyses;
- Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
- The City Code;
- Any documents expressly cited in these Findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The documents and other materials that constitute the administrative record for the City's actions related to the Project are at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, California, 95050. The City is the custodian of the Administrative Record for the Project.

The City has relied on all of the documents listed above in reaching its decisions on the proposed Project, even if not every document was formally presented to the City Council or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project. See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-391; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6. Other documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the Planning Commission and the City Council as final decision makers. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to approval of the Project. See Pub. Resources Code § 21167.6(e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.

II. PROJECT SUMMARY

A. Project Location

The Freedom Circle Focus Area covers approximately 108 acres and currently contains predominantly commercial uses such as biotech and electronics, business offices, a hotel (Marriott), and various support services (such as car rental, UPS store, medical/dental, and restaurants).
The Plan Area is generally bounded by Great America Parkway to the west, California's Great America amusement park to the north, San Tomas Aquino Creek to the east, and U.S. 101 to the south.

The Freedom Circle Plan Area, much like the surrounding neighborhood, is characterized by several "superblocks" with ample surface parking, significant setbacks, and significant separation between buildings. The Plan Area is relatively flat and developed with buildings ranging in height from two and three stories to up to 13 stories (Marriott Hotel) in the west; buildings in the rest of the Plan Area range from one to three stories. The Plan Area is generally underutilized, and some buildings are vacant. There are no residential land uses, public parks, or historic structures located in the Plan Area. Private automobiles predominate the suburban streetscape environment that is defined by limited pedestrian and bicycle accessibility. Visible infrastructure includes local streets and utilities, such as streetlights, and the City's Pump Station on Freedom Circle at Mission College Boulevard in the east. Due to the large-lot development pattern and limited number of roadways within the Plan Area, linkages and connectivity across the Plan Area are limited.

The vacant Greystar project site (approximately 13.3 acres) is located in the southeast portion of the Plan Area, bordered by San Tomas Aquino Creek, U.S. 101, Pedro's Restaurant, and part of Santa Clara Park (a 12-building business center).

B. Project Description

The Freedom Circle Focus Area Plan is one step in the comprehensive planning process required as a General Plan prerequisite for incorporating a new "Focus Area" into the City's 2010-2035 General Plan, under Phase III, which is programmed to occur between 2023 and 2035. The Focus Area Plan would designate changes to the Land Use Diagram that describe the future land uses anticipated in the Focus Area Plan Area. The Focus Area Plan process requires conformance with applicable General Plan policies, including preparation and approval of a future, comprehensive planning study (such as a specific plan). The planning study would establish more detailed policies, regulations, and actions for the Plan Area, and would also refine the framework for development, development assumptions, and related infrastructure and implementation needs. The Draft EIR briefly summarizes or describes Focus Area Plan policies designed to inform City planning and decision-makers of the detailed actions and performance standards that will be required by the comprehensive plan's CEQA document to implement site-specific, individual development projects and public improvements, where such policies are relevant to the environmental analysis as set forth in the EIR.

The Greystar project, included in the Plan Area and proposed while this Focus Area Plan as part of the Plan, would be a 1,075-unit multi-family residential project (with some project-serving retail and a two-acre public park) proposed for two currently vacant parcels formerly owned by Intel Corporation in the southeastern portion of the Plan Area. Because the General Plan land use designation currently allows high-intensity office/R&D rather than residential and retail development as proposed, the Greystar project would require a General Plan amendment.

Because it is not currently designated a Future Focus Area but will be, and as a site-specific development proposal and General Plan Amendment evaluated in this EIR concurrently with the Freedom Circle Focus Area Plan, the Greystar project, if approved, could proceed without adoption of the future planning study required for the remainder of the Plan Area.

C. Discretionary Actions

Implementation of the Freedom Circle Focus Area Plan would require, but is not limited to, the following discretionary approvals by the City of Santa Clara:

- Certification of the Final Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of the Freedom Circle Focus Area Plan
- Adoption of a General Plan amendment to designate the Freedom Circle Focus Area Plan Area as a Phase III Focus Area in the City of Santa Clara 2010-2035 General Plan and associated zoning changes for consistency with the current zoning code

Future City approvals:

- Preparation and adoption of a comprehensive planning study (such as a specific plan) for the Focus Area
- Future discretionary review as necessary, including CEQA review, for individual public and private development proposals in the Plan Area

Prior to Project implementation, additional permits and/or approvals may be required from various governmental entities, including the following:

- Santa Clara Valley Transportation Authority (VTA)
- Santa Clara Water & Sewer Utilities Department
- Silicon Valley Power (SVP)
- County of Santa Clara Department of Environmental Health
- Santa Clara County Airport Land Use Commission (ALUC)

- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- Bay Area Air Quality Management District (BAAQMD)
- Department of Toxic Substances Control (DTSC)
- California Department of Transportation (Caltrans)
- California Department of Fish and Wildlife (CDFW)
- United States Fish and Wildlife Service (USFWS)

D. Statement of Project Objectives

The statement of objectives sought by the Project and set forth in the Final EIR is provided as follows:

Focus Area Plan. The overarching goal of the Freedom Circle Focus Area Plan is to outline new land uses that will convert the area from an employment center to a high-intensity mixed-use neighborhood including residential developments. As such, the Freedom Circle Focus Area Plan has been formulated to establish the comprehensive planning framework necessary to guide development, with goals, policies, and design principles that will inform redevelopment in the Focus Area (including the Greystar project).

The Focus Area Plan goals listed below are referred to collectively in this EIR as the "basic project objectives" (CEQA Guidelines section 15124[b]):

- Develop an urban-scale mixed-use activity center in North Santa Clara to support economic vitality while increasing residential options.
- Provide for a range of housing types and densities to accommodate future residents and to create diversity in building scale and typology.
- Create a complete neighborhood that provides easy access to day-to-day services and amenities for residents, employees and visitors.
- Reduce reliance on private vehicles and improve jobs/housing balance by locating amenities and jobs within walking distance to housing.
- Create a human-scaled public realm through inviting architecture and urban design.
- Improve multi-modal transportation options and connections.
- Enhance connectivity to the San Tomas Aquino Creek trail.

Greystar Project. The basic objectives of the Greystar project, as provided by the applicant and identified by the City, are:

- To both acknowledge the level of development interest in North Santa Clara, and to be consistent with and comply with the policies of the Freedom Circle Focus Area Plan. The Focus Area Plan will outline new land uses that will convert the area from an employment center to a high-intensity mixed-use neighborhood

including residential developments. These changes will help meet the demand for housing and for using land more efficiently at high, urban densities.

- Create a vibrant residential community that complements other North Santa Clara neighborhoods and encourages walking and bike riding, linking the Freedom Circle neighborhood to the San Thomas Aquino Creek Trail via a new, two-acre public park.
- Redevelop a vacant lot in North Santa Clara and adjacent to the San Tomas Aquino Creek Trail with attractive and desirable amenities, housing, and a public park available to all Santa Clara residents.
- Support, enhance and connect to the City's existing and planned open space network.
- Create a vibrant, two-acre, multifunctional public park with space allocated for such activities including a dog park, sport court, and a playground for ages 2 and up.
- Meet the City's Affordable Housing Ordinance and Inclusionary Zoning requirements, including any direction on levels of affordability from the City Council.
- Create a human scaled public realm through inviting architecture and urban design.
- Activate street frontages and ground floor uses to create a pedestrian-friendly, cohesive urban environment.
- Minimize surface parking by providing below-grade and structured parking facilities.
- Redesign the Freedom Circle right-of-way adjacent to the project to better balance space dedicated to vehicles, bicycles, and pedestrians.
- Minimize environmental impacts through sustainable building and infrastructure by designing to a GreenPoint Rated Silver (or equivalent) level and remaining consistent with CALGreen and Santa Clara Climate Action Plan requirements.
- Contribute to the City's vehicle miles travelled (VMT) goals and implement Transportation Demand Management (TDM programs).
- Support and enhance the City's goal for a balanced transportation network serving all modes of transportation - including walking, biking, and driving - to address the City's transportation challenges and needs, and to build on Santa Clara's existing transportation system.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Final EIR, dated March 2022, includes the Draft EIR dated November 2021, written comments on the Draft EIR that were received during the public review period, written

responses to these comments, clarifications/changes to the Draft EIR, and the MMRP. In conformance with CEQA, the City conducted an extensive environmental review of the Project, as described below:

- The City issued a Notice of Preparation of a Draft Environmental Impact Report ("NOP") on June 26, 2020, to federal, state, regional, and local government agencies and interested parties to solicit comments and to inform agencies and the public of the Project during a 30-day public review period that extended from June 26, 2020 to July 27, 2020.

- The Project, as it was envisioned in 2020, was described in the NOP; potential environmental effects associated with Project approval and implementation were identified; and agencies and the public were invited to review and comment on the Initial Study, NOP, and NOP mailing list.

- Based on the Notice of Preparation and responses, a determination was made that the EIR would contain a comprehensive analysis of the following environmental issues, identified in Appendix G of the CEQA Guidelines: aesthetics, air quality, biological resources, cultural and Historical resources (including Tribal Cultural Resources, geology and soils, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

- An Environmental Impact Report (EIR) was prepared for this project in accordance with the CEQA Guidelines. As required by CEQA, the EIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the proposed project. The Final EIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA.

- A Draft EIR was prepared and circulated for a 45-day public review period, beginning on November 5, 2021, and ending on December 20, 2021. The Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding jurisdictions, interested parties, and other parties who requested a copy of the EIR in accordance with California Public Resources Code Section 20192.

- The Draft EIR was available for public review on the City's webpage and, during normal business hours, at City Hall located at 1500 Warburton Avenue, Santa Clara, CA, 95050. During this review period, the document was reviewed by various state, regional, and local agencies, as well as by interested organizations and individuals. Comment letters on the Draft EIR were received from 4 agencies and 1 law firm representing a property owner within the plan area. Comment letters and responses to comments are included in the FEIR, which was issued in January 2022.

IV. FINDINGS REGARDING PROJECT ENVIRONMENTAL EFFECTS

The following potentially significant impacts were analyzed in the EIR, and the effects of the Project were considered. For some impacts, the City has determined that the Project impacts have no impact on the environment or have a less than significant impact on the environment and thus no mitigation is required.

Other potentially significant impacts have been determined by the City to be reduced to a level of less than significant because of the environmental analysis of the Project and identification of project design features, compliance with existing laws, codes, and statutes, and the identification and incorporation of feasible mitigation measures. The City has thus found for these impacts – in accordance with CEQA section 21081(a)(1) and CEQA Guidelines section 15091(a)(1) – that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. Where the City has determined – pursuant to CEQA section 21081(a)(2) and CEQA Guidelines section 15091(a)(2) – that "Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency," it has also designated the impact as less than significant with mitigation.

Where, as a result of the environmental analysis of the Project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA section 21081(a)(3) and CEQA Guidelines section 15091(a)(3) that "Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." These impacts have been designated significant and unavoidable.

A. Aesthetics

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

The Greystar project would be a new development in the southeast part of the Plan Area on a vacant site between the San Tomas Aquino Creek Trail (and levee road), Pedro's Restaurant, and Freedom Circle. There are no other residential uses in this part of the Plan Area; however, there are multi-story buildings in the general vicinity, east across San Tomas Aquino Creek but outside of the Plan Area. As follows, the Greystar project design would be substantially consistent with General Plan policies governing scenic quality. However, the proposed project would cast shadows on several project features and adjacent properties over the course of the seasons, varying with the time of day (e.g., angle

of the sun). The courtyards in Building B of the Greystar Project would have the most consistent shadow effects, but not all year round. Shadow effects on adjacent properties would likewise be limited by the season and time of day, primarily in the mornings or late afternoons.

Therefore, because the project would not conflict with applicable zoning or other regulations governing scenic quality including light and glare, and its shadow effects would not be considered significant due to their limited duration and variability, the impact of the Greystar project on the existing visual character and quality of project site and its surroundings is considered ***less-than-significant***.

Impact 4-1: Effects on Scenic Vistas—Plan Area. Existing, limited vistas within the Plan Area include views of distant hills, but due to the generally flat, urbanized nature of Santa Clara, these vistas are often blocked by buildings, trees, power poles, and walls. Public views of these features occasionally emerge along view corridors created by long, straight roads along the perimeter of the Plan Area (e.g., Great America Parkway) and also by Mission College Boulevard, which transects the Plan Area. Occasionally, public views are accessible selectively between buildings and other structures, but no scenic vistas can be viewed from existing public areas in the Plan Area because the Plan Area (with the exception of the Greystar project site) is already built out and is largely private development with limited public access, and because of a lack of significant scenic vistas in the vicinity. As described and illustrated above, the Plan Area does not afford expansive or high quality scenic views, and the proposed development would neither exacerbate or improve that condition. Therefore, Plan impacts on scenic vistas are considered less-than-significant (see criterion [a] in subsection 4.3.1, "Significance Criteria," above).

Mitigation 4-1. No significant impact has been identified; no mitigation is required.

Impact 4-2: Effects on Scenic Vistas—Greystar Project. As discussed in Impact 4-1, existing, limited vistas within the Plan Area include views of distant hills, but due to the generally flat, urbanized nature of Santa Clara these vistas are often blocked by buildings, trees, power poles, and walls. Public views of these features occasionally emerge along view corridors such as the San Tomas Aquino Creek Trail adjacent to the eastern boundary of the Greystar site and the Plan Area, and to a lesser extent parts of Freedom Circle.

Mitigation 4-2. No significant impact has been identified; no mitigation is required.

Impact 4-4: Impacts on Existing Visual Character and Quality—Greystar Project. Section 4.1(c), "Greystar Project Site," describes the existing visual character of the Greystar project site and vicinity. As described earlier, the Greystar project would be a new development in the southeast part of the Plan Area on a vacant site between the San Tomas Aquino Creek Trail (and levee road), Pedro's Restaurant, and Freedom Circle. There are no other residential uses in this part of the Plan Area; however, there are multi-story buildings in the general vicinity, east across San Tomas Aquino Creek but outside of the Plan Area. As follows, the Greystar project design would be substantially consistent with General Plan policies governing scenic quality.

In summary, the proposed project would cast shadows on several project features and adjacent properties over the course of the seasons, varying with the time of day (e.g., angle of the sun). The courtyards in Building B would have the most consistent shadow effects, but not all year round. Shadow effects on adjacent properties would likewise be limited by the season and time of day, primarily in the mornings or late afternoons. Therefore, because the project would not conflict with applicable zoning or other regulations governing scenic quality and its shadow effects would not be considered significant due to their limited duration and variability, the impact of the Greystar project on the existing visual character and quality of project site and its surroundings is considered less-than-significant

Mitigation 4-4. No significant impact has been identified; no mitigation is required.

Impact 4-5: Project Light and Glare Effects—Plan Area. Development facilitated by the Focus Area Plan and required comprehensive planning study (specific plan) would be subject to light and glare requirements described in section 4.2 (Regulatory Setting) of this EIR chapter (e.g., Santa Clara City Code, Title 24 Outdoor Lighting Zones). Lighting characteristics in the Plan Area would not be expected to represent a source of substantial new light or glare due to the fact that the area is already developed with urban uses that are sources of daytime and nighttime light and glare and do not contain uses sensitive to light or glare. Application of the standard regulations described above would result in less-than-significant light and glare impacts (see criterion [d] in subsection 4.3.1, "Significance Criteria," above).

Mitigation 4-5. No significant impact has been identified; no mitigation is required.

Impact 4-6: Project Light and Glare Effects—Greystar Project. Similar to Impact 4-5, the Greystar project would be subject to light and glare requirements described in section 4.2 (Regulatory Setting) of this EIR chapter (e.g., Santa Clara City Code, Title 24 Outdoor Lighting Zones). An overall increase in nighttime lighting would be expected due to the project, but the project's lighting characteristics would not be expected to represent a source of substantial new light or glare which would adversely affect views and vision. Although the project site is vacant, the area around the project site is already developed with urban uses that contain sources of daytime and nighttime light and glare. There are no identified uses sensitive to light or glare. The project would also not be expected to significantly increase daytime or nighttime light or glare in a way that would adversely affect daytime or nighttime views in the area. Therefore, application of the City of Santa Clara standard regulations described above would result in lessthan-significant light and glare impacts.

Mitigation 4-6. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

(a) Impact 4-3: Impacts on Existing Visual Character and Quality—Plan Area. New development throughout the Plan Area could include a combination of

residential, retail, office, and open space uses. New uses could include combinations of, for example, residential, retail, restaurant, and office uses in single or mixed-use buildings. The Freedom Circle Focus Area Plan is, by definition, a generalized plan. As stated in the General Plan, a comprehensive planning study is required for future focus areas, which would include, among other items, "…appropriate design guidelines for private development, public facilities, streetscapes and transitions to adjacent land uses" (Prerequisite Policy 5.1.1-P8).

Finding: Although the Focus Area Plan includes goals and policies intended to provide direction for minimizing visual impacts from future development, these general goals and policies lack the detail and enforceability that would be included in the comprehensive planning study, and therefore present potential conflicts with applicable General Plan policies governing scenic quality. This represents a *potentially significant impact*.

Facts in Support of Finding

The Focus Area Plan includes goals and policies that would support General Plan policies governing scenic quality (see section 4.2, Regulatory Setting) but because the Focus Area Plan goals and policies are generalized, consistency with General Plan policies cannot be ensured until the future, more detailed comprehensive planning study is completed, they could present potential conflicts:

- Policy 5.3.1-P3: Support high quality design consistent with adopted design guidelines and the City's architectural review process.

  Potential conflict. *The following Focus Area Plan goal and policy would support high-quality design but provide no enforceable performance standard to assure consistency with the General Plan policy:*

  FC-G5: Create a human scaled public realm through inviting architecture and urban design.

  FC-P9: Require that building facades and entrances directly face street frontages, with a high proportion of transparent windows facing the street for nonresidential uses.

- Policy 5.3.1-P6: Allow planned development only if it is consistent with General Plan land use density and intensity requirements and provides a means to address unique situations to achieve high community design standards that would otherwise not be feasible.

  Potential conflict*. The following Focus Area Plan goal and policy would support the land use density and intensity envisioned for the Plan Area but provide no performance enforceable standard to assure consistency with the General Plan policy:*

  FC-G5: Create a human scaled public realm through inviting architecture and urban design.

FC-P1: Allow for a range of housing density and development intensity throughout the plan area, consistent with the General Plan designations and overall buildout capacity.

- Policy 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.

  Potential conflict. *The following Focus Area Plan policies would support opportunities for increased landscaping but provide no enforceable performance standard to assure consistency with the General Plan policy:*

  FC-P4: Provide public parkland and privately-owned public open space that is accessible to all residents, adequate to meet resident activity needs, and consistent with the General Plan requirements and other City regulations.

  FC-P5: Require the provision of open space, or payment of in-lieu fees for parks and open space for residential development, consistent with the City's Parkland Dedication Ordinance.

- Policy 5.3.1-P24: Coordinate sign programs for commercial uses to promote continuity, improve streetscape design and reduce visual clutter.

  Potential conflict. *The following Focus Area Plan policy would support improved streetscape design and reduce visual clutter but provides no enforceable performance standard to assure consistency with the General Plan policy:*

  FC-P3: Require active street frontages and ground floor uses to create a pedestrian-friendly, cohesive urban environment.

- Policy 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.

  Potential conflict. *The following Focus Area Plan policy would support compatibility with nearby existing and planned development but provides no enforceable performance standard to assure consistency with the General Plan policy:*

  FC-P8: Provide appropriate transition between new development in the Focus Area and adjacent uses consistent with General Plan Transition Policies.

- Policy 5.3.4-P7: Use design techniques, such as stepping down building heights, and siting incompatible activities, such as loading and unloading, away from residential uses.

Potential conflict. *The following Focus Area Plan policy would support design techniques to minimize effects of incompatible activities but provides no enforceable performance standard to assure consistency with the General Plan policy:*

FC-P15: Develop design standards and guidelines to support active ground-floor environments, welcoming public spaces, and safe and comfortable sidewalks and pathways.

- Policy 5.3.4-P12: Prioritize pedestrian-oriented streetscape and building design in mixed-use development, including features such as wider sidewalks, street furniture, specialty planters, signage, public art, street trees, special paving materials, decorative awnings, enhanced entrances, colors, variety of materials and textures and distinctive building massing and articulation.

  Potential conflict. *The following Focus Area Plan policies would support pedestrian-oriented streetscape and building design but provide no enforceable performance standard to assure consistency with the General Plan policy:*

  FC-P3: Require active street frontages and ground floor uses to create a pedestrian-friendly, cohesive urban environment.

  FC-P15: Develop design standards and guidelines to support active ground-floor environments, welcoming public spaces, and safe and comfortable sidewalks and pathways.

  FC-P16: Design and program the plan area and sites to encourage walking, bicycling and transit use.

- Policy 5.9.1-P17: Foster site design for new development so that building height and massing do not overshadow new parks and plazas.

  Potential conflict*. The following Focus Area Plan policy would support appropriate building height and massing but provides no enforceable performance standard to assure consistency with the General Plan policy:*

  FC-P7: Encourage sensitive design and site planning to mitigate the scale and height of larger buildings through use of building massing, setbacks, façade articulation, fenestration, varied parapets and roof lines, and pedestrian-scaled architectural details.

- Policy 5.10.3-P4: Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities.

  Potential conflict. *The following Focus Area Plan policy would support sustainability in development but provides no enforceable performance standard to assure consistency with the General Plan policy:*

FC-P17: Minimize environmental impacts through sustainable building and infrastructure design, consistent with CALGreen and Santa Clara Climate Action Plan requirements.

Mitigation Measures

Mitigation 4-3. As required by the City of Santa Clara General Plan, the City shall prepare a future comprehensive planning study for the Freedom Circle Focus Area Plan (whether a specific plan or another type of plan) and it shall include the following performance and design standards and guidelines that apply to all future individual development proposals in the Plan Area to minimize visual impacts by: (a) those enhancing form and design in the Plan Area; (b) those incorporating land use densities and associated changes in intensity consistent with the General Plan; (c) those encouraging street trees and landscaping along corridors to beautify the streetscape; (d) those coordinating signage color, shape, and graphic styles with the City's signage system; (e) those including standards to ensure compatibility of new development with nearby existing and planned development; (f) those establishing standards related to building form, mass, and scale that enhance the pedestrian realm and provide transitions to adjacent lower-density development and public spaces; (g) those including guidelines and standards for pedestrian amenities; and (h) those fostering site design so that building height and massing would not overshadow new parks and plazas and/or interfere with solar collectors. Incorporation of such performance and design standards and guidelines in the required comprehensive planning study for the Plan Area would minimize conflicts with General Plan policies pertaining to visual character. Therefore, implementation of this mitigation would reduce this impact to a ***less-than-significant level.***

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

Buildout of the Focus Area would not substantially block views of scenic vistas or resources beyond existing conditions. Due to the distance between cumulative projects, and the intervening development, vegetation, and flat topography of the area, there is not anticipated to be a cumulative impact to visual character. Projects in the City and adjoining jurisdictions are subject to architectural review, design guidelines and development standards, and municipal codes, including standards to prevent light and glare impacts. Thus, the Project would *not* cumulatively contribute to a significant visual impact.

B. Air Quality

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Consistency with the 2017 Clean Air Plan. The Project would not conflict with or

obstruct implementation of the applicable air quality plan. Implementation of the proposed Freedom Circle Focus area and Greystar General Plan Amendment would be consistent with and not hinder the implementation of any applicable 2017 Clean Air Plan Control Measures. In addition, the proposed Focus Area's growth in service population would be greater than the increase in trip generation within the Planning Area, and the Focus Area Plan would not promote disparities in health risks. Based on the preceding analysis, the proposed Freedom Circle Focus Area/ Greystar General Plan Amendment would be consistent with the 2017 Clean Air Plan.

Impacts 5-6 and 5-7: Expose Sensitive Receptors to substantial pollutant concentrations

Impact 5-6: Expose Sensitive Receptors to Substantial Operational Pollutant Concentrations – Freedom Circle Focus Area Plan. Implementation of the proposed Focus Area Plan would not expose sensitive receptors to substantial operational pollutant concentrations of toxic air contaminants nor criteria air pollutants. This impact would be less than significant.

Mitigation 5-6. No significant impact has been identified; no mitigation is required.

Impact 5-7: Expose Sensitive Receptors to Substantial Pollutant Concentrations – Greystar General Plan Amendment. Implementation of the proposed Greystar General Plan Amendment / Project would not expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants or criteria air pollutants during its construction or operation. This impact would be less than significant.

Mitigation 5-7. No significant impact has been identified; no mitigation is required.

Impact 5-8: Odors – Freedom Circle Focus Area Plan. According to the BAAQMD's CEQA Air Quality Guidelines land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). Future development under the Freedom Circle Focus Area Plan would result in new residential, retail, commercial, office, and other community serving land uses. It would not permit the land uses identified in the BAAQMD's CEQA Air Quality Guidelines identified as generating odor. No impact would occur.

Mitigation 5-8. No significant impact has been identified; no mitigation is required

Impact 5-9: Odors – Greystar General Plan Amendment. According to the BAAQMD's CEQA Air Quality Guidelines land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). The Greystar General Plan Amendment / Project would result in the development of new residential, retail, and

community serving land uses. It would not permit the land uses identified in the BAAQMD's CEQA Air Quality Guidelines identified as generating odor. No impact would occur.

Mitigation 5-9. No significant impact has been identified; no mitigation is required

2. Project impacts determined to be less than significant with mitigation incorporated

(a) Potential Impact:

Impact 5-4: Result in a Cumulatively Considerable Net Increase in Criteria Pollutants for which the Region is Non-Attainment – Greystar General Plan Amendment. Implementation of the Greystar General Plan Amendment / Project could result in the emission of criteria air pollutants that have the potential to exceed BAAQMD thresholds of significance. These activities represent a ***potentially significant impact.***

Facts in Support of Finding

The Greystar General Plan Amendment / Project would generate short-term construction and long-term operational emissions of regulated air pollutants (i.e., criteria air pollutants and TACs). These emissions would be released to the ambient air and disperse according to the topographic and meteorological influences that prevail near the Greystar Project site and in the greater SFBAAB. The BAAQMD and/or CARB monitor levels of criteria air pollutant concentrations in ambient air to evaluate attainment of the CAAQS and NAAQS; the significance of the level of criteria air pollutant emission that the Greystar Project could emit during construction and operation is evaluated below.

Neither the BAAQMD nor CARB conduct regular and routine monitoring of TACs because most TACs do not have an established ambient air quality standard against which ambient air concentrations can be compared; however, TAC emissions could result in local effects if substantial concentrations were to occur at sensitive receptor locations as a result of the Greystar Project.

On a project-level, the proposed Greystar Project would not result in significant air quality impacts during construction activities after the implementation of Mitigation Measure 5-4A and Mitigation Measure 5-4B, and its operational emissions would be less than significant without mitigation. The Greystar Project would still be required to implement Mitigation Measures 5-3C and 5-3D, which address impacts for implementation of the entire Freedom Circle Focus Area Plan.

Mitigation Measures:

Mitigation Measure 5-4A: See **Mitigation Measure 5-3A.**

Mitigation Measure 5-4B: Use Low- and Super Compliant VOC Architectural

Coatings During Construction. During construction, the City shall require the Greystar Project use architectural coatings for exterior applications that meet "Low VOC" or "Super-Compliant" standards, as defined in South Coast Air Quality Management District AQMD Rule 1113. "Super-Compliant" refers to paints that have been reformulated to levels well below the "Low-VOC" limits. This impact would be ***less than significant with mitigation incorporated.***

3. Project impacts determined to be significant and unavoidable

(a) Impact 5-3: Result in a Cumulatively Considerable Net Increase in Criteria Pollutants for which the Region is Non-Attainment – Freedom Circle Focus Area Plan. Implementation of the Freedom Circle Focus Area Plan could result in growth in the Plan Area that exceeds the level of growth accounted for in the City's General Plan and, therefore, could generate a cumulatively considerable net increase in criteria air pollutants for which the region is in non-attainment.

Finding: This represents a *potentially significant impact.*

Facts in support of Finding

The Focus Area Plan would permit a substantially higher development intensity in the Plan Area than current conditions; however, the proposed land uses would serve a greater number of people in the city than the current land uses and would concentrate development in an area that is well served by local and regional transit. Nonetheless, the transition of current land uses to those proposed under the Focus Area Plan would result in criteria air pollutant and other emissions from construction activities and from the operation of the new residential, office, retail, and other community-serving land uses. The emissions levels associated with the growth proposed by the Freedom Circle Focus Area Plan would far exceed that accounted for in the City's General Plan and result in a cumulatively considerable net increase in emissions for which the region is in nonattainment.

Mitigation Measures:

Mitigation Measure 5-3A: Implement BAAQMD Basic Construction Mitigation Measures. The City shall require new development projects occurring under implementation of the Freedom Circle Focus Area Plan to implement the BAAQMD's Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. 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.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. 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.

6. 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.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8. Post a publicly visible sign with the telephone number and person to contact at the City 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.

Mitigation Measure 5-3B: Require a Project-level Construction Assessment for New Development Proposed Under Implementation of the Freedom Circle Focus Area Plan. The City shall require applicants to submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis for future development proposed under implementation of the Freedom Circle Focus Area Plan. The estimated construction criteria air pollutant and toxic air contaminant emissions shall be compared against the thresholds of significance maintained by the Bay Area Air Quality Management District (BAAQMD) and, if emissions are shown to be above BAAQMD thresholds, the City shall require the implementation of mitigation to reduce emissions below BAAQMD thresholds or to the maximum extent feasible. Mitigation measures to reduce emissions could include, but are not limited to:

- Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime);

- Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter);

- Minimizing the idling time of diesel-powered construction equipment to two minutes; Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM;

- Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines; and

- Application of Low-VOC paints to interior and/or exterior surfaces (e.g., paints that meet SCAQMD Rule 1113 "Low-VOC" or "Super-Compliant" requirements).

Mitigation Measure 5-3C: Use Low- and Super Compliant VOC Architectural Coatings During Operational Activities. The City shall require the use of Low- and Super-Compliant VOC Architectural Coatings in maintaining buildings in Freedom Circle Focus Area Plan through Covenants Conditions and Restrictions (CC&Rs) and Ground Lease. Developed parcels shall require within their CC&Rs and/or ground leases requirements for all future interior and exterior spaces to be repainted with architectural coatings that meet the "Low-VOC" or "SuperCompliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits of South Coast Air Quality Management District AQMD Rule 1113. "Super-Compliant" refers to paints that have been reformulated to levels well below the "Low-VOC" limits.

Mitigation Measure 5-3D: Implement TDM Program. Proposed residential and office land uses within the Freedom Circle Focus Area Plan shall prepare and implement Transportation Demand Management (TDM) programs that achieve a minimum reduction in vehicle miles traveled (VMT) of 20 percent compared to baseline conditions (i.e., without internal or external reductions accounted for, such as geographic location, land use interconnectivity, etc.), with at least 10 percent of the reduction coming through project-specific TDM measures (e.g., transit subsidies, telecommuting options, etc.).

Even with implementation of these measures, this impact would remain ***significant and unavoidable.***

(b) Impact 5-5: Generate Toxic Air Contaminant Emissions that Expose Sensitive Receptors to Substantial Pollutant Concentrations During Construction – Freedom Circle Focus Area Plan. Implementation of the Freedom Circle Focus Area Plan would result in construction activities over the next approximately 20 years that generate toxic air contaminant emissions and could expose sensitive receptors to substantial pollutant concentrations. These activities represent a potentially significant impact.

Facts in Support of Finding

Mitigation Measure 5-3B would require the preparation of a project-specific air quality assessment to evaluate potential TAC construction emissions associated with the development project. Although future development projects would be required to implement Mitigation Measure 5-3B, it cannot be definitively known or stated at this time that all development projects occurring under implementation of the Focus Area Plan would be able to reduce potential TAC emissions to levels that are below BAAQMD thresholds. For example, should a development project involving new residential receptors be undertaken on the eastern side of Plan Area early on in the Plan's implementation, future development projects upwind of that site (i.e., to the west / northwest) would generate emissions that could adversely affect the new receptors and exceed applicable BAAQMD thresholds of significance. Therefore, despite the implementation of Mitigation Measure 5-3B, TAC construction emissions associated with the proposed Freedom Circle Focus Area Plan could result in significant adverse health risks at receptor locations. This impact would be significant and unavoidable.

Mitigation Measures

Mitigation Measure 5-5: See Mitigation Measure 5-3B.

Even with implementation of these measures, this impact would remain ***significant and unavoidable.***

C. Biological Resources

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 6-1: Impacts on Riparian Habitat, Sensitive Natural Communities, Wetlands, Fish and Wildlife Corridors, and Fish and Wildlife Nursery Sites. The project area, including the Greystar project site, is outside the nearest known Habitat Conservation Plan (HCP) area, approximately 1.3 miles west of the Santa Clara Valley Habitat Plan permit area at its nearest point. Two Natural Communities of Special Concern, as identified by CDFW, occur within the general geographic vicinity of the project area along the margins of the San Francisco Bay approximately 3.6 miles north: northern coastal salt marsh and sycamore alluvial woodland. However, these sensitive natural communities do not occur in or adjacent to the project area.

The California Natural Diversity Database (CNDDB) and USFWS Information for Planning and Conservation (IPaC) databases did not identify any habitat types that could occur in the project area that would be able to support special-status species.Based on the discussion above, implementation of the project would have a ***less-than-significant impac***t on special-status species, riparian habitat, sensitive natural communities, and wetlands.

Impact 6-5: Impacts on Protected Trees, Plants, and Shrubs. There are no City-designated heritage trees in the Freedom Circle Focus Area (General Plan Table 8.10). However, Section 12.35 (Trees and Shrubs) of the City of Santa Clara Municipal Code is an ordinance pertaining to all trees, plants, and shrubs along streets or public places within the city. Any of these trees, plants, or shrubs planned for removal must first obtain written permission from the superintendent of streets. Finally, Section 12.35 states "No person without such authorization shall trench around or alongside of any such tree, plant or shrub with the intent of cutting the roots thereof or otherwise damaging the same." The ordinance was adopted by the City and is implemented as applicable. Under CEQA, the ordinance is considered a uniformly applicable development regulation implemented to avoid or reduce impacts on trees, plants, and shrubs along city streets and within public spaces. Permission to alter or remove vegetation is generally based on the vegetation's potential hazard (e.g., may fall and damage property or injure people); or, in the case of development proposals, on vegetation replacement and landscaping plans. On obtaining a written permit from the superintendent of streets before altering or removing any trees, plants, or shrubs along streets or public portions of the Freedom Circle Focus Area, a project would be in compliance with all local policies and ordinances for preserving trees. Therefore, Freedom Circle Focus Area implementation would have a ***less-than-significant impact*** on trees, plants, and shrubs.

Mitigation 6-5. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

(a) Potential Impact: Impact 6-2: Potential Impacts on Threatened and Endangered Habitat. Development facilitated by the Freedom Circle Focus Area could degrade the habitat of rare, threatened, or endangered species (also referred to as "special-status") potentially present on a project site, and conflict with Policy 5.10.1-P1 of the Santa Clara General Plan, to require environmental review prior to approval of any development with the potential to degrade the habitat of any threatened or endangered species.

Finding: Mitigation measures would require environmental review prior to approval of any development with the potential to degrade the habitat of any threatened or endangered species. The City hereby determines this impact to be *less than significant*.

Facts in Support of Finding

The absence of City evaluation of the need for further biological resource surveys would be in violation of City policy and is therefore considered a potentially significant impact.

Mitigation Measures

Mitigation 6-2. Upon receiving applications for site-specific projects within the Plan Area, the City shall evaluate the need for a specific biological resource survey of the project site and adjacent area that may be indirectly impacted by project work. If no biological resources are determined to be at risk as determined by a qualified biologist, no further survey shall be required. However, if the City determines that biological resources within the project area require further analysis, the project proponent shall be required to conduct a biological resource survey of the habitat and special-status species that may be impacted by project activities, either directly or indirectly. A report shall be provided to the City detailing survey methods, results, and avoidance and minimization measures required to protect any special-status species with potential to be impacted, in accordance with the regulatory protocols of the responsible jurisdictional agencies for the resource in question, including, but not limited to: USFWS, CDFW, and USACE. If no further surveys/investigation is requested by a permitting or other regulatory agency upon receipt of biological survey report, work may proceed as planned. Implementation of this measure would reduce the impact to a ***less-than-significant level.***

(b) Potential Impact: Impact 6-3: Potential Impacts on Special-Status Plants. There is a low potential for Congdon's tarplant (Centromadia parryi ssp. congdonii; California Rare Plant Rank 1B.2) and arcuate bush mallow (Malacothamnus arcuatus; California Rare Plant Rank 1B.2) to occur within the Focus Area, especially if the area is left undisturbed for a long period of time (i.e., a year or longer). Without a proactive mitigation procedure in place, Plan implementation could inadvertently result in the removal of special-status plants. This is considered a potentially significant impact.

Finding: Mitigation measures would reduce impacts to Congdon's tarplant to less than significant levels. The City hereby determines this impact to be *less than significant*.

Facts in Support of Finding

Mitigation measures would require that a qualified botanist shall conduct site-specific, focused surveys according to CDFW guidelines before any project work within the Focus Area begins, to determine presence or absence of special-status plant species on the individual project site and any adjacent potential area of disturbance

Mitigation Measures

Mitigation 6-3. Before any project work within the Focus Area, including the Greystar site, a qualified botanist shall conduct site-specific, focused surveys according to CDFW guidelines to determine presence or absence of special-status plant species on the individual project site and any adjacent potential area of disturbance. A comprehensive, site-wide survey should be conducted within May to September before project work begins, to encompass the Congdon's tarplant and

arcuate bush mallow's blooming periods. Following the completion of the surveys, a survey results report shall be prepared and provided to the City. This report should include, but should not be limited to, the following: (1) a description of the survey methodology; (2) a discussion of the survey results; and (3) a map showing the survey area and the location of any special-status plants encountered. If no rare plants are found, then no further mitigation would be required.

If rare plants are found during the survey, the number of individuals present shall be documented and the limits of population shall be marked with flagging. The flagged border of the population shall be avoided by construction personnel for the duration of the project. If the species cannot be avoided or may be indirectly impacted, the applicant shall notify CDFW to discuss avoidance, minimization, and mitigation measures as appropriate for each species population, including measures to be taken and protocols to be followed if special-status plants are inadvertently disturbed during construction activities.

CDFW may require the preparation and implementation of a mitigation plan that details avoidance, preservation, and/or compensation for the loss of individual special-status plant species. Mitigation may include the purchase of mitigation bank credits, preserving and enhancing existing on-site populations, creation of off-site populations through seed collection and/or transplantation and monitoring these populations to ensure their successful establishment, and/or preserving occupied habitat off-site in perpetuity. Specific amounts and methods of mitigation and/or credits shall be determined in formal consultation with CDFW and USFWS.

Implementation of this measure would reduce the impact to a **less-than-significant level.**

(c) **Potential Impact:** Impact 6-4: Potential Impacts on Nesting Birds or Roosting Bats. The Federal Migratory Bird Treaty Act and California Fish and Game Code sections 3503, 3503.5, 3513, 3800, and 4150 protect migratory and nesting birds, as well as roosting bats. Although the project does not specify which trees or buildings might be removed under individual projects facilitated by the Plan, trees (potential nesting and roosting habitat) or buildings could be disturbed or removed by Plan implementation. The possibility of removing trees and/or buildings that contain nests or roosting bats is identified here as a potentially significant impact. Any direct removal of trees or indirect disturbance by construction or operational activities during the nesting season that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a "take."

This is considered a ***potentially significant impact.***

Finding: Mitigation measures would reduce impacts on Nesting Birds or Roosting Bats to less than significant levels. The City hereby determines this impact to be *less than significant*.

Facts in Support of Finding

Although the Freedom Circle Focus Area Plan does not specify which trees or buildings might be removed under individual projects facilitated by the Plan, trees (potential nesting and roosting habitat) or buildings could be disturbed or removed by Plan implementation. The possibility of removing trees and/or buildings that contain nests or roosting bats is identified here as a potentially significant impact. Any direct removal of trees or indirect disturbance by construction or operational activities during the nesting season that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a "take."

There is a low potential for burrowing owl (Athene cunicularia; California species of special concern), white-tailed kite (Elanus leucurus; California Fully-Protected Species), pallid bat (Antrozous pallidus), and Townsend's big-eared bat (Corynorhinus townsendii; California species of special concern) to utilize the landscaped habitat within the Focus Area for roosting and/or nesting, especially if the area is left undisturbed for a long period of time. In addition, many common bird species without a special status, though protected by the MBTA, MBPA, and California Fish and Game Code (CFGC), may utilize buildings, gravel substrates, and the landscaped vegetation within the Plan Area for nesting, foraging, and roosting. Common bat species protected by the CFGC may also rarely utilize vegetation within the Focus Area for individual roosting. Without a proactive mitigation procedure in place, Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, or roosting bats, which would be considered unlawful take under the MBTA and the CFGC.

Mitigation Measures:

Mitigation 6-4. The demolition of any buildings, disturbance of gravel substrate, and/or removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no demolition, gravel disturbance, vegetation, or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds at most 14 days prior to the start of removal of trees, shrubs, grassland vegetation, or buildings, including prior to grading or other construction activity. If demolition of buildings, disturbance of gravel substrate, or vegetation removal efforts do not begin within the 14 days following the nesting bird survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as reasonably accessible areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist and dependent on species' life history requirements.

If an active nest is discovered in the areas to be directly physically disturbed, or in other habitats within the vicinity of construction boundaries and may be disturbed by construction activities (as determined by the qualified biologist), clearing and construction shall be postponed until the qualified biologist has determined that the young have fledged (left the nest), the nest fails, or the nest is otherwise determined to be inactive by the biologist (i.e. predation).

To avoid impacts to roosting bats that may rarely utilize the Focus Area vegetation and/or vacant buildings for day roosting, the project applicant shall retain a qualified wildlife biologist to conduct a survey for roosting bats at most 14 days prior to the start of demolition of any vacant buildings left with entry and egress points accessible to bats or removal of suitable bat roosting vegetation. If roosting bats are detected, the biologist shall enact a minimum of a 150-foot no-work buffer and confer with CDFW to determine potential roost protection or roost eviction practices. After conferring with CDFW, the protective buffer may be adjusted based on specific roost needs. Once bats have been suitably protected by a buffer and/or safely evicted from roosting sites (as approved by CDFW), construction may resume outside the buffered area.

A nesting bird and roosting bat survey report prepared with the methods and results of the pre-project survey will be submitted to the City for review and approval prior to commencement of construction activities. Any additional construction monitoring, as determined through any necessary coordination/discretionary approvals with the resource agencies, will be documented per requirements set forth in an approved mitigation monitoring and reporting program.

Implementation of this measure would reduce the impact to a ***less-than-significant level.***

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

None.

D. Cultural Resources

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 7-2: Destruction/Degradation of Historic Resources—Greystar Project. The Greystar project site is vacant and does not contain any buildings or structures (except a wood and Plexiglas bus shelter). As discussed in section 7.1 (Setting) above, review of the

State Office of Historic Preservation Built Environment Resource Directory by the CHRIS/NWIC identified no recorded buildings or structures located on the project site. As discussed in section 7.1.2, according to a cultural resources assessment by Basin Research Associates, several features of the "built environment" were observed on the site (a concrete utility vault, electrical transmission power poles, electrical service boxes/cabinets, a water service pipe, and a wood and Plexiglas shade structure [i.e., the bus shelter]). All were determined to be less than 50 years in age and none was considered significant. Therefore, because there are no buildings or structures on-site that would meet the CEQA definition of a historic resource, including properties or features eligible for listing in a local, State, or Federal register of historic resources, the project would result in a less-than-significant impact.

Mitigation 7-2. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

(a) Potential Impact: Impact 7-3: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains, and Tribal Cultural Resources—Plan Area. Development facilitated by the Freedom Circle Focus Area Plan could disturb unrecorded sensitive archaeological resources or tribal cultural resources in the Plan Area. This possibility represents a ***potentially significant impact***.

Finding: Mitigation measures would reduce impacts due to a substantial adverse change in the significance of an archaeological resource to less than significant levels. The City hereby determines this impact to be *less than significant*.

Facts in Support of Finding

On March 26, 2021, the City of Santa Clara provided notification to Native American tribes identified by the Native American Heritage Commission (NAHC) as having traditional lands or cultural places in the proposed project vicinity to invite them to request consultation. To date, no tribes have requested consultation for the Plan.

Though almost all of the Plan Area is developed, with only the 13.3-acre Greystar Project site vacant, there is a possibility that as-yet unrecorded prehistoric cultural resources or tribal cultural resources could exist beneath the surface of the Plan Area. Contact with such resources during construction activities could result in a significant impact. The mitigation below would reduce the impact to a less-than-significant level.

Mitigation Measures:

Mitigation 7-3. During the City's standard project-specific review process for all future, discretionary, public improvement and private development projects in the Freedom Circle Focus Area, the City shall determine the possible presence of, and the potential for new or substantially more severe impacts of the action on, archaeological resources and tribal cultural resources. The City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area - i.e., on or adjoining an identified archaeological site - shall proceed only after the project applicant contracts with an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards, to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures, as described directly below.

In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

In addition, the City shall continue to notify the Native American tribes traditionally and culturally affiliated with the Focus Area of the discretionary, public improvement and private development projects if those proposed improvements or projects are subject to a CEQA Negative Declaration (including Mitigated Negative Declaration) or Environmental Impact Report (EIR), in accordance with California Assembly Bill 52, and if a Native American tribe requests consultation, conduct a good faith consultation.

Following field inspection and completion of all necessary phases of study as determined by the archaeologist and the City, damage to any identified archaeological resources shall be avoided or mitigated to the maximum extent possible. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological or tribal cultural site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site (including artifacts discovered on the site), subject to review and approval by the City, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission (NAHC). CHRIS and NAHC are recognized as experts in their respective disciplines.

Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups (CHRIS and NAHC), as reviewed and approved by the City, shall be undertaken prior to and during construction activities. Although the precise details of the mitigation measures would be specific to the particular project site, the measures shall be consistent with the avoidance and mitigation strategies described above in this programmatic mitigation measure.

A *data recovery plan* and data recovery for a historic resource shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]).

Resource identification training procedures shall be implemented for construction personnel, conducted by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a Plan Area construction activity, work within 50 feet shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources. Although work may continue beyond 50 feet, the archaeologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to archaeological resources.

If human remains are found, the rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) apply and shall be followed.

Implementation of this measure would reduce the impact to a ***less-than-significant level.***

(b) Impact: Impact 7-4: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains, and Tribal Cultural Resources—Greystar Project. Development of the Greystar project could disturb unrecorded sensitive archaeological resources or tribal cultural resources on the project site. This possibility represents a ***potentially significant impact***.

Finding: Mitigation measures would reduce impacts due to a substantial adverse change in the significance of an archaeological resource to less than significant levels. The City hereby determines this impact to be *less than significant*.

Facts in Support of Finding

Mitigation Measure:
Mitigation 7-4. Prior to construction activities, resource identification training procedures shall be implemented for construction personnel, conducted by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The qualified professional archaeologist shall be retained by the applicant and approved by the City and shall meet U.S. Secretary of the Interior's Professional Qualifications and Standards. Training shall include a written handout and focus on how to identify cultural/Native American resources that may be encountered during earth-moving activities, including the procedures to be followed in such an event. On-site archaeological monitor duties and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation shall also be explained, in case either or both becomes necessary.

During ground-disturbing project construction activities, if subsurface cultural resources are encountered, work within 50 feet shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. Project personnel shall not collect cultural resources. Although work may continue beyond 50 feet, the archaeologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to archaeological resources.

All cultural/archaeological resources unearthed by project construction activities shall be evaluated by the qualified professional archaeologist. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes and/or Individuals shall be contacted and consulted, and Native American construction monitoring shall be initiated if requested by the Tribes and/or Individuals. The City shall coordinate with the archaeologist to develop an appropriate treatment plan that avoids or mitigates, to the maximum extent possible, damage to any identified resources. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological or tribal cultural site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

If in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site (including artifacts discovered on the site), subject to review and approval by the City, shall be prepared and adopted prior to any excavation being undertaken. The study shall be submitted to the CHRIS Northwest Information Center, and if Native American artifacts are indicated, the study shall also be submitted to the Native American Heritage Commission (NAHC). CHRIS and NAHC are recognized as experts in their respective disciplines.

Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Any additional mitigation measures recommended by these two groups (CHRIS and NAHC), as reviewed and approved by the City, shall be undertaken prior to and during construction activities. Although the precise details of those measures would be based on the nature and extent of the resource(s) uncovered on the site, the measures shall be consistent with the avoidance and mitigation strategies described above in this mitigation measure.

In addition, if the qualified archaeologist determines that construction excavations have exposed, or have a high probability of exposing, cultural and/or archaeological artifacts, construction monitoring for cultural and/or archaeological resources shall be required. The City shall retain a qualified archaeological monitor, who meets the qualifications set forth by the U.S. Secretary of the Interior's Professional Qualifications and Standards, who will work under the guidance and direction of a professional archaeologist. The archaeological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into non-fill sediments. Multiple earth-moving construction activities may require multiple archaeological monitors.

The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils), the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the project archaeologist.

If human remains are found, the rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) apply and shall be followed, in consultation with the Native American Heritage Commission (as appropriate).

Implementation of this measure would reduce the impact to a ***less-than-significant level***.

3. Project impacts determined to be significant and unavoidable

(a) Impact 7-1: Destruction/Degradation of Historic Resources—Plan Area There may be one or more properties or features within the Plan Area, now or in the future, that meets the CEQA definition of a historic resource, including properties or features eligible for listing in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Freedom Circle Focus Area Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines section 15064.5[b]). Such adverse changes in the significance of a CEQA-defined historic resource would be a ***significant impact***.

Finding: Without knowing the characteristics of the potentially affected historic resource or of the future individual development proposal, the City cannot determine with certainty that complying with the Secretary of Interior's *Standards for the Treatment of Historic Properties* or relocation of the resource would be considered feasible. Consequently, this impact is currently considered ***significant and unavoidable.***

Facts in Support of Finding

The identification of historic resources must account for change over time. Today's newer buildings may be recognized as historic within the lifetime of the Focus Area and eventual Specific Plan. Today's older buildings may attain historic significance as more is uncovered about their past. Currently non-historic buildings may be recognized as historic in the future if the people or events associated with those buildings become historically or culturally distinguished. All these possibilities are accounted for in CEQA Guidelines section 15064.5 (Determining the Significance of Impacts to Archaeological and Historical Resources).

Consistent with the perspective described above, the California Office of Historic Preservation notes, "There is a common misconception that resources 50 years or older need to be evaluated, but anything younger cannot be considered significant….[T]he California Register criteria (CCR section 4852) state that in order for a resource to achieve significance within the past 50 years, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource….Specifically, the California Register statute allows CEQA Lead Agencies [in the case of this EIR, the City of Santa Clara] a fair amount of flexibility in justifying that a resource is significant, even if that resource is less than 50 years old."[1]

[1]California Office of Historic Preservation, CEQA Case Studies, September 2015 (Volume VI).

At of time of writing (November 2021), there are currently no buildings older than 45 years within the Focus Area.[2]

Due to the possibilities described above, the potential for a substantial adverse change to a historic resource due to individual discretionary development projects proposed under the Focus Area would be evaluated by a qualified professional on a case-by-case basis in accordance with CEQA Guidelines section 15064.5 to determine whether projects would have new or substantially more severe impacts to historic resources.

Under CEQA, conformance with the Secretary of the Interior's Standards will normally mitigate impacts on a historic resource to a less-than-significant level. Under the *Standards for Rehabilitation*, new additions, alterations, or adjacent new construction must not destroy character-defining features, spaces, and spatial relationships. New work must be differentiated from the old and must be compatible with the historic materials, features, size, scale, proportion, and massing. New additions, alterations, and construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

In some cases, it can be challenging to accommodate the needs of new uses while fully adhering to the *Standards for Rehabilitation* and, in many situations, it can be infeasible. In addition, changes to the eligibility, identification, and condition of historic resources and their surroundings between now and the time that individual development proposals are received for specific properties could affect potential impacts on historic resources. As a result, it cannot be determined at this time, without consideration of a current, specific development proposal, whether it would be feasible to mitigate to a less-than-significant level the impacts of any given subsequent development project under the Freedom Circle Focus Area Plan involving properties that may contain historic resources. (No building or structure in the Plan Area is on a local or State historic resource inventory.) Although the following mitigation measures are intended to mitigate impacts on historic resources from implementation of the eventual Specific Plan to the extent feasible, the impacts on historic resources may still remain significant and unavoidable. This conservative approach is consistent with CEQA.

Mitigation Measures

Mitigation 7-1. For any individual project within the Freedom Circle Focus Area that the City determines may involve a property that contains a potentially significant historic resource, the resource shall be assessed by a professional who meets the Secretary of the Interior's Professional Qualifications Standards to

[2]Historic Aerials, 2020.

determine whether the property is a significant historic resource and whether or not the project may have a potentially significant adverse effect on the historic resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures:

(a) Adhere to at least one of the following Secretary of the Interior's Standards:

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a ***less-than-significant level*** (CEQA Guidelines section 15064.5).

(b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historic resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that a substantial adverse change in the significance of the historic resource is avoided.[3] Implementation of measure (b) would reduce the impact to a ***less-than-significant level.***

If neither measure (a) nor measure (b) is feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:

(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's *Standards for Architectural and Engineering Documentation*. The level of documentation shall be proportionate with the level of

[3]One example of a substantial adverse change would be the loss of eligibility for listing on the California Register. The State Historical Resources Code encourages the retention of historic resources on-site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving a historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historic resource. A historic resource should retain its historic features and compatibility in orientation, setting, and general environment.
(California Office of Historic Preservation, *California Register and National Register: A Comparison*, Technical Assistance Series 6; Sacramento, CA: California Department of Parks and Recreation, 2001)

significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies.

(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction.

(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance.

(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Focus Area.

Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources, but not to a less-than-significant level. Without knowing the characteristics of the potentially affected historic resource or of the future individual development proposal, the City cannot determine with certainty that measure (a) or (b) above would be considered feasible. Consequently, this impact is currently considered ***significant and unavoidable.***

4. Cumulative impacts

None.

E. Geology and Soils

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 8-1: Effects of Strong Seismic Ground Shaking—Plan Area. The Plan Area could experience strong seismic ground shaking and related effects in the event of an earthquake on the regional fault system. The Focus Area Plan would not exacerbate the existing risk of strong seismic ground shaking. Mandated project compliance with the stringent seismic design provisions of the latest California Building Standards Code (CBSC), as adopted by the City, would reduce the risk of property loss or hazards to occupants to a less-than-significant level.

Mitigation 8-1. No significant impact has been identified; no mitigation is required.

Impact 8-2: Effects of Strong Seismic Ground Shaking—Greystar Project. The Greystar project could experience strong seismic ground shaking and related effects in the event of an earthquake on the regional fault system. The intensity and extent of seismic ground shaking would be dependent on distance to the earthquake epicenter, magnitude and duration of the earthquake, and other characteristics of the generating fault. Design considerations to ensure adequate foundation support for the structures are legally required to be incorporated in the final project design as required by the latest California Building Standards Code (CBSC), as would the stringent seismic design provisions also required by the CBSC. The final selected foundation system would also require review by the project geotechnical engineer and approval by the City prior to issuance of building permits. In addition, observation during site preparation, foundation installation, shoring installation, and placement and compaction of fill by a geotechnical engineer would provide assurance that anticipated soil conditions and the contractor's work conform with the geotechnical aspects of the plans and specifications. These standard geotechnical requirements mandated by the City and performed by professional engineers would reduce the risk of property loss or hazards to occupants to a less-than-significant level.

Mitigation 8-2. No significant impact has been identified; no mitigation is required.

Impact 8-3: Potential Soil Erosion and Loss of Topsoil—Plan Area. Grading and construction activities may result in minor erosion or the minor loss of some topsoil. City-required standard grading- and construction-period erosion control techniques (e.g., for reducing surface water runoff over exposed soil, which could include a combination of techniques such as minimizing active construction areas during the rainy season, preservation of existing vegetation, soil stabilization methods—soil binders, straw mulch, etc.—as well as project landscaping after construction), consistent with Best Management Practices (BMPs) in the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook, would reduce soil erosion and topsoil loss potentials. In addition, project grading activities involving disturbance of more than one acre would require a Notice of Intent (NOI) and a National Pollution Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board (RWQCB, Region 2 for Santa Clara). The RWQCB administers the NPDES stormwater permitting program in the Bay Area, including the Municipal Regional Stormwater NPDES Permit and C.3 (stormwater compliance) Permit. Project owners submit a Notice of Intent (NOI) to the RWQCB to be covered by the General Construction Permit prior to the beginning of construction. The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For a project entailing disturbance of more than one acre, the SWPPP must be prepared before construction begins, usually during the planning and design phases of a project, and must include specifications for Best Management Practices (BMPs) that would be implemented during project construction to control contamination of surface flows and the potential discharge of pollutants from commencement of construction through project completion. These City and regional water quality requirements would reduce this potential impact to a less-than significant level.

Mitigation 8-3. No significant impact has been identified; no additional mitigation is required.

Impact 8-4: Potential Soil Erosion and Loss of Topsoil—Greystar Project. Disturbance of one or more acres of soil would require the project to obtain coverage under the state's General Permit for Discharges of Storm Water Associated with Construction Activity, which among other items would require preparation of a Storm Water Pollution Prevention Plan (SWPPP). Also, because grading and construction activities may result in minor erosion or the minor loss of some topsoil, standard grading- and construction-period erosion control techniques (e.g., for reducing surface water runoff over exposed soil) are typically required by the City for individual projects such as the Greystar project. These standard techniques include minimizing active construction areas during the rainy season; preservation of existing vegetation; soil stabilization methods—soil binders, straw mulch, etc.—as well as project landscaping after construction. These techniques would be required to be consistent with Best Management Practices (BMPs) in the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook and the Santa Clara Valley Urban Runoff Pollution Prevention Program and would reduce potential Greystar project soil erosion and topsoil loss impacts to a less-than-significant level.

Mitigation 8-4. No significant impact has been identified; no additional mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

(a) Impact 8-5: Potential Ground Instability Impacts—Plan Area. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of differential settlement, liquefaction, lateral spreading, and subsidence potential in the Plan Area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings, other improvements, and adjacent property, with direct or indirect risks to life or property, representing a ***potentially significant impact***.

Facts in support of the finding:

Although an earthquake would affect an area larger than the Plan Area, any potential for earthquake-induced differential settlement, liquefaction, lateral spreading, and subsidence, and associated damage to proposed buildings or other improvements would be localized (i.e., generally restricted to the area where the building foundation or other improvement has been constructed) and can be mitigated to a less-than-significant level through implementation of City-required geotechnical investigations and associated engineering design standards, specifications, and measures. Geotechnical mitigation requirements identified here

include completion of detailed studies to address specific concerns as future site-specific project designs are refined. There is substantial, reasonable, historical information to support the conclusion that the specific subsequent geotechnical/geologic investigations, inspections, and specific formulations required to meet City-adopted standards would adequately mitigate related impacts to less-than-significant levels. Information pertaining to soil testing, soil treatments, building foundations, structural strengthening, subsurface design, construction methods, etc., has been developed and refined by the California Building Standards Commission (through the California Building Code) and the California Geological Survey (especially Special Publication 117A, "Guidelines for Evaluating and Mitigating Seismic Hazards in California 2008"), and research continues at universities and colleges, as well as professional organizations such as the Association of Environmental & Engineering Geologists. The City of Santa Clara requires such geotechnical/geologic investigations and specifications as part of its development review under its building code. Individual measures are typically, and most efficiently, specified at a later, more detailed level of design when foundation locations and building architecture is known.

Under the City's grading permit and building permit provisions, requirements, and regulations, an individual development project cannot be given final approval without project compliance with geotechnical/geologic requirements. These requirements and related City inspection and verification procedures prior to project operation provide reasonable, professional assurances that projects would incorporate the design and engineering refinements necessary to reduce the degree of impacts to less-than-significant levels by either avoiding identified soil and geologic impact areas altogether (i.e., basic project design changes), or by rectifying the impact through conventional engineering and construction procedures (e.g., suitable foundation design and construction) prior to issuance of permits.

Mitigation Measures applicable:

Mitigation 8-5. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required individual project- and site-specific geotechnical investigations and engineering studies for site-specific proposals, in coordination with City grading permit and building permit performance standards. Such recommendations could address design- and construction-level details regarding the type of building foundation, the extent of subsurface excavation, the details of retaining structures, any need for subsurface water extraction, and other engineering issues and solutions. Incorporation of this mitigation requirement would reduce this impact to a ***less-than-significant level*.**

Impact 8-6: Potential Ground Instability Impacts—Greystar Project. The potential for ground instability would depend on specific, highly localized underlying soil conditions. Although the geotechnical report prepared for the project concluded that although no major geotechnical or geological issues would prevent development of the proposed project on the site, the following issues would need to be addressed:

- adequate foundation support for the structures;
- weaker, more compressible zones of clay above about 30 feet below ground surface (bgs);
- moderately to highly expansive near-surface soil and susceptibility to large volume changes with moisture changes; and
- liquefaction-induced settlement potential at one location in the southwestern part of the site.

Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings, other improvements, and adjacent property, with direct or indirect risks to life or property, representing a ***potentially significant impact.***

Mitigation 8-6. The City shall require the applicant to provide a final geotechnical report, prepared by a geotechnical engineer, for City review and approval. The final geotechnical report (as discussed in Impact 8-2 above) shall include a supplemental field investigation that includes: (1) new borings as necessary to confirm subsurface conditions; (2) review of final project plans and specifications with recommendations based on professional geotechnical engineering (such as final foundation design recommendations and potential need for piles); (3) any other engineering studies to address design- and construction-level details related to type of building foundation, the extent of subsurface excavation, details of retaining structures or subsurface water extraction, and other engineering issues and solutions as may be determined necessary in consultation with the City; and (4) observation of site preparation, foundation installation, shoring installation, and the placement and compaction of fill during construction by a professional geotechnical engineer.

The mitigations and recommendations in the final geotechnical report, subject to review and approval by the City, would provide reasonable, professional assurances that the project incorporates design and engineering refinements to reduce the degree of impacts to less-than-significant levels by either avoiding identified soil and geologic impact areas altogether (i.e., basic project design changes) or by rectifying the impact through conventional engineering and construction procedures (e.g., suitable foundation design and construction). Incorporation of

these measures into project final plans prior to issuance of permits and City inspection and verification procedures prior to project operation would reduce this impact to a ***less-than-significant level***

(b) Impact 8-7: Potential for Disturbance of Paleontological Resources—Plan Area. Development facilitated by the Freedom Circle Focus Area Plan could disturb unrecorded paleontological resources in the Plan Area. This possibility represents a ***potentially significant impact.***

Facts in Support of Finding

Santa Clara's surficial geologic units include alluvial and Bay mud deposits, and Pleistocene alluvial deposits, with the underlying Santa Clara Formation that may potentially contain paleontological resources; in addition, Pleistocene alluvial deposits and the Santa Clara Formation have high paleontological sensitivity. Although an on-line archival search indicated no records of recorded fossil sites within the Plan Area, it is possible that paleontological resources could be discovered during ground-disturbing activities. Contact with such fossil resources during ground-disturbing activities could result in significant impacts. The mitigation below would reduce the impact to a less-than-significant level.

Mitigation Measures Applicable

Mitigation 8-7. For all public improvement and private development projects in the Freedom Circle Focus Area, the following measures shall be implemented:

(1) Education Program. Project applicants shall implement a program that includes the following elements:

- Resource identification training procedures for construction personnel, conducted by a paleontologist who meets the Secretary of the Interior's Professional Qualifications Standards;

- Spot-checks and monitoring by a qualified paleontologist of all excavations deeper than seven feet below ground surface; and

- Procedures for reporting discoveries and their geologic context.

(2) *Procedures for Resources Encountered.* If subsurface paleontological resources are encountered, excavation shall halt within a buffer area of at least 50 feet around the find, where construction activities will not be allowed to continue until the project paleontologist evaluates the resource and its stratigraphic context. Work shall be allowed to continue outside the buffer area; however, the paleontologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage.

Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources.

Implementation of this measure would reduce the impact to a ***less-than-significant level.***

(c) Impact 8-8: Potential for Disturbance of Paleontological Resources—Greystar Project. Similar to Impact 8-7, development of the Greystar project could disturb unrecorded paleontological resources in the Plan Area. This possibility represents a ***potentially significant impact.***

Facts in Support of Finding: Santa Clara's surficial geologic units include alluvial and Bay mud deposits, and Pleistocene alluvial deposits, with the underlying Santa Clara Formation that may potentially contain paleontological resources; in addition, Pleistocene alluvial deposits and the Santa Clara Formation have high paleontological sensitivity. Although an on-line archival search indicated no records of recorded fossil sites within the Plan Area, it is possible that paleontological resources could be discovered during ground-disturbing activities. Contact with such fossil resources during ground-disturbing activities could result in significant impacts. The mitigation below would reduce the impact to a less-than-significant level.

Mitigation Measures Applicable

Mitigation 8-8. The Greystar project shall be required, as a condition of project approval, to implement the following measures:

(1) Education Program. Project applicants shall implement a program that includes the following elements:

- Resource identification training procedures for construction personnel, conducted by a paleontologist who meets the Secretary of the Interior's Professional Qualifications Standards;

- Spot-checks and monitoring by a qualified paleontologist of all excavations deeper than seven feet below ground surface; and

- Procedures for reporting discoveries and their geologic context.

(2) Procedures for Resources Encountered. If subsurface paleontological resources are encountered, excavation shall halt within a buffer area of at least 50 feet around the find, where construction activities will not be allowed to continue until the project paleontologist evaluates the resource and its stratigraphic context. Work shall be allowed to continue outside the buffer area; however, the paleontologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage.

Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources.

Implementation of this measure would reduce the impact to a ***less-than-significant level.***

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

None

F. Greenhouse Gas Emissions and Energy

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 9-2: GHG Emissions and Plan Consistency—Greystar General Plan Amendment

Implementation of the proposed General Plan Amendment would result in emissions that are below an interpolated Service Population GHG efficiency metric, both from a net emissions perspective (when compared to potential GHG emissions associated with existing land uses in Year 2040) as well as on a standalone basis, and would not conflict, obstruct, or otherwise interfere with the implementation of a plan, policy, or regulation for the purposes of reducing GHG emissions. Thus, the proposed General Plan Amendment would result in a ***less-than-significant impact*** with regard to GHG emissions and no mitigation is required.

Impacts 9-3 and 9-4. Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources. Implementation of the proposed Focus Area would increase the demand for electricity and natural gas within the Area and gasoline consumption in the region during construction and operation of new land use developments.

Although growth would occur within the Plan Area over the next approximately 20 years, new development would be required to comply with statewide mandatory energy requirements outlined in Title 24, Part 6, of the California Code of Regulations (the CalGreen Code), which would decrease estimated natural gas consumption in new and/or retrofitted structures. Energy is a necessary component of building operation, and any natural gas consumption by proposed land uses in the Focus Area would not be used in an unnecessary, inefficient, or wasteful manner and would be more efficient than under existing conditions.

Fuel use by construction equipment would be the primary energy resource consumed during development activities, and VMT associated with the transportation of construction materials (e.g., deliveries) and worker trips would also result in petroleum consumption. Whereas on-site, heavy-duty construction equipment and delivery trucks would predominantly use diesel fuel, construction workers would generally rely on gasoline-powered vehicles to travel to and from construction sites. State regulations such as the LCFS would reduce the carbon intensity of transportation-related fuels, and all construction projects would be required to comply with CARB's Airborne Toxic Control Measures, which restrict heavy-duty diesel vehicle idling to five minutes. Since petroleum use during construction would be temporary at each location and required to conduct

development activities, it would not be unnecessary, wasteful, or inefficient, and no mitigation is required.

Impacts 9-5 and 9-6. Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency. The Freedom Circle Focus Area Plan And Greystar General Plan Amendment would not conflict with nor obstruct a state or local plan adopted for the purposes of increasing renewable energy or energy efficiency.

The Title 24 Building Code contains energy efficiency standards for residential and nonresidential buildings. These standards address electricity and natural gas efficiency in lighting, water, heating, and air conditioning, as well as the effects of the building envelope (e.g., windows, doors, walls and rooves, etc.) on energy consumption. The latest update to these standards, codified in the 2019 Title 24 Building Code, requires the installation of solar panels on new residential development under three stories. The City would enforce the applicable Title 24 Building Code (currently 2019) during design review and project approval processes. The Focus Area Plan would also support the City's post-2020 Climate Action Plan measures, which support energy efficiency in the City (see Table 9-7).

As discussed above, the Focus Area Plan would support the State's goals of decreasing energy consumption for its residents, increase energy efficiency, and would not conflict with a state or local plan for renewable energy. This impact would be less than significant This impact would be ***less than significant***.

No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

Impact 9-1: GHG Emissions and Plan Consistency – Freedom Circle Focus Area Plan. Implementation of the Freedom Circle Focus Area Plan could generate GHG emissions that have a significant effect on the environment and/or conflict with a plan, policy, or regulation adopted for the purposes of reducing GHG emissions. This represents a ***potentially significant impact***.

Facts in Support of Finding

Future implementation of the proposed Focus Area Plan would result in construction and operational activities that would generate GHG emissions from the combustion of fuels used during construction, as well as the operational sources described in Section 5.1.5 of the EIR. As described under Impact 5-3, there is uncertainty regarding the timing and methods of construction activities that would occur for future development projects. Construction activities would cease to emit GHG upon completion, unlike operational emissions that would be continuous year after year until the project is decommissioned. Construction emissions were not estimated for buildout of the proposed Focus Area Plan, because the quantity of

construction emissions would be dependent on a number of factors, including the specific nature of development activities and the timeframes on which projects would be undertaken. Given this uncertainty, the City is proposing the following mitigation measures.

Mitigation Measure 9-1A: See Mitigation Measure 5-3D.

Mitigation Measure 9-1B: Utilize GHG-Free Electricity. The City shall require new development projects occurring under implementation of the Freedom Circle Focus Area Plan to source 100% of their electricity from GHG-free sources. GHG-free electricity may come from on-site renewable electricity generation (e.g., photovoltaic systems), enrollment in a GHG-free electricity program (e.g., Silicon Valley Power's *Santa Clara Green Power* program), or any combination of measures that ensure electricity consumed by projects subject to discretionary approval come entirely from GHG-free sources.

This impact would be ***less than significant with mitigation incorporated.***

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

Past, present, and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed above, development under the eventual Specific Plan would not generate significant levels of GHG emissions at a project level and thus the Project would *not* have a cumulative impact on GHG emissions.

G. Hazards and Hazardous Materials

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 10-1 and 10-2: Project-Related Potential Impacts Due to Hazardous Materials Transport, Use, Storage, and Disposal. The proposed land uses anticipated to be permitted under the Focus Area Plan and the future comprehensive planning study (e.g., specific plan) are not expected to involve the routine transport, use, storage, or disposal of hazardous materials to the extent that a significant public or environmental hazard would occur. Operations in the Plan Area would be expected to involve the occasional transport, use, storage, or disposal of common hazardous substances such as fuel, paint, and solvents. These normal activities would be subject to applicable local, State, and federal regulations. Construction of future project proposals under the comprehensive planning study (e.g., specific plan) would likely involve the intermittent transport, use, and disposal of

potentially hazardous materials, including fuels and lubricants, paints, solvents, and other materials commonly used in construction and maintenance. During construction activities, any on-site hazardous materials that may be used, stored, or transported would also be subject to applicable local, State, and federal regulations that require standard protocols (as determined by the U.S. EPA, California Department of Health and Safety, Santa Clara County, and the City) for maintaining health and safety.

All land uses are subject to applicable provisions of the City's Municipal Code and would also be subject to the comprehensive planning study.

With implementation of adopted, standard procedures and regulations, the potential for associated hazardous materials impacts would be ***less-than-significant***.

Mitigation 10-1 and 10-2. No significant impact has been identified; no mitigation is required.

Impact 10-3 and 10-4: Potential Exposure to Existing Hazardous Materials Contamination. There is always a possibility that new construction could encounter contamination and expose construction workers to existing spilled, leaked, or otherwise discharged hazardous materials or wastes. Each project applicant in the Plan Area would be required to comply with all applicable, existing City-, County-, regional-, and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination. Compliance with these established requirements would prevent exacerbation of existing contamination or accidental release, and ensure that this possible health and safety impact would be *less-than-significant.*

Typically, implementation of these standard procedures would involve the following steps. As explained above, these steps are consistent with standard procedures required as part of City-, County-, regional-, and State-mandated requirements. The steps are not considered additional mitigations required by this EIR because the steps are existing development standards applied uniformly to all applicable projects.

(a) Soil Contamination. In order to avoid or substantially reduce potential health hazards related to construction personnel or future occupant exposure to soil contamination, as well as to prevent accidental release to surrounding areas, project applicants would complete the following steps for each site proposed for disturbance as part of construction activity in the Plan Area:

Step 1. Investigate the site to determine whether it has a record of hazardous material discharge into soils, and if so, characterize the site according to the nature and extent of soil contamination that is present before development activities proceed at that site.

Step 2. Based on the proposed activities associated with the proposed project, determine the need for further investigation and/or remediation of the soil conditions on the contaminated site. For example, if the site is slated for commercial land use, such as retail, the majority of the site will be paved and there will be little or no contact with

contaminated soil. Industrial cleanup levels would likely be applicable. If the slated development activity could involve human contact with soils, such as may be the case with residential use, then Step 3 should be completed. If no human contact is anticipated, then no further mitigation is necessary.

Step 3. If it is determined that extensive soil contact would accompany the intended use of the site, undertake a Phase II Environmental Assessment investigation, involving soil sampling at a minimum, at the expense of the project applicant, property owner, or responsible party. Should further investigation reveal high levels of hazardous materials in the site soils, mitigate health and safety risks according to City of Santa Clara and regulatory agency requirements. This would include site-specific health and safety plans prepared prior to undertaking any building or utility construction. Also, if buildings are situated over soils that are significantly contaminated, undertake measures to either remove the chemicals or prevent contaminants from entering and collecting within the building. If remediation of contaminated soil is infeasible, a deed restriction would be necessary to limit site use and eliminate unacceptable risks to health or the environment.

(b) Surface or Groundwater Contamination. In order to reduce potential health hazards due to construction personnel or future occupant exposure to surface water or groundwater contamination, or accidental transmission to other properties, project applicants would complete the following steps for each site proposed for disturbance as part of construction activity in the Plan Area:

Step 1. Investigate the site to determine whether it has a record of hazardous material discharge into surface or groundwater, and if so, characterize the site according to the nature and extent of contamination that is present before development activities proceed at that site.

Step 2. Install drainage improvements in order to prevent transport and spreading of hazardous materials that may spill or accumulate on-site.

Step 3. If investigations indicate evidence of chemical/environmental hazards in site surface water and/or groundwater, then measures acceptable to the City and the other applicable regulatory agencies would be required to ensure the site is properly remediated prior to development activity.

Step 4. Inform construction personnel of the proximity to recognized contaminated sites and advise them of health and safety procedures to prevent exposure to hazardous chemicals in surface water/groundwater.

Implementation of these required, standard procedures would result in a ***less-than-significant impact*** associated with potential soil and surface/groundwater contamination.

Mitigation 10-3 and 10-4. No significant impact has been identified; no mitigation is required.

Impact 10-5 and 10-6: Project-Related Potential Asbestos and PCB Exposure. Removal or disturbance of asbestos-containing material (ACM) and/or transformers during alteration, renovation, or demolition of existing structures within the Plan Area could expose construction workers and the general public to friable asbestos and/or polychlorinated biphenyls (PCBs). Therefore, in compliance with General Plan Policy 5.10.5-P26 ("Survey pre-1980 buildings and abate any lead-based paint and asbestos prior to structural renovation and demolition, in compliance with all applicable regulations") and as a condition of alteration, renovation, or demolition permit approval for buildings within the Plan Area, the City requires the project applicant to coordinate with the Bay Area Air Quality Management District (BAAQMD) as appropriate to determine if ACM and/or PCBs are present, in conformance with BAAQMD established protocols and consistent with the explanation below.

Ensuring proper identification and removal of ACM and PCBs requires each project applicant to complete the following steps. As explained above ("Project-Related Potential Exposure to Existing Hazardous Materials Contamination"), these steps are standard procedures required as part of City-, County-, regional-, and State-mandated requirements; the steps are not mitigation required by this EIR.

Step 1. Thoroughly survey the project site and existing structures for the presence of ACM and PCBs. The survey shall be performed by a person who is properly certified by the Occupational Safety and Health Administration (OSHA) and has taken and passed an Environmental Protection Agency (EPA) approved building inspector course.

Step 2. If building elements containing any amount of ACM or PCBs are present, prepare a written ACM/PCB Abatement Plan describing activities and procedures for removal, handling, and disposal of these building elements using the most appropriate procedures, work practices, and engineering controls.

Step 3. Provide the ACM and PCB survey findings, the written ACM/PCB Abatement Plan (if necessary), and notification of intent to demolish to the City and BAAQMD at least ten days prior to commencement of demolition.

Step 4. Remove any on-site transformers prior to demolition of buildings.

Implementation of these required, standard procedures would result in a ***less-than-significant impact*** associated with potential ACM and PCB exposure.

Mitigation 10-5 and 10-6. No significant impact has been identified; no mitigation is required.

Impact 10-7 and 10-8: Project-Related Potential Lead-Based Paint Exposure. If lead-based paint is present and has delaminated (split into thin layers) or chipped from surfaces, airborne lead particles could be released during alteration, renovation, or demolition of existing structures within the Plan Area. California OSHA (CalOSHA) regulations would be applied, and each site-specific project would implement the following standard, mandatory procedures in accordance with those CalOSHA regulations:

- Notify the City's Building and Fire Safety Division prior to starting work, describing the nature, location, and schedule of the work;

- Post a sign at all work locations where lead containment is required, stating that lead-based paint abatement is in progress and public access is prohibited;

- Notify the tenant(s) where the lead-based paint abatement work will be performed on a residential property occupied by one or more tenants; and

- Notify the property owner when work on a residential project will disturb lead-based paint.

Lead abatement performance standards are included in the *Guidelines for Evaluation and Control of Lead-Based Paint Hazards* (U.S. Department of Housing and Urban Development). Accordingly, HEPA vacuums may be required for abrasive blasting, water blasting, scraping, or sanding. Burning, torching, and similar activities are prohibited. Following completion of lead-based paint abatement, all visible lead-based paint particles must be removed from the site.

The City may inspect lead-based paint abatement activities at any time during construction. These personnel are also responsible for addressing citizen complaints related to lead-based paint abatement activities and may issue a Notice of Violation, a Stop Work order, or a fine.

Implementation of these required, standard procedures would result in a ***less-than-significant impact*** associated with potential lead-based paint exposure.

Mitigation 10-7 and 10-8. No significant impact has been identified; no mitigation is required.

Impact 10-9 and 10-10: Potential for Hazardous Materials Near Schools. Mission College is located within one-quarter mile of the Plan Area; however, the proposed land uses anticipated to be permitted under the Focus Area Plan and the future comprehensive planning study (e.g., specific plan) are not expected to involve the routine transport, use, storage, or disposal of hazardous materials to that extent that a significant public or environmental hazard would occur. In addition, although future construction under the comprehensive planning study would be likely to involve the intermittent transport, use, storage, and disposal of potentially hazardous materials, including fuels and lubricants,

paints, solvents, and other materials commonly used in construction and maintenance, these projects would be required to comply with applicable local, State, and federal regulations. Specific to schools, State regulations on the siting of hazardous materials facilities limit their location in proximity to schools; conversely, CEQA (section 21151.8, School Site Acquisition or Construction) and other State regulations impose restrictions on where new schools can be constructed. The impact of hazardous materials on schools would be less-than-significant.

Mitigation 10-9 and 10-10. No significant impact has been identified; no mitigation is required.

Impact 10-11 and 10-12: Protocols for Government Code Section 65962.5 Sites. A review of the Cortese List data resources conducted on March 5, 2020 indicated no sites in the Plan Area in any of the Cortese List data resources (see section 10.1.1, Hazardous Materials, above). The California Department of Toxic Substances Control (DTSC) maintains the EnviroStor database, which lists and includes data on hazardous materials sites compiled pursuant to Government Code section 65962.5 (Cortese List); such sites are regulated by DTSC because hazardous materials investigations and/or cleanup actions are planned, active, or have been completed at these sites (see Table 10-1 under "Setting," above). The site-specific mitigation protocols administered by DTSC and other jurisdictional agencies (including the Santa Clara Fire Department) – in conformance with federal, State, regional, and local regulations (see "Regulatory Setting," above) – are intended to ensure that the cleanup of such sites would result in ***less-than-significant impacts***.

Mitigation 10-11 and 10-12. No significant impact has been identified; no mitigation is required.

Impact 10-13 and 10-14: Consistency with the San Jose Airport Comprehensive Land Use Plan. Approximately 45 acres of the Plan Area (between Mission College Boulevard and California's Great America amusement park, and bounded by Great American Parkway on the west and the San Tomas Aquino Creek Trail on the east) are in the San Jose International Airport Influence Area (AIA). The rest of the Plan Area, south of Mission College Boulevard, including the Greystar project site, is not located within the AIA.

The Airport Comprehensive Land Use Plan (CLUP) establishes development standards related to noise, structure height, and safety that are applicable to development in areas surrounding the airport. While the Plan Area is not located in a mapped safety or noise area, parts of the Plan Area are within the CLUP Height Restriction Area, which uses the Federal Aviation Administration's (FAA) Federal Aviation Regulations (FAR) Part 77 imaginary surfaces to delineate the area within which structures above a maximum structure height may constitute a safety hazard.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (commonly referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of proposed

structures and minimizing other potential hazards to aircraft such as reflective surfaces, flashing lights, and electronic interference. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

CLUP Policy H-1 states that any structure, existing or proposed, that penetrates (i.e., is above the maximum structure height) the FAR Part 77 imaginary surfaces would be considered an incompatible use, barring a determination from the FAA that the proposed structure or object does not present a hazard to air navigation. Based on preliminary review of the Plan Area by the City of San Jose Airport Department, the FAR Part 77 airspace surface notification requirement would apply to structures whose proposed height would exceed from 150 feet to 170 feet above ground (assuming a ground elevation of roughly 20 feet), and therefore would require review of project plans by the FAA (which would consider other factors besides height, such as flight direction and trajectory). Notification to the FAA would therefore be required for individual proposed structures that would exceed this airspace surface, such as for buildings in the Urban Center designation where allowable heights of 12-plus stories have the potential to reach 150-170 feet. FAA review and issuance of determinations that a proposed structure would not be a hazard to air navigation, and project compliance with any conditions set forth in such FAA determinations, would ensure that the structure would not be an air safety hazard.

Additional CLUP policies related to land use compatibility include Policy G-6, which prohibits uses within an AIA that may cause hazards to aircraft due to electrical interference, high intensity lighting, attraction of birds, and activities that produce smoke, dust, or glare, among others. Projects proposed in the Plan Area that are within the San Jose International Airport AIA would need to be referred to the ALUC for a consistency review with the San Jose International Airport CLUP.

Based on the discussion above and the adopted, standard protocols under the CLUP, this land use compatibility and safety impact is considered ***less-than-significant***.

Mitigation 10-13 and 10-14. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

Cumulative projects located in the vicinity of the Plan Area do not include manufacturing facilities or operations that would use significant quantities of hazardous materials. The cumulative projects, therefore, would not create a significant hazard to the environment through the routine use, transport, or reasonably foreseeable accidents related to hazardous materials use. Hazardous materials contamination impacts are specific to the individual sites within the Plan area as impacts vary by site characteristics, site history, and proposed land use, and are subject to local, County, State and Federal regulations. Redevelopment in the Plan Area therefore would *not* make a considerable contribution to a significant cumulative hazardous materials impact.

H. Hydrology and Water Quality

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 11-1 and 11-2: Construction Period Water Quality Impacts. The Regional Water Quality Control Board (RWQCB) and City of Santa Clara water quality protection requirements and conditions applicable to Plan implementation are intended to reduce any potential construction period water quality impacts to a *less-than-significant level*, consistent with federal and State water quality regulations and plans.

Development facilitated by the Freedom Circle Focus Area would implement site-specific, mandated measures (uniformly applied development standards) to protect water quality, including but not limited to those measures required under the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).

Any project grading activities involving disturbance of more than one acre would require a Notice of Intent (NOI) and a National Pollution Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board (RWQCB, Region 2 for Santa Clara). The RWQCB administers the NPDES stormwater permitting program in the Bay Area, including the Municipal Regional Stormwater NPDES Permit and C.3 (stormwater compliance) Permit. Project owners submit a Notice of Intent (NOI) to the RWQCB to be covered by the General Construction Permit prior to the beginning of construction. The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For a project entailing disturbance of more than one acre, the SWPPP must be prepared before construction begins, usually during the planning and design phases of a project, and must include specifications for Best Management Practices (BMPs) that would be implemented during project construction to control contamination of surface flows and the potential discharge of pollutants from commencement of construction through project completion. The SWPPP document itself remains on-site during construction. After completion of the project, the owners are required to submit a Notice of Termination to the RWQCB to indicate that construction is completed.

Also, depending on individual development proposals, grading permits would be required. For all grading permits, the City mandates site-specific measures (uniformly applied development standards) to be implemented during grading to minimize construction period erosion, including a site-specific erosion and sediment control plan subject to City review and approval. Erosion and sediment control plans typically show what BMPs are proposed to be used and where, and are customarily superimposed on a project grading plan. Because project sites and site conditions vary, the measures could include a combination of techniques such as erosion control blankets, fiber rolls, silt fences, storm drain inlet protection, and stabilized construction exit(s), and would generally address how to minimize impacts from active construction areas during the rainy season (i.e., stockpiling and protecting site soils), preservation of existing vegetation and revegetation of disturbed areas afterward, use of soil stabilization methods (soil binders, straw mulch, etc.), as well as sediment control measures (such as silt fences or straw wattles) to prevent residual silt runoff to storm drains or waterways and measures to clean equipment and prevent off-site tracking of construction-related soil and other debris.

The temporary use of hazardous materials (e.g., diesel fuel) and heavy equipment, which represent a secondary component of construction, could introduce materials that might be spilled in the Plan Area and subsequently washed into water bodies, such as Calabazas Creek, San Tomas Aquino Creek, and, ultimately, San Francisco Bay. These substances could have a direct, adverse effect on water quality in water bodies. Implementation of the standard, required NPDES, SCVURPPP, and City construction period measures to reduce the risk of construction period pollutants would reduce this risk to a *less-than-significant level*.

As noted above, individual development projects would be required to treat and detain stormwater runoff on a site-specific basis. Road resurfacing and sidewalk repair and/or replacement are exempt from the NPDES C.3 Permit requirements if the work is within the existing impervious area footprint. Where Plan-facilitated improvements include new roadway impervious surfaces outside existing impervious areas, the NPDES C.3 Permit requirements must be implemented.

Based on the above discussion, construction period water quality impacts resulting from Plan implementation would be ***less-than-significant***.

Mitigation 11-1 and 11-2. No significant impact has been identified; no mitigation is required.

Impact 11-3 and 11-4: Long-Term Water Quality Impacts from Project Operation. Long-term implementation could result in contamination of Plan Area stormwater runoff with petroleum and other contaminants from motor vehicles. Development facilitated by the eventual Specific Plan would be required to comply with RWQCB- and City-mandated post-construction, non-point source pollution control measures (uniformly applied development standards; also known as facilities and maintenance practices) that would ensure that such impacts would be reduced to a *less-than-significant level*.

Plan implementation could result in the deposition by motor vehicles of oil and other contaminants along Plan Area streets and in parking areas. Rainfall has the potential to wash these contaminants into the municipal storm drainage system, potentially contaminating downstream waterways, in particular San Tomas Aquino Creek where stormwater runoff from the Plan Area is conveyed, although during major storm events with high levels of rainfall, storm drain networks can interact through overflow connections and surface flows. Such non-point pollution is typically controlled through a combination of source controls (generally through the use of infiltration devices, such as infiltration trenches or basins, which are designed to transmit runoff directly to subsurface soils and thereby prevent pollutants from entering the waterways).

Under the terms of the countywide Municipal Regional Stormwater NPDES Permit (MRP) that the City of Santa Clara is subject to, each development project must also implement post-construction measures to prevent or control pollutants in runoff (recommended measures are included in the Stormwater C.3 Guidebook), and identify a plan to inspect and maintain these measures. Project designs, subject to review and approval by the City, would be required to include the on-site collection of runoff from all parking facilities and, if feasible, its on-site treatment (oil/grease traps, filters, oil/water separators, or similar in-line filtration systems), and an associated periodic clean out/maintenance program that ensures acceptable trap efficiencies, specifies appropriate disposal procedures, and adequately reduces the risk that the traps become sinks for pollutants. A regular schedule of parking facility sweeping would also be required. In addition, source control features such as roofed trash enclosures would be required to keep pollutants from contacting stormwater. These mandated, uniformly applied stormwater treatment measures would also need to meet engineered sizing criteria approved by the City Engineer.

Permanent post-construction Best Management Practices (BMPs) are required for all new projects that create or replace between 2,500 and 10,000 square feet ("small projects") or more ("large projects") of roofs or pavement, including new development, redevelopment, and commercial and industrial sites. Permanent treatment BMPs can include, for example:

- rainwater harvesting and re-use,
- biofiltration swales,
- detention basins,
- bioretention areas, and
- flow-through planter boxes.

Low Impact Development (LID) features can be integrated with BMPs, control measures, and permit requirements. LID features reduce impervious surfaces and can include pervious pavements, landscape features, and green roofs. Parking stalls and plaza areas in the Plan Area would utilize pervious asphalt, pervious concrete, or permeable pavers.

Medians would be landscaped to increase permeability. Landscaped open space also would contribute to reductions in impervious surfaces.

Given the existing level of urbanization and the potential development under the eventual Specific Plan, BMPs can complement the Plan's development standards and guidelines, and address existing constraints. For example, bioretention planter areas may be used to treat roadway runoff, and flow-through planter boxes may be used to treat roof runoff. Or, depending on site-specific conditions and proposed plans, BMPs and LID features could include those listed above (BMP: rainwater harvesting and re-use, etc.; LID: pervious pavement, landscape features, etc.) or a combination of these or other feasible and effective techniques. As part of the standard City development process, future project applicants would be required to submit, for City review and approval, a Santa Clara "C.3" data form, which would be used to determine whether C.3 requirements apply (i.e., projects meeting or exceeding the size threshold for impervious surfaces) and to identify which site design measures, pollutant source controls, and/or stormwater treatment measures are proposed to prevent runoff pollution.

During design, the Stormwater C.3 Guidebook shall be referenced for acceptable BMPs, design considerations, design criteria, and operation and maintenance information. In addition to the C.3 Guidebook, individual development proposals shall determine if drainage would discharge to a water body impacted by specific pollutants, as identified on the C.3 data form (see above), and would be required to demonstrate compliance with RWQCB requirements to reduce stormwater runoff water quality impacts to a less-than-significant level. The 303(d) List of Impacted Water Bodies, prepared and issued by the RWQCB, includes Calabazas and San Tomas Aquino creeks. The Municipal Regional Permit (MRP) provides more detailed information. Based on the discussion above, the effects of contaminated site runoff on water quality in the local (municipal) storm drainage system would represent a ***less-than-significant impact***.

Mitigation 11-3 and 11-4. No significant impact has been identified; no mitigation is required.

Impacts 11-5 and 11-6: Effects on Groundwater Recharge and Groundwater Management. Currently, the Freedom Circle Focus Area is covered almost entirely with structures, surface parking (asphalt paving), and introduced landscaping. Based C.3 requirements and BMPs, implementation of the Focus Area would be expected to decrease the proportion of the Plan Area that is covered with impervious surface through application of LID techniques that would increase permeable area as well as the introduction of new landscaped, open space, and park areas.

The Plan Area would not conflict with or obstruct implementation of the 2016 Santa Clara Valley Water District Groundwater Management Plan because the Plan Area is not an area designated by Valley Water for groundwater recharge.

Also, the increased use of groundwater is one of several options available to the City to

meet short-term water supply deficiencies. The City currently monitors groundwater levels at all City production wells and meters groundwater pumping. If the City determines the need to pump additional groundwater, this groundwater monitoring, in addition to the existing groundwater recharge program, would reduce the potential to substantially decrease groundwater supplies and ensure that the groundwater basin would not approach overdraft conditions.

Therefore, the impact on groundwater recharge and groundwater management would be ***less-than-significant***.

Mitigation 11-5 and 11-6. No significant impact has been identified; no mitigation is required.

Impact 11-7 and 11-8: Drainage Patterns and Risk of Flooding. Because the Focus Area is already largely covered with structures, paved surface parking, and introduced landscaping, development under the Plan would not significantly alter the total volume or rate of stormwater runoff into the existing municipal storm drain system or substantially alter drainage patterns, particularly because implementation of stormwater control measures would slow down the rate and reduce the volume of stormwater runoff, especially when compared to the existing hardscape areas. In addition, the Focus Area Plan proposes public parkland (which would typically include additional landscaped, open space, and park areas with pervious surfaces) and also proposes to minimize surface parking by requiring below-grade or structured parking facilities.

The currently mapped FEMA Flood Zones indicate that most of the Plan Area is located in Zone X ("Area with Reduced Flood Risk Due to Levee") – i.e., not in the 1% annual flood hazard zone.

The City applies uniformly applicable stormwater management regulations to avoid or reduce the potential for flood flow or drainage impacts of development, including erosion and siltation impacts, which provide for incorporating in projects one or a combination of BMPs such as rainwater harvesting and re-use, biofiltration swales, detention basins, bioretention areas, and flow-through planter boxes, and/or LID features such as use of pervious pavement, landscape features, and green roofs. The City's Flood Damage Prevention Code (City Code chapter 15.45) requires development in Special Flood Hazard Areas to meet City standards related to anchoring of structures, construction methods and materials, elevation of structures, and floodproofing (as applicable to reduce or eliminate flood damage). Compliance with these City Code standards would also reduce risks from hazards resulting from inundation by regulating uses (including new construction and other development activities) that may increase flood heights or velocities or otherwise obstruct or redirect flood water in a manner that could lead to potential release of pollutants. City erosion and sediment control plan requirements would reduce the potential for erosion and/or sedimentation resulting from any changes in drainage patterns.

Also, for individual developments, the City requires a utility plan addressing, among other

infrastructure components, the storm drain system. Practices include controlling the amount and timing of runoff from development sites (e.g., see the BMPs and LID features described above, which control runoff quantities as well as improve water quality) and raising the elevation of buildings or other flood protective measures as described above. Implementation of these development standards would be required as a condition of individual development project approval, prior to issuance of grading or building permits. Also, because development under a future Specific Plan would be required to prevent increases in runoff flows from new development and redevelopment projects (e.g., comply with NPDES C.3 requirements), effects on existing drainage patterns would be less-than-significant.

Based on the above discussion, the impacts of drainage patterns and potential flooding are considered ***less-than-significant*** .

Mitigation 11-7 and 11-8. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

(a) None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

The Project would not have a cumulatively considerable impact on hydrology or water quality. All development projects (including future development under the Focus Area Plan) are required to undertake steps to avoid, minimize, and/or mitigate flooding and water quality impacts. Projects north of the Plan Area, including City Place, shall be designed to have no impacts to upstream water surface elevations and therefore will cause no negative flooding impacts to the project site. In addition, the Project will have no impact on hydrology or water quality with implementation of the mitigation measures discussed above. Future upstream projects would not impact the Plan Area as they would not significantly alter the existing hydrologic (i.e. flow path) conditions of those areas and are subject to NPDES regulations for treatment and retention of stormwater runoff. Therefore, cumulative hydrological impacts would be considered *less than significant*.

J. Land Use and Planning

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impacts 12-1 and 12-2: Project Effects on the Physical Arrangement of the Community. The analyses and findings in this EIR indicate that future development activity under the Freedom Circle Focus Area would not disrupt or divide the physical arrangement of the community. The Plan Area is generally an internally focused collection of large, self-contained parcels. Focus Area-facilitated development identified in the Project Description would occur within the Plan Area. Implementation of a future comprehensive plan would establish integrated physical and functional connections between Focus Area parcels and with the adjacent community.

The Freedom Circle Focus Area, in concert with the Santa Clara General Plan, is intended to provide for the expansion of housing choices by encouraging compact, transit-accessible, pedestrian-oriented housing and mixed-use (housing/retail/office) development in the Plan Area at densities and heights greater than currently developed. The Plan is designed to ensure that this housing and mixed-use development is conveniently located near public transportation, shopping, employment, and other community facilities.

The Focus Area land use provisions would be expected to encourage substantial beneficial land use effects in (1) revitalizing the Focus Area; (2) facilitating development where services and infrastructure can be most efficiently provided by promoting higher residential densities within or near existing employment and public transportation areas; (3) and promoting compact, transit-accessible, pedestrian-oriented, mixed-use development patterns and land use. These land use characteristics epitomize the principles and policies of the Association of Bay Area Governments (ABAG) Plan Bay Area, and would represent a *beneficial land use effect*.

Mitigation 12-1 and 12-2. The Freedom Circle Focus Area and the Greystar project General Plan Amendment would result in beneficial land use and planning effects. No mitigation pertaining to environmental impacts on the physical arrangement of the community is required.

Impact 12-3 and 12-4: Project Consistency with Land Use Plans, Policies, and Regulations Adopted for the Purpose of Avoiding or Mitigating Environmental Effects. CEQA requires environmental impacts to be analyzed compared to ***existing conditions on the ground*.**

The Freedom Circle Focus Area Plan would serve as a foundation for a comprehensive planning study (e.g., specific plan) to achieve a coordinated, connected environment within the Plan Area while increasing land use intensity through frameworks and unified, context-sensitive design standards and guidelines, which would result in the efficient use of existing resources and infrastructure. Though these would represent beneficial land use effects, they would not occur before implementation of the next step in the planning process. However, because Focus Area Plan vision is to create a dynamic, mixed-use district of residential developments and community amenities with a diverse range of employment uses to complement other North Santa Clara neighborhoods and provide pedestrian, bicycle and roadway connections to employment centers, transit stops, trails, and other destinations, and because the Focus Area Plan includes goals and policies to support this

vision consistent with the General Plan, the Plan's impact on land use and planning is considered a less-than-significant impact.

Mitigation 12-3 and 12-4. The Freedom Circle Focus Area and Greystar Project would result in beneficial land use and planning effects. No additional mitigation pertaining to project consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects is required beyond those mitigation measures already identified in the environmental topic chapters of the EIR.

2. Project impacts determined to be less than significant with mitigation incorporated

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

The proposed Focus Area Plan would not make a cumulatively considerable contribution to any significant cumulative land use impact, for the following reasons. With respect to physically dividing an established community, as described in EIR chapter 12 (Land Use and Planning), the proposed project's effect would be positive rather than negative because the project is intended to provide for the expansion of housing choices by encouraging compact, transit-accessible, pedestrian-oriented housing development in the Plan Area at densities and heights greater than currently developed and conveniently located near public transportation, shopping, employment, and other community facilities. With respect to consistency with adopted City of Santa Clara 2010-2035 General Plan land use plans and policies, projects inside the Plan Area and any projects outside the Plan Area are required by law to be consistent with those General Plan plans and policies. In addition, future development in the Plan Area (other than the Greystar project) would require a comprehensive planning study (e.g., specific plan) before any project approval would be considered. As the purpose of this comprehensive planning is to ensure development impacts within the area are considered cumulatively in order to identify appropriate mitigation, the proposed Focus Area Plan would not make a cumulatively considerable contribution to any significant cumulative land use or planning impact.

K. Noise and Vibration

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 13-9 and 13-10: Operational Vibrations. The Plan Area does not currently include any substantial vibration generating equipment. The Focus Area Plan would add a mix of residential, mixed-use, flex, and/or office land uses to the Plan Area over time, reaching full development by 2040. These new land uses could involve machinery and equipment such as pumps, compressors, generators, and other fixed equipment that produce vibrations; however, this equipment would not generate vibration levels that could exceed the City's vibration perception threshold of 0.01 in/sec PPV (see Section 13.2.4.2). As discussed under Impact 13-3, even large construction equipment such as a bulldozer does not generate a vibration level above 0.01 in/sec at distance of approximately 150 feet. Potential pumps, generators, and other typical equipment would be securely mounted and not large enough to generate substantial vibrations beyond the immediate vicinity of the equipment. The Focus Area Plan does not propose or support any large vibration-inducing equipment or land use activities and would not result in excessive ground-borne vibration levels. This represents a ***less-than-significant impact***.

Mitigation 13-9 and 13-10. No significant impact has been identified; no mitigation is required.

Impact 13-11: Exposure to Airport-Related Noise. The San Jose International Airport CLUP establishes the 65 CNEL contour as the noise restriction area for residential land uses, and the City's General Plan (Policy 5.10.6- P8) encourages safe and compatible land uses within the airport's noise restriction area. The part of the Plan Area north of Mission College Boulevard and east of Great America Parkway lies within the San Jose International Airport influence area; however, the Plan Area is not located within the 65 CNEL contour associated with San Jose International Airport (SCC ALUC 2016; Figure 5). Accordingly, future development within the Plan Area, including the Greystar project, would not be subjected to excessive airport-related noise levels. Consistent with the CLUP (Policy N-5), future owners in the Plan Area that own property in the airport influence area and who rent or lease property for residential use will be required to include a disclosure in the rental/lease agreement with the tenant that the property is within a high noise area associated with airport operations and may be exposed to airport-related noise levels greater than 65 CNEL.

The Plan Area, including the Greystar project, would not expose people living or working in the Plan Area to excessive airport-related noise levels. This impact is considered a ***less-than-significant impact***.

Mitigation 13-11. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

(a) Impact 13-1: Temporary Construction Noise Levels – Freedom Circle Focus Area Plan. The implementation of the Freedom Circle Focus Area Plan could result in construction and development activities in the Plan Area that generate noise levels above City standards and/or otherwise result in a substantial, temporary

increase in ambient noise levels in the vicinity of the Plan Area. This represents a ***potentially significant impact***.

Finding: Mitigation measures would reduce impacts due to construction-related vibration impacts to less than significant levels. The City hereby determines this impact to be *less than significant*.

Facts in Support of Finding

With regard to construction noise, demolition, site preparation, and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. The use of specialized equipment such as impact or vibratory pile drivers can also generate high noise levels during initial foundation work stages. The worst-case L_{eq} and L_{max} noise levels associated with the operation of a dozer, excavator, scraper, etc., are predicted to be approximately 82 and 85 dBA, respectively, at a distance of 50 feet from the equipment operating area. At an active construction site, it is not uncommon for two or more pieces of construction equipment to operate at the same time and in close proximity. The concurrent operation of two or more pieces of construction equipment would result in noise levels of approximately 85 to 88 dBA at a distance of 50 feet from equipment operating areas. The magnitude of each individual future project's temporary and periodic increase in ambient noise levels would be dependent upon a number of project-specific factors that are not known at this time, including: the amount and type of equipment being used; the distance between the area where equipment is being operated and the location of the specific land use, receptor, etc., where noise levels are being evaluated; the time of day construction activities are occurring; the presence or absence of any walls, buildings, or other barriers that may absorb or reflect sound waves, the total duration of the construction activities, and the existing ambient noise levels near construction areas.

Typically, sustained construction noise levels of 80 to 85 dBA or higher would require the implementation of construction noise control practices such as staging area restrictions (e.g., siting staging areas away from sensitive receptors), equipment controls (e.g., covered engines and use of electrical hook-ups instead of generators), and/or the installation of temporary noise barriers of sufficient height, size (length or width), and density to achieve targeted noise reductions. In general, typical construction equipment activities could exceed the City's significance thresholds at residential and commercial land uses within 400 feet and 200 feet of work areas, respectively, assuming the construction activity would last for more than one year (which may or may not be the case depending on the project. The use of pile driving equipment, if necessary, could exceed residential and commercial thresholds at distances of 500 and 400 feet, respectively. While all projects in the Planning Area would be subject to the permissible construction hours established by the Municipal Code, construction activities could result in temporary increases in noise levels above ambient conditions of 10 to 30 dBs or more during permissible

time frames, which would be perceived by noise-sensitive land uses as doubling or quadrupling of loudness, respectively. This is considered a potentially significant impact.

Mitigation Measures:

Mitigation 13-1: Reduce Potential Freedom Circle Focus Area Plan Construction Noise Levels. To reduce potential noise levels from Focus Area Plan related construction activities, the City shall ensure future development projects within the Plan Area:

1) Notify Residential and Commercial Land Uses of Planned Construction Activities. This notice shall be provided at least one week prior to the start of any construction activities, describe the noise control measures to be implemented by the Project, and include the name and phone number of the designated contact for the Applicant/project representative and the City of Santa Clara responsible for handling construction-related noise complaints (per Section 8). This notice shall be provided to: A) The owner/occupants of residential dwelling units within 500 feet of construction work areas; and B) The owner/occupants of commercial buildings (including institutional buildings) within 200 feet of construction work areas or within 400 feet of construction work areas if pile driving equipment will be used.

2) Notify San Tomas Aquino Creek Trail Users of Construction Activities. Prior to the start of construction activities within 500 feet of the San Tomas Aquino Creek Trail, signs shall be posted along the trail warning of potential temporary elevated noise levels during construction. Signs shall be posted within 250 feet of impacted trail segments (i.e., portions of the trail within 500 feet of a work area) and shall remain posted throughout the duration of all substantial noise generating construction activities (typically demolition, grading, and initial foundation installation activities).

3) Restrict Work Hours. All construction-related work activities, including material deliveries, shall be subject to the requirements of City Municipal Code Section 9.10.230. Construction activities, including deliveries, shall occur only during the hours of 7:00 AM to 6:00 PM, Monday through Friday, and 9 AM to 6 PM on Saturday, unless otherwise authorized by City permit. The applicant/project representative and/or its contractor shall post a sign at all entrances to the construction site informing contractors, subcontractors, construction workers, etc. of this requirement.

4) Control Construction Traffic and Site Access. Construction traffic, including soil and debris hauling, shall follow City-designated truck routes and shall avoid routes (including local roads in the Plan Area) that contain residential dwelling units to the maximum extent feasible given specific project location and access needs.

5) Construction Equipment Selection, Use, and Noise Control Measures. The following measures shall apply to construction equipment used in the Plan Area: A) To the extent feasible, contractors shall use the smallest size equipment capable of safely completing work activities; B) Construction staging shall occur as far away from residential and commercial land uses as possible; C) All stationary noise-generating equipment such as pumps, compressors, and welding machines shall be shielded and located as far from sensitive receptor locations as practical. Shielding may consist of existing vacant structures or a three- or four-sided enclosure provide the structure/barrier breaks the line of sight between the equipment and the receptor and provides for proper ventilation and equipment operations; D) Heavy equipment engines shall be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical isolators, mounts, etc. These devices shall be maintained in accordance with manufacturer's recommendations during active construction activities; E) Pneumatic tools shall include a noise suppression device on the compressed air exhaust; F) The applicant/project representative and/or their contractor shall connect to existing electrical service at the site to avoid the use of stationary power generators (if feasible); G) No radios or other amplified sound devices shall be audible beyond the property line of the construction site.

6) Implement Construction Activity Noise Control Measures: The following measures shall apply to construction activities in the Plan Area: A) Demolition: Activities shall be sequenced to take advantage of existing shielding/noise reduction provided by existing buildings or parts of buildings and methods that minimize noise and vibration, such as sawing concrete blocks, prohibiting on-site hydraulic breakers, crushing, or other pulverization activities, shall be employed to the maximum extent feasible; B) Demolition Site Preparation, Grading, and Foundation Work: During all demolition, site preparation, grading, and structure foundation work activities within 500 feet of a residential dwelling unit or 400 feet of a commercial building (including institutional buildings), a physical noise barrier capable of achieving the construction noise level standards set forth in Section 7 below shall, if required pursuant to Section 7, be installed and maintained around the site perimeter to the maximum extent feasible given site constraints and access requirements. Potential barrier options capable of reducing construction noise levels could include, but are not limited to: i) A concrete, wood, or other barrier installed at-grade (or mounted to structures located at-grade, such as a K-Rail), and consisting of a solid material (i.e., free of openings or gaps other than weep holes) of sufficient height (determined pursuant to Section 7) that has a minimum rated transmission such as acoustic barrier blankets that have a minimum sound transmission class (STC) or transmission loss value of 20 dB; iii) any combination of noise barriers and commercial products capable of achieving required construction noise reductions during demolition, site preparation, grading, and structure foundation work activities; iv) The noise barrier may be removed following the completion of building foundation work (i.e., it is not necessary once framing and typical vertical building construction begins provided no other grading, foundation, etc. work is still occurring on-site); and C) Pile Driving: If pile driving activities are

required within 500 feet of a residential dwelling unit or 400 feet of a commercial building, the piles shall be pre-drilled with an auger to minimize pile driving equipment run times.

7) Prepare Project-Specific Construction Noise Evaluation. Prior to the start of any specific construction project lasting 12 months or more, the City shall review and approve a project-specific construction noise evaluation prepared by a qualified acoustical consultant that: A) Identifies the planned project construction sequence and equipment usage; B) Identifies typical hourly average construction noise levels for project construction equipment; C) Compares hourly average construction noise levels to ambient noise levels at residential and commercial land uses near work areas (ambient noise levels may be newly measured or presumed to be consistent with those levels shown in Table 13-2 and 13-3 of the Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR); and D) Identifies construction noise control measures incorporated into the project that ensure: i) activities do not generate noise levels that are above 60 dBA L_{eq} at a residential dwelling unit and exceed the ambient noise environment by at least 5 dBA Leq for more than one year; and ii) activities do not generate noise levels that are above 70 dBA Leq at a commercial property (including institutional land uses) and exceed the ambient noise environment by at least 5 dBA Leq for more than one year. Such measures may include but are not limited to: a) The requirements of Sections 4, 5, 6, and 8; b) Additional project and/or equipment-specific enclosures, barriers, shrouds, or other noise suppression methods. The use of noise control blankets on building facades shall be considered only if noise complaints are not resolvable with other means or methods.

8) Prepare a Construction Noise Complaint Plan. The Construction Noise Complaint Plan shall: A) Identify the name and/or title and contact information (including phone number and email) for a designated project and City representative responsible for addressing construction-related noise issues; B) Includes procedures describing how the designated project representative will receive, respond, and resolve construction noise complaints; C) At a minimum, upon receipt of a noise complaint, the project representative shall notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint; D) The elements of the Construction Noise Complaint Plan may be included in the project-specific noise evaluation prepared to satisfy Section 7 or as a separate document.

9) Owner/Occupant Disclosure: The City shall require future occupants/tenants in the Plan Area receive disclosure that properties in the Plan Area may be subject to elevated construction noise levels from development in the Plan Area. This disclosure shall be provided as part of the mortgage, lease, sub-lease, and/or other contractual real-estate transaction associated with the subject property.

With implementation of these measures, this impact would be ***less than significant***.

(b) Impact 13-2: Temporary Construction Noise Levels – Greystar General Plan Amendment. The Greystar project could result in construction and development activities in the Plan Area that generate noise levels above City standards and/or otherwise result in a substantial, temporary increase in ambient noise levels in the vicinity of the Plan Area. This represents a ***potentially significant impact.***

Mitigation 13-2: Reduce Greystar Project Construction Noise Levels. To reduce potential noise levels from Greystar Project construction activities, the City shall ensure the Applicant:

1) Notify Residential and Commercial Land Uses of Planned Construction Activities. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1.

2) Notify San Tomas Aquino Creek Trail Users of Construction Activities. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 2.

3) Restrict Work Hours. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 3.

4) Control Construction Traffic and Site Access. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 4.

5) Construction Equipment Selection, Use, and Noise Control Measures. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 5.

6) Implement Construction Activity Noise Control Measures: See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section. The project will not require pile driving and, therefore, pile driving control measures identified in Mitigation Measure 13-1, Section 6 C) are not applicable. See below for noise barrier mitigation requirements per Mitigation Measure 13-1, Section 6 B).

7) Prepare Project-Specific Construction Noise Evaluation. Not applicable. The construction noise analysis presented in the Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report constitutes the Project-specific construction noise evaluation per Mitigation Measure 13-1, Section 7.

8) Prepare a Construction Noise Complaint Plan. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 8.

9) Owner/Occupant Disclosure: See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 9.

Per Mitigation Measure 13-1, Section 6 B), the following noise barriers shall be installed and maintained around the perimeter of active work areas: A) For all demolition, site preparation, grading, and foundation work within 100 feet of the commercial property (Pedro's Restaurant and Cantina) that borders the site's southwest perimeter: i) a 6-foot-tall barrier shall be installed starting at Freedom Circle and extending south along the property boundary to the site's southern property line (approximately 640 linear feet). B) For all demolition, site preparation, grading, and foundation work within 150 feet of commercial properties across Freedom Circle: i) a 6-foot-tall barrier shall be provided along the length of the property line that fronts Freedom Circle, excepting construction access points as needed (approximately 1,130 linear feet). C) Noise barriers shall consist of ½" plywood or any other material weighing 4 pounds per square foot or more or having a minimum documented transmission loss value of 20 dBA. The barriers may be erected on temporary retaining walls or temporary K-rails or other solid structures (which shall be considered as part of the total height of the barrier). Boards shall be staggered one over two, or joints otherwise fastened and sealed, to prevent sound transmission through joints. There shall be no openings or gaps in the barrier. The barrier shall be regularly inspected (e.g., weekly) and maintained during construction activities (e.g., warped or cracked boards shall be replaced upon discovery). D) The noise barrier may be removed following the completion of building foundation work within the distances specific above (i.e., it is not necessary once framing and typical vertical building construction begins provided no other grading, foundation, etc. work is still occurring on-site).

With implementation of these measures, this impact would be ***less than significant***

(c) Impact 13-3: Temporary Construction Vibration Levels – Freedom Circle Focus Area Plan. The implementation of the Freedom Circle Focus Area Plan could result in construction and development activities in the Plan Area that generate vibration levels above City standards and/or otherwise result excessive ground-borne vibration levels. This represents a ***potentially significant impact.***

Finding: Mitigation measures would reduce impacts due to construction-related vibration impacts to less than significant levels. The City hereby determines this impact to be *less than significant*.

Facts in Support of Finding

Construction activities have the potential to result in varying degrees of ground vibration, depending on the specific construction equipment used and activities involved. Vibration generated by construction equipment spreads through the ground and diminishes with increases in distance. The effects of ground vibration

may be imperceptible at low levels, result in low rumbling sounds and detectable vibrations at moderate levels, and can disturb human activities such as sleep and vibration sensitive equipment at high levels. Ground vibration can also potentially damage the foundations and exteriors of existing structures even if it does not result in a negative human response. Pile drivers and other pieces of high impact construction equipment are generally the primary cause of construction-related vibration impacts. The use of such equipment is generally limited to sites where there are extensive layers of very hard materials (e.g., compacted soils, bedrock) that must be loosened and/or penetrated to achieve grading and foundation design requirements. The need for such methods is usually determined through site-specific geotechnical investigations that identify the subsurface materials within the grading envelope, along with foundation design recommendations and the construction methods needed to safely permit development of a site.

As indicated under Impact 13-1, since project specific information is not available at this time, potential short-term construction-related vibration impacts can only be evaluated based on the typical construction activities associated with residential, commercial, and retail development. Potential construction equipment and activity vibration levels were developed based on methodologies, reference noise levels, and equipment usage and other operating factors documented and contained in the FTA's Transit Noise and Vibration Impact Assessment document and Caltrans' Transportation and Construction Vibration Guidance Manual (FTA 2018 and Caltrans 2020).

Construction vibration impacts generally occur when construction activities occur in close proximity to buildings and vibration-sensitive areas, during evening or nighttime hours, or when construction activities last extended periods of time. Construction activities associated with the proposed project would occur in multiple phases and may last several years in total, with full development of the Plan Area anticipated to occur by 2040. In general, construction activities in the Plan Area would not be located near residential or commercial buildings or structures because the Plan Area is bordered by Patrick Henry Drive and Great America Park to the north, San Tomas Aquino Creek Trail to the east, U.S. 101 to the south, and Great America Parkway to the west. None of these land uses are sensitive to ground-borne vibration, and there are no residential building facades within 700 feet of the Plan Area; however, existing commercial land uses within the Plan Area and future land uses envisioned by the Focus Area Plan (e.g., residential dwelling units and commercial buildings) could be located near construction work areas within the Plan Area and affected by construction vibration.

Mitigation Measures:

In addition to adhering to the City Code for construction hours, the future development projects would be required to implement the following standard construction noise control measures to reduce construction noise levels at nearby land uses:

Mitigation 13-3: Reduce Potential Freedom Circle Focus Area Plan Construction Vibration Levels. To reduce potential vibration-related structural damage and other excessive vibration levels from Focus Area Plan related construction activities, the City shall ensure future development projects within the Plan Area:

1) Notify Residential and Commercial Land Uses of Planned Construction Activities. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1.

2) Restrict Work Hours. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 2.

3) Prohibit Vibratory Equipment. The use of large vibratory rollers, vibratory/impact hammers, and other potential large vibration-generating equipment (e.g., hydraulic breakers/hoe rams) shall be prohibited within 100 feet of any residential building façade and 50 feet of any commercial building façade during construction activities. Plate compactors and compactor rollers are acceptable, and deep foundation piers or caissons shall be auger drilled.

4) Prepare Project-Specific Construction Vibration Evaluation Plan. If it is not feasible to prohibit vibratory equipment per Section 3) due to site- or project-specific conditions or design considerations, the City shall review and approve a project-specific construction vibration evaluation that:
A) Identifies the project's planned vibration-generating construction activities (e.g., demolition, pile driving, vibratory compaction);
B) Identifies the potential project-specific vibration levels (given project-specific equipment and soil conditions, if known) at specific building locations that may be impacted by the vibration-generating work activities (generally buildings within 50 feet of the work area);
C) Identifies the vibration control measures incorporated into the project that ensure equipment and work activities would not damage buildings or result in vibrations that exceed Caltrans' strongly perceptible vibration detection threshold for peak particle velocity (PPV) of 0.1 inches/second (in/sec). Such measures may include, but are not limited to: i) the requirements of Sections 1, 2, and 3; ii) the use of vibration monitoring to measure actual vibration levels; iii) the use of photo monitoring or other records to document building conditions prior to, during, and after construction activities; and iv) the use of other measures such as trenches or wave barriers;
D) Identifies the name (or title) and contact information (including phone number and email) of the Contractor and City-representatives responsible for addressing construction vibration-related issues; and
E) Includes procedures describing how the construction contractor will receive, respond, and resolve to construction vibration complaints. At a minimum, upon receipt of a vibration complaint, the Contractor and/or City representative

described in the first condition D) above shall identify the vibration source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint by reducing ground-borne vibration levels to peak particle velocity levels that do not exceed accepted guidance or thresholds for structural damage that are best applicable to potentially impacted buildings (e.g., see Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Table 13-6) and Caltrans' strongly perceptible vibration detection threshold (PPV of 0.1 in/sec, see Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Table 13-7).

With implementation of these measures, this impact would be ***less than significant.***

(d) Impact 13-4: Temporary Construction Vibration Levels – Greystar General Plan Amendment. The Greystar project could result in construction and development activities in the Plan Area that generate vibration levels above City standards and/or otherwise result excessive ground-borne vibration levels. This represents a ***potentially significant impact.***

Mitigation 13-4: Reduce Greystar Project Construction Vibration Levels. To reduce potential vibration-related structural damage and other excessive vibration levels from Greystar project construction activities, the City shall require the Applicant:

1) Notify Residential and Commercial Land Uses of Planned Construction Activities. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1.

2) Restrict Work Hours. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 2.

3) Prohibit Vibratory Equipment. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-3, Section 3.

4) Prepare Project-Specific Construction Vibration Evaluation Plan. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 3. Mitigation Measure 13-3, Section 4 A) – C) are not applicable because the construction vibration analysis presented in the Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR constitutes the Project-specific construction vibration evaluation per Mitigation Measure 13-3, Section 4.

With implementation of these measures, this impact would be ***less than significant***.

(e) Impact 13-5: On-site Noise Levels from Focus Area Plan Development. The implementation of the Freedom Circle Focus Area Plan could result in new residential, office, and other land uses that generate noise from on-site equipment,

activities, or other operations in excess of applicable City standards. This represents a ***potentially significant impact.***

Mitigation 13-5: Control Fixed and Other On-site Noise-Generating Sources and Activities in the Freedom Circle Area Plan. To ensure on-site, operations-related equipment and activities associated with the Focus Area Plan do not generate noise levels that exceed City standards or otherwise result in a substantial permanent increase in ambient noise levels, future development projects shall submit a project-specific operational noise analysis to the City for review and approval prior to the issuance of the first building permit for the project, or as otherwise determined by the City. The noise analysis shall be prepared by a qualified acoustical consultant and shall identify all major fixed machinery and equipment, non-residential truck docks/dedicated loading zones, waste collection areas, and above ground parking garages included in the final project design/site plan. The noise analysis shall also document how project noise sources and activities will comply with the exterior sound limits established in Municipal Code Section 9.10.040, Schedule A and the noise compatibility guidelines in General Plan Table 8.14-1. Fixed machinery and equipment may include, but is not limited to, pumps, fans (including air intake or exhaust fans in parking garages), compressors, air conditioners, generators, and refrigeration equipment. The control of noise from such equipment may be accomplished by selecting quiet equipment types, siting machinery and equipment inside buildings, within an enclosure (e.g., equipment cabinet or mechanical closets, or behind a parapet wall or other barrier/shielding. Truck docks/dedicated loading zones consist of a loading dock or other dedicated area for the regular loading and unloading of retail, commercial, or other non-residential goods from delivery trucks. The control of noise from such truck docks/loading areas, waste collection areas, and parking garages may be accomplished by placing such areas away from sensitive land uses, restricting activities or operating hours for certain areas, or other design means.

With implementation of these measures, this impact would be ***less than significant.***

(f) **Impact 13-6: On-site Noise Levels from Greystar Project.** The implementation of the Greystar project could result in new residential, park, and retail land uses that could generate noise from on-site equipment, activities, or other operations in excess of applicable City standards. This represents a ***potentially significant impact.***

Mitigation 13-6: Control Greystar Project Parking Garage Ventilation System Noise Levels. To ensure potential parking garage ventilation systems do not generate noise levels that exceed City standards or otherwise result in a substantial permanent increase in ambient noise levels, the City shall require the Applicant to prepare an acoustical study that identifies the final type, location, and sound power level of all parking garage ventilation systems. The study shall also document how project noise sources and activities will comply with the exterior sound limits established in Municipal Code Section 9.10.040, Schedule A. The control of noise from ventilation systems may be accomplished by selecting quiet equipment types, siting machinery and equipment inside buildings, within an enclosure (e.g., equipment cabinet or mechanical closets), the installation of louvres or baffles, or other design means.

With implementation of these measures, this impact would be ***less than significant.***

3. Project impacts determined to be significant and unavoidable

(a) Impact 13-7: Increases in Traffic Noise Levels – Freedom Circle Focus Area Plan. The implementation of the Freedom Circle Focus Area Plan could generate vehicle trips that substantially increase existing and future No Project traffic noise levels and/or exceed City noise and land use compatibility standards. This represents a ***potentially significant impact.***

Facts in Support of Finding

The Focus Area Plan would have the potential to change the existing amounts and types of land uses within the Plan Area. These potential land use changes would increase residents and employees within the City and lead to an increase in vehicle trips and traffic-related noise levels that could pose land use compatibility issues and/or otherwise represent a substantial permanent increase in traffic noise levels on roadways used to access the Plan Area.

Mitigation Measures

No feasible mitigation is possible.

L. Population and Housing

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impacts 14-1 and 14-2: Effects on Population Growth.

Based on the forecasted development assumptions for the proposed Focus Area Plan (see chapter 3, Project Description, of this EIR), the Plan is anticipated ultimately to result in up to the following new development in the Plan Area:

- 3,600 residential units,
- 2,000,000 square feet (sq. ft.) of new office space, and
- 2,000 sq. ft. of new retail space.

Both the Freedom Circle Focus Area Plan and this EIR assume these numbers represent the maximum future anticipated development; however, these numbers may be refined further during preparation of the comprehensive planning study (e.g., specific plan) that is required as part of the General Plan-identified process for "future focus areas" and would allow for responsible growth while ensuring quality City services are maintained for existing and future residents and businesses through establishment of the necessary infrastructure, amenities, and services. The residential growth anticipated under Focus Area Plan would help to address the balance between housing and jobs in the city as identified in the General Plan.

The Focus Area Plan and EIR are preliminary planning documents to provide clarification of potentials for development in the Plan Area and could change during preparation of the required more comprehensive planning study called for in the General Plan (see chapter 1, Introduction, of this EIR). As such, development parameters for the Plan Area could change and, if so, would then be re-evaluated.

This Focus Area Plan assumes an average of 2.27 persons per new household (pph) in the Plan Area, based on demographic and economic research prepared for the Plan.2 Using this factor, Plan implementation could accommodate up to approximately 8,172 new residents in the Plan Area by the year 2040 (the estimated Plan buildout horizon).

As described throughout the EIR, Plan implementation would extend roads and infrastructure into an undeveloped portion of the Plan Area (the Greystar project site), but would not induce substantial population growth beyond the Plan Area boundaries. Rather, Plan implementation would facilitate residential, commercial, and community growth within a mixed-use Plan Area identified as being desirable for adding a mix of residential and commercial due to access to existing and future transit, and for redeveloping existing sites from lower to higher intensity uses, as provided for in the Santa Clara General Plan.

Therefore, this impact is considered ***less-than-significant***.

Mitigation 14-1 and 14-2. No significant impact has been identified; no mitigation is required.

Impact 14-3 and 14-4: Population and Housing Displacement Effects. As of April 2021, there is no housing in the Plan Area, and the Focus Area Plan would not displace any residents or housing. The Freedom Circle Focus Area Plan is a long-term plan laying the groundwork for a future comprehensive planning study (e.g., specific plan) that would include frameworks and design standards and guidelines for future long-range

development, including residential development. Under the current Focus Area Plan, no individual development proposals are being considered (with the exception of the concurrent Greystar project application); however, because there is no existing housing in the Plan Area, the Focus Area Plan would have no impact related to the displacement of housing or population.

Mitigation 14-3 and 14-4. No significant impact has been identified; no mitigation is required.

Impact 14-5: Temporary Employment Impacts—Plan Area. No construction jobs would result directly from adoption of the Focus Area Plan because a comprehensive planning study (such as a specific plan) would be required before development in the Plan Area would be authorized; however, development in the Plan Area could ultimately result from adoption of the comprehensive planning study, and future construction jobs would be likely. Such construction jobs would be created over the timeframe of development and would by nature be temporary. It would be anticipated that an adequate construction work force would continue to exist within commute distance of the Plan Area when future development would be likely to commence; a substantial increase in population due to eventual project construction would be considered highly unlikely. The actual number of construction jobs ultimately facilitated as a result of the Focus Area Plan and the comprehensive planning study would depend on the construction dollars spent and the construction schedules. These variables cannot be accurately quantified at this time. Nevertheless, these project-generated employment opportunities would represent a beneficial temporary economic effect of future development in the Plan Area. In itself, any population growth associated with construction activity ultimately resulting from the Focus Area Plan and comprehensive planning study would represent a less-than-significant environmental impact.

Mitigation 14-5. No significant environmental impact has been identified; no mitigation is required.

Impact 14-6: Temporary Employment Impacts—Greystar Project. Temporary construction jobs would be created during the Greystar project construction period, estimated at approximately 48 months. It is anticipated that an adequate construction work force will continue to exist within commute distance of the Greystar project site, thereby making a substantial increase in population due to project construction unlikely. The actual number of construction jobs facilitated by the Greystar project would depend on the construction dollars spent and the construction schedules; however, additional temporary employee growth on site could result in up to 600 construction workers over the projected 48-month construction period, varying between 100 and 600 workers, depending on phase and activity. This temporary increase in worker population would generate demand for services, but the increase would be temporary in duration. It is reasonable to assume that most of the construction jobs would be filled by workers currently residing in the Bay Area region, and therefore this temporary increase would not be considered either substantial or unplanned population growth, and therefore this temporary increase in population would not in itself constitute a significant adverse

environmental impact. To the extent that it would result in secondary environmental impacts (e.g., air quality, greenhouse gas emissions, noise, traffic), those impacts would be temporary and are addressed by topic in the various sections of this EIR. The project-generated employment opportunities would represent a beneficial temporary economic effect of the Greystar project. In itself, any population growth associated with construction activity resulting from the Greystar project would represent a ***less-than-significant*** environmental impact.

Mitigation 14-6. No significant environmental impact has been identified; no mitigation is required.

M. Public Services

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 15-1 and 15-2: Increase in Fire Protection/Emergency Medical Service Demands

Individual project proposals are subject to review and approval by the SCFD, based on uniformly applied standards and regulations. As part of the standard development review process for each individual project proposal, the project applicant must demonstrate compliance with Santa Clara City Code Chapter 15.60 (Municipal Fire and Environmental Code), the California Fire Code, and all other applicable regulations. Among other fire protection/EMS requirements, the project must provide adequate emergency water supply (fire flow), storage, and conveyance facilities, as well as unobstructed and adequate access for fire protection equipment and personnel. Without City approval of fire protection/EMS provisions, the project would not receive a building permit or occupancy permit, depending on the specific fire protection issue that needs to be addressed (e.g., emergency access provisions, hydrant pressure, fire alarm and smoke detector adequacy). The Freedom Circle Focus Area Plan does not propose new or expanded fire protection/EMS facilities, the construction of which would cause significant environmental impacts, nor does the City anticipate the need for a new facility because of the proximity and adequacy of Fire Station 8 to provide fire service and the future assessment of resources needed as part of the required comprehensive planning study for the Plan Area, as discussed above. Therefore, based on the above uniformly applied fire protection/EMS standards and regulations, the proximity of existing fire stations, and the City's commitment to providing adequate fire/EMS service, Focus Area Plan impacts on fire protection/EMS demands are considered ***less-than-significant***.

Mitigation 15-1 and 15-2. No significant impact has been identified; no mitigation is required.

Impact 15-3 and 15-4: Impacts to Police Services

General Plan Policy 5.1.1-P8 calls for an analysis of public services as a part of the development of specific plans for future focus areas. Therefore, because it is the City's policy to reassess SCPD resources available in the vicinity of the Plan Area to ensure

adequate capacity for providing police services as part of the future, required comprehensive planning study (e.g., specific plan), rather than at this more preliminary stage, potential future needs for a new police building or expansion of an existing police building would be speculative at this time, as would options to ensure adequate funds would be available for such facilities required by development in the Plan Area.

Individual project proposals under the Focus Area Plan would be subject to review and approval by the SCPD, based on uniformly applied standards and regulations. As part of the standard development review process for each individual project proposal, the SCPD would determine the ability of the department to provide services and would make project-specific recommendations in order to maintain acceptable levels of service. Without City approval of police service provisions, the project would not receive a building permit or occupancy permit, depending on the specific police protection/security issue (e.g., security lighting, parking area security provisions, public visibility/defensible space -"eyes on the street" or, in the case of new parks and plazas, “eyes on the park”).

The Freedom Circle Focus Area Plan does not propose new or expanded police facilities, the construction of which would cause significant environmental impacts, and any decision whether to build a new facility or expand an existing facility would be the responsibility of the City Council. Although more vehicle traffic from anticipated development in the city could occur (with an associated increase in service calls due to traffic-related enforcement and accident investigations and potentially increased service call response times) and additional staff would be anticipated, the SCPD has not identified at this time the need for a new or expanded police facility. If, as development proceeds in the Plan Area and vicinity, the City determines the need for a new police station or expansion of an existing facility, any additional facilities would be subject to their own CEQA determination--i.e., a CEQA checklist and/or any additional CEQA documentation, if deemed necessary, such as an Addendum to the certified EIR for the future comprehensive planning study (e.g., specific plan), and/or amendment to the Focus Area Plan.

Under CEQA, the impacts on police service demands are considered ***less-than-significant***.

Mitigation 15-3 and 15-4. No significant impact has been identified; no mitigation is required.

Impacts 15-5 and 15-6: Impacts to School Facilities

New or physically altered school facilities determined necessary by the SCUSD to accommodate students generated by future development under the eventual Specific Plan could cause significant environmental impacts; however, any School District proposal for a new school would be subject to its own evaluation under the California Environmental Quality Act (CEQA), which would be expected to involve an evaluation of environmental impact topics similar to that provided in this EIR.

The SCUSD is responsible for levying impact fees on new development. The residential and commercial development in the Plan Area would be required to pay the State-authorized school impact fees approved by the SCUSD. Pursuant to section 65995(3)(h) of the

California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory school impact fees *"...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...."* Therefore, subsequent to payment of statutory fees, school impacts would be considered ***less-than-significant***.

Mitigations 15-5 and 15-6. No significant impact has been identified; no mitigation is required.

Impacts 15-7 and 15-8: Impacts on Parks and Recreational Facilities.
The City ensures a project meets its dedication requirements through the development review process. Parkland, as required, must be included as part of a project's "land use plan" with the location identified on the project property. A project that does not comply with the parkland dedication requirement would not be approved. In addition, the City requires that parkland be improved (i.e., "turn-key") and dedicated to the City prior to issuance of a Certificate of Occupancy. Therefore, mandatory, future development of parkland and open space in the Focus Area, or as a part of the Greystar project, plus individual project payment of City adopted in-lieu park fees and/or dedication of parkland would ensure that impacts on parks and recreational facilities would be ***less-than-significant***.

Mitigations 15-7 and 15-8. No significant impact has been identified; no mitigation is required. See "Construction Period Impacts" below.

Impact 15-9 and 15-10: Impacts on Other Public Facilities. The Focus Area Plan facilitated increase in residential, commercial, and public activity in the Plan Area and associated job creation and increase in business activity, would result in a corresponding incremental increase in demand for other public, municipal services. The Focus Area Plan does not propose new or expanded public facilities, although the future, required comprehensive planning study (e.g., specific plan) may, when developed, include a public facilities component with discussion of funding options (including approaches and policies for both one-time and ongoing costs of public infrastructure and related improvements). Any future public facility proposal resulting from Focus Area Plan-facilitated development would therefore be speculative at this time and would be subject to its own evaluation under the California Environmental Quality Act (CEQA) when a specific proposal was brought forward. Therefore, this impact would be ***less-than-significant***.

Mitigation 15-9 and 15-10. No significant impact has been identified; no mitigation is required.

Impact 15-11 and 15-12: Construction Period Impacts. The construction of Plan-related open space, parkland, and recreational and other public facilities would be temporary and would occur within either existing public rights-of-way or on City property, a project development site, or private property subject to a municipal easement. Construction period air emissions (dust), noise, and traffic interruption typically associated

with parks and recreational facilities construction would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, as well as mitigations already identified elsewhere in this EIR, which analyzes both operational and construction impacts.

Mitigation 15-11 and 15-12. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

The Project would not have a considerable contribution to a significant cumulative public services impact. The General Plan EIR discussed the cumulative impact on public services from the buildout of the General Plan and concluded that future development, consistent with existing regulations, would not result in significant impacts to public facilities. The proximate City Place project would provide for public services on its site or pay in-lieu fees. The in-lieu fees paid by the Greystar project and projects developed under the eventual Specific Plan would reduce cumulative impacts to school and park facilities and there would be no impacts to fire, police, or library services. For these reasons, implementation of the Project would *not* have a considerable contribution to a significant cumulative public services impact.

N. Recreation

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 16-1 and 16-2: Impacts on Parks and Recreational Facilities
The City ensures that a project meets its dedication requirements through the development review process. Parkland, as required, must be included as part of a project's "land use plan" with the location identified on the project property. A project that does not comply with the parkland dedication requirement would not be approved. In addition, the City requires that parkland be improved (i.e., "turn-key") and dedicated to the City. Therefore, mandatory, future development of public parks in the Focus Area plus individual project payment of City adopted park in-lieu fees and/or dedication of parkland to the City in fee title and free of encumbrances would ensure that impacts on parks and recreational facilities would ***less-than-significant***.

Mitigations 16-1 and 16-2. No significant impact has been identified; no mitigation is required. See "Construction Period Impacts" below.

Impacts 16-3 and 16-4: Construction Period Impacts. The construction impacts of parks and recreational facilities due to the Focus Area Plan and/or the Greystar project would be considered temporary and would occur within either existing public rights-of-way or on City property, a project development site, or private property subject to a municipal easement. Construction period air emissions (dust), noise, and traffic interruption typically associated with parks and recreational facilities construction would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, as well as mitigations already identified elsewhere in this EIR, which analyzes both operational and construction impacts.

Mitigations 16-3 and 16-4. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

The Project would not have significant impacts on recreation facilities. The General Plan EIR discussed the cumulative impact on recreation facilities from the buildout of the General Plan (including the Plan Area) and concluded that future development, consistent with existing regulations, would not result in significant impacts to recreational facilities. The previously approved City Place project includes an approximately 31-acre park to provide for recreational facilities north of US 101 and the Project will provide on-site park and recreational space and payment of parkland dedication fees such that there is no project-level impact on recreational facilities. Therefore, the Project would *not* result in significant cumulative recreation impacts.

O. Transportation/Traffic

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impacts 17-1 and 17-2: Conflict with Adopted Policies, Plans, or Programs Regarding Roadways.

The Focus Area Plan includes the following goals and policies relevant to the transportation significance criteria:

- FC-G4: Reduce reliance on private vehicles and improve jobs/housing balance by locating amenities and jobs within walking distance to housing.
- FC-G6: Improve multi-modal transportation options and connections.
- FC-G7: Enhance connectivity to the San Tomas Aquino Creek trail.
- FC-P3: Require active street frontages and ground floor uses to create a pedestrian friendly, cohesive urban environment.
- FC-P10: Minimize surface parking by requiring below-grade or structured parking facilities with active uses along street frontages.
- FC-P11: Establish parking ratios that support transit, active transportation and shared vehicle use.
- FC-P12: Encourage shared parking between uses and parcels, including the shared use of existing structures.
- FC-P14: Provide new street, bicycle and pedestrian networks that break down large blocks and sites, accommodate multiple modes of travel, and maximize connections to activity hubs.
- FC-P16: Design and program the plan area and sites to encourage walking, bicycling and transit use.
- FC-P18: Redesign Mission College Boulevard, Freedom Circle, and Hichborn Drive to better balance space dedicated to vehicles, bicycle, and pedestrians.
- FC-P19: Maintain VTA bus transit service on Mission College Boulevard and improve transit stops and shelters.
- FC-P20: Design pedestrian and bicycle networks and infrastructure to facilitate access to transit stops on Great America Parkway, Mission College and Tasman Drive.
- FC-P21: Require developments to contribute to City vehicle miles travelled (VMT) goals and implement Transportation Demand Management (TDM programs).
- FC-P22: Require developers and property owners to coordinate with area employers and stakeholders to explore shared private transit systems and the formation of a Transit Management Authority (TMA) as part of the Specific Plan process.

Because the Focus Area Plan provides the direction for the transportation standards and guidelines to be incorporated into the future, required comprehensive planning study (e.g., specific plan), the Focus Area Plan is considered substantially consistent with the applicable City of Santa Clara General Plan goals and policies related to transportation. The impact would be ***less-than-significant.***

The Greystar project, because of its location close to jobs and transit would be consistent with elements such as high density/intensity development near transit; decreased use of the single-occupant automobiles; reduced vehicle miles traveled; improved pedestrian amenities; accommodating and promoting alternative modes of transportation; improving sidewalks, landscaping, and bicycling facilities to promote pedestrian and bicycle use; connecting private and public open space through publicly accessible trails and pathways; and orienting open spaces to public streets. Therefore the project would not substantially conflict with General Plan transportation policies, this impact would be ***less-than-significant.***

Mitigation 17-1 and 17-2. No impact has been identified; no mitigation is required.

Impact 17-3: Impacts on Transit—Plan Area. Impact 17-3: Impacts on Transit Related to Conflicts with Adopted Policies, Plans, or Programs—Plan Area. Existing transit service for the Plan Area includes an ACE shuttle and three VTA routes along Great America Parkway and/or Mission College Boulevard (though service is currently limited due to COVID-19). Bus stops are currently located within the Plan Area on Great America Parkway and Mission College Boulevard, with additional bus stops nearby outside of the Plan Area on Great America Parkway (across the street) and Mission College Boulevard (near Juliette Lane). Several bus stops in the Plan Area are also served by an ACE shuttle (along Great America Parkway and Mission College Boulevard) as well as in the immediate vicinity of the Plan Area.

Because the Focus Area Plan is, by definition, policy oriented, the Plan does not propose any direct transit improvements, but transit support is included in Focus Area Plan Policy FC-19 ("Maintain VTA bus transit service on Mission College Boulevard and improve transit stops and shelters") and Policy FC-P20 ("Design pedestrian and bicycle networks and infrastructure to facilitate access to transit stops on Great America Parkway, Mission College and Tasman Drive"). Therefore, because the Focus Area Plan would not interfere or conflict with existing or planned transit facilities, this impact would be ***less-than-significant.***

Mitigation 17-3. No significant impact has been identified; no mitigation is required.

Impact 17-4: Impacts on Bicycle Facilities—Plan Area.
The Plan Area is located near many existing bicycle facilities, including trails along San Tomas Aquino Creek and Calabazas Creek, and bike lanes on Great America Parkway, Mission College Boulevard, and other streets. Future Plan Area residents would be able to ride to work using bike lanes and bike trail connections to surrounding employment areas. Existing employment zones to the north of the Plan Area would be accessible via bike lanes on Great America Parkway or via the San Tomas Aquino Creek Trail. Bike lanes on Tasman Drive would provide a route to other employment opportunities planned as part of the Related Santa Clara development. These bike lanes could also be used to reach the North San José employment area, and the Guadalupe River trail could be used to reach downtown San José. Employment areas south of the project site would be reached via the San Tomas Aquino Creek Trail or bike lanes on Great America Parkway/Bowers Avenue.

Because the Focus Area Plan would not interfere or conflict with existing and planned bicycle facilities, this impact would be less-than-significant.

Mitigation 17-4. No significant impact has been identified; no mitigation is required.

Impact 17-5: Impacts on Pedestrian Facilities—Plan Area.
Because the Focus Area Plan is, by definition, policy oriented, the Plan does not propose any specific pedestrian improvements at this time; however, the Focus Area Plan anticipates future improvements related to pedestrian facilities (Focus Area Plan Policy FC-P14: "Provide new street, bicycle and pedestrian networks that break down large blocks and sites, accommodate multiple modes of travel, and maximize connections to activity hubs which would increase the number of connection points that could facilitate emergency access" and Policy FC-P18: "Redesign Mission College Boulevard, Freedom Circle, and Hitchborn Drive to better balance space dedicated to vehicles, bicycle, and pedestrians" such as wider sidewalks).

The Plan Area currently comprises very large parcels that create excessive walking distances between properties. As described earlier in the setting (section 17.1), Plan Area streets mostly all have sidewalk facilities. However, the Focus Area Plan also includes Policy FC-P15: "Develop design standards and guidelines to support active ground-floor environments, welcoming public spaces, and safe and comfortable sidewalks and pathways," which would support improvements to pedestrian facilities such as wider sidewalks. Currently the only trail connection to the San Tomas Aquino Creek Trail is located at Mission College Boulevard; however, as discussed below in Impact 17-8, the Greystar project proposes to construct a trail that would provide a connection between Freedom Circle and the San Tomas Aquino Creek Trail.

Because the Focus Area Plan would not interfere or conflict with existing and planned pedestrian facilities, this impact would be less-than-significant (see criterion [a] in subsection 17.3.1, "Significance Criteria," above). Mitigation 17-5. No significant impact has been identified; no mitigation is required.

Mitigation 17-5. No significant impact has been identified; no mitigation is required.

Impact 17-6: Impacts on Transit Related to Conflicts with Adopted Policies, Plans, or Programs—Greystar Project. The Greystar project does not propose any improvements to existing transit facilities near the project site; however, the project would not interfere or conflict with existing transit facilities-- bus stops located within ½ mile of the project site on Mission College Boulevard (with VTA Route 20 connecting to the Sunnyvale Caltrain station, and service by an ACE shuttle) and on Agnew Road. The project would add additional bicycle and pedestrian improvements that would provide for better access to transit facilities near the project site.

Therefore, this impact would be ***less-than-significant.***

Mitigation 17-6. No significant impact has been identified; no mitigation is required.

Impact 17-7: Impacts on Bicycle Facilities—Greystar Project. The Greystar project proposes including a new trail connection on the east side of the project site, which would allow pedestrians and bicycles access to the San Tomas Aquino Creek Trail. In addition, the project would construct an 8-foot Class II bike lane along the Freedom Circle side of the project, which would provide additional bicycle facilities. These proposed bicycle facilities would help connect the project site with other existing bicycle facilities, including the San Tomas Aquino Creek Trail and bike lanes on Mission College Boulevard, and would provide a link in the bicycle network.

The proposed Greystar project bicycle facilities, on and near the project site, would provide safer conditions for bicyclists relative to existing conditions, consistent with the City's General Plan and the Bicycle Master Plan Update 2018; this would be a beneficial effect.

Mitigation 17-7. No significant impact has been identified; no mitigation is required.

Impact 17-8: Impacts on Pedestrian Facilities—Greystar Project. The Greystar project proposes several new pedestrian facilities on and adjacent to the project site, including the new trail connection between the two pedestrian paths on either side of the 2.0-acre park and the San Tomas Aquino Creek Trail, and a new wider (seven feet) sidewalk on Freedom Circle along the project frontage. The proposed Greystar pedestrian facilities, on and near the project site, would provide safer conditions for pedestrians relative to existing conditions, consistent with the City's General Plan and the City of Santa Clara Pedestrian Master Plan 2019; this would be a beneficial effect.
Mitigation 17-8. No significant impact has been identified; no mitigation is required.

Impact 17-9 and 17-10: Impacts Related to Vehicle Miles Traveled—Plan Area and Greystar Project. Traffic impacts under CEQA have traditionally been assessed based on increases in intersection delay measured by Level of Service (LOS). However, in 2013, Governor Brown signed Senate Bill 743, which directed the State Office of Planning and Research (OPR) to develop new California Environmental Quality Act (CEQA) guidelines to replace LOS with another measure for evaluating transportation impacts under CEQA. OPR recommended using Vehicle Miles Traveled (VMT), which measures the amount of vehicle trip making and trip length and is direct measurement of greenhouse gas emissions. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update and VMT approach. CEQA Guidelines section 15064.3 (Determining the Significance of Transportation Impacts) provides the framework for CEQA transportation analyses.

The City of Santa Clara recently adopted a VMT Transportation Analysis Policy for Environmental Review, which constitutes the City transportation policy, to align with State law and define City transportation analysis requirements for CEQA review purposes. The Policy sets forth screening criteria for certain types of development that are presumed to have a less than-significant impact on VMT due to their characteristics, such as infill

development, small projects, and/or transit supportive projects near major transit corridors. The Freedom Circle Focus Area Plan and the Greystar project both qualify as transit supportive projects because they meet the criteria established by the City related to proximity to transit, density, multimodal transportation networks, transit-oriented design elements, parking, and affordable housing. Because the Freedom Circle Focus Area Plan and the Greystar project qualify as transit-supportive projects (per State guidance and City VMT Policy), the projects' impact on VMT would be less than-significant.

Mitigation 17-9 and 17-10. No impact has been identified; no mitigation is required.

Impact 17-11 and 17-12: Hazards due to Design Features or Incompatible Uses.

Plan Area: As a policy oriented plan, the Focus Area Plan does not propose specific internal roadway network improvements; however, the Focus Area Plan anticipates future internal roadway improvements (Plan Policy FC-P14: "Provide new street, bicycle and pedestrian networks that break down large blocks and sites, accommodate multiple modes of travel, and maximize connections to activity hubs which would increase the number of connection points that could facilitate emergency access"). When detailed site plans for future development projects are submitted, project-related roadway designs would be subject to City review, which would ensure adequacy of circulation patterns and safety standards; reduce potential conflicts between vehicles, pedestrians, bicyclists, and buses; and remove potential hazards due to design features (i.e., insufficient sightlines or distances) or incompatible uses.

Greystar Project. Project design features have been reviewed by the City Traffic Division and determined to provide adequate driveway widths and drive aisle widths with sufficient sight lines for entry and exit from driveways, including redesign of the northern perimeter road to be right-in/right-out only where it intersects with Mission College Boulevard. Therefore, the project would comply with all driveway and related parking and other design standards, and these impacts would be ***less-than-significant.***

Mitigation 17-11 and 17-12. No significant impact has been identified; no mitigation is required.

Impact 17-13: Emergency Access—Plan Area. Existing access to the Plan Area for emergency vehicles is via connections to Patrick Henry Drive, Mission College Boulevard, and Hichborn Drive from Great America Parkway in the west, and to Freedom Circle from Mission College Boulevard as well as from Agnew Road in the east. These connections would remain. As a policy oriented plan, the Focus Area Plan does not propose any specific internal roadway network improvements; however, the Focus Area Plan anticipates future internal roadway improvements (Plan Policy FC-P14: "Provide new street, bicycle and pedestrian networks that break down large blocks and sites, accommodate multiple modes of travel, and maximize connections to activity hubs which would increase the number of connection points that could facilitate emergency access"). When detailed site plans are required to be submitted, street designs would be subject to City review to ensure the

adequacy of circulation patterns and compliance with City emergency vehicle access standards, such as requiring that alleys have a minimum width of 25 feet to allow for emergency vehicles and connecting "dead end" street sections (i.e., cul-de-sacs) with multi-modal paths that would allow emergency vehicles. City review of future driveway and drive aisle design would ensure compliance with City emergency vehicle access requirements. Therefore, this impact would be ***less-than-significant.***

Mitigation 17-13. No significant impact has been identified; no mitigation is required.

Impact 17-14: Emergency Access—Greystar Project. Existing access to the project site for emergency vehicles is via connections to Freedom Circle from Mission College Boulevard (both "west" and "east"—Freedom Circle is a "loop" road). These connections would remain. The Greystar project proposes to construct a new two-way private "perimeter road," which would connect to Freedom Circle and provide emergency vehicle access around the entire project site. The final design of the perimeter road would be subject to City review. The Fire Department would require roadways to have a "minimum" width of 20 feet for fire engines and a "minimum" width of 26 feet roadways for aerial apparatus. Project plans indicate that the perimeter road would be 26 feet wide, increasing to 34 feet at the three trash staging areas (one for each building; on the south side of Building A, and on the east side of Building B and Building C). As an informational note for disclosure purposes, according to the Hexagon transportation analysis for the project, the 26-foot width for the perimeter road would not provide sufficient room for emergency vehicles to turn around, and with the current design, emergency vehicles would need to enter from the northern driveway and exit from the southern driveway. However, City review of construction drawings would ensure compliance with City emergency vehicle access requirements. Therefore, this impact would be ***less-than-significant.***

Mitigation 17-14. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

None.

4. Cumulative impacts

None.

P. Utilities and Service Systems

1. Project impacts determined to have no impact on the environment, or have a less than significant impact on the environment

Impact 18-2: Greystar Project Inconsistency with General Plan and UWMP Growth Projections. The WSA prepared for the proposed Focus Area Plan includes the required water supply analysis for the Greystar project. The Greystar project request for an amendment to the General Plan would change the land use designation of the project site to allow residential development, which would resolve the General Plan inconsistency. The Freedom Circle Focus Area Plan WSA concluded that sufficient water supplies exist to serve the Greystar project for both a normal year or a single-dry year and that alternative sources exist for projected shortfalls occurring during a multi-year drought scenario. Confirmation of water supply would be provided by the WSA, prepared by the City of Santa Clara in its role as the water service provider, in conjunction with the City's "Master Geographic Letter," which provides verification and assurance of the City's ability and commitment to serve Greystar project water needs. Therefore, this would be a ***less-than-significant project and cumulative impact.***

Mitigation 18-2. No significant impact has been identified; no mitigation is required.

Impact 18-3: Project and Cumulative Need for Water, Wastewater, and Storm Drainage System Infrastructure—Plan Area. Over the course of development under the Freedom Circle Focus Area Plan and future, required comprehensive planning study, water, wastewater, and storm drainage infrastructure systems in the Plan Area would be expected to require some improvements to accommodate new development facilitated by the Focus Area Plan and required comprehensive planning study (e.g., specific plan), including the upgrading of deficiencies. (Specific improvements and upgrades required by the Greystar project are discussed separately below.) Due to the preliminary nature of the Focus Area Plan, an infrastructure element has not been developed, though it would be included as part of the required comprehensive planning study and would provide more details on Plan Area needs, based on consultation with City engineers and the results of hydraulic modeling as determined necessary by the City.

Mitigation 18-3. No significant impact has been identified; no mitigation is required.

Impact 18-4: Project and Cumulative Need for Water, Wastewater, and Storm Drainage System Infrastructure—Greystar Project. Development of the Greystar project would be expected to require construction of improvements and upgrades to City water, wastewater, and storm drainage systems. The construction of Greystar project-related utility infrastructure would be temporary and would occur within either existing public rights-of-way, City property, the Greystar project site, or Greystar property subject to a municipal easement. Construction impacts have been evaluated as part of this Focus Area Plan CEQA analysis, and construction period air emissions (dust), noise, and traffic interruption typically associated with utility infrastructure construction would be reduced through mandatory City of Santa Clara construction protocols and mitigations as they would apply to other development under the Focus Area Plan. No additional significant environmental impact beyond those already identified in the EIR would be anticipated with

such construction activity. Based on the above analysis, the Greystar project's construction and operational impacts on water, wastewater, and storm drainage infrastructure would be less-than-significant.

Mitigation 18-4. No significant impact has been identified; no mitigation is required.

Impact 18-6: Cumulative Wastewater Pump Station Capacity Impacts—Greystar Project. As noted in the Woodard & Curran technical memo conducted for the Focus Area Plan, future wastewater generated by the Greystar project would be approximately 0.170 mgd, which would result in an updated total flow to pump stations of 45.407 mgd and would not exceed the current combined wastewater capacity of the Northside and Rabello pump stations (46.1 mgd). The Greystar wastewater contribution would represent less than four percent of the current combined wastewater capacity and less than four percent of the total flow to the pump stations; therefore, the proposed Greystar project would not contribute considerably to a cumulative pump station capacity impact at the Northside and Rabello pump stations, and this would be a less-than-significant impact

Mitigation 18-6. No significant impact has been identified; no mitigation is required.

Impact 18-7: Wastewater Treatment Capacity Impacts—Plan Area. Wastewater from the City of Santa Clara, with some flow from the Cupertino Sanitary District (CuSD), is conveyed to the San Jose-Santa Clara Regional Wastewater Facility (RWF) for treatment before the treated water is discharged into the South San Francisco Bay or recycled for other uses. The RWF has a Water Board/NPDES treatment capacity limit of 167 million gallons per day (mgd). Approximately 35 mgd of RWF treatment capacity is allocated to other wastewater agencies by agreement. The cities of San Jose and Santa Clara share the remaining treatment capacity. In 2020, the treatment capacity allotment for Santa Clara was approximately 25.147 mgd, and the City had approximately 9.606 mgd of unused treatment capacity remaining.

According to the Woodard & Curran technical memo prepared for the Focus Area Plan, wastewater generation from Focus Area Plan development (including the Greystar project) is projected to total approximately 1.063 mgd, which would not exceed the City's remaining capacity allocation of 9.606 mgd. Moreover, that 9.606 mgd of capacity is only the City's current share; the RWF currently has a total excess flow capacity of approximately 65 mgd. The total flow capacity at the RWF is 167 mgd, and the joint owners (Santa Clara and San José) have agreements with several tributary agencies, which have capacity rights of approximately 35 mgd. Pursuant to Section V.B.3 of the 1983 agreements with the tributary agencies, Santa Clara can purchase additional capacity from those tributary agencies, in the unlikely event that the City's current excess capacity of 9.606 mgd was insufficient.

Therefore, Focus Area Plan development (including the Greystar project) would have a less-than-significant impact on wastewater treatment facility capacity.

Mitigation 18-7. No significant impact has been identified; no mitigation is required.

Impact 18-8: Wastewater Treatment Capacity Impacts—Greystar Project. As discussed in Impact 18-7, wastewater generation from Focus Plan development including the Greystar project is projected to total approximately 1.063 mgd, which would not exceed the City's remaining capacity allocation of 9.606 mgd. The Greystar project is forecasted to account for approximately 0.170 mgd. Therefore, the Greystar project would have a less-than-significant impact on wastewater treatment facility capacity.

Mitigation 18-8. No significant impact has been identified; no mitigation is required.

Impact 18-9: Impacts on Solid Waste Disposal and Recycling Service—Plan Area.

Based on City solid waste generation rates, development under the Focus Area Plan (including the Greystar project) would be anticipated to generate approximately 46,852 cubic yards of solid waste per year,1 with about two-thirds of the waste generated by residential use. This would represent approximately 0.2 percent of remaining capacity at the Newby Island Landfill. 2 Because Freedom Circle Focus Area Plan implementation would not be expected to generate an inordinate amount of solid waste for its size (i.e., a rate inconsistent with adopted plans, policies, and regulations) either during demolition/construction activities or operation due to project compliance with the Solid Waste Ordinance, and would be served by solid waste disposal and recycling facilities with sufficient capacities to accommodate the Plan's demolition/construction debris and solid waste disposal needs, the Plan's effect on solid waste and recycling services would represent a less-than-significant impact**.**

Mitigation 18-9. No significant impact has been identified; no mitigation is required.

Impact 18-10: Impacts on Solid Waste Disposal and Recycling Service—Greystar project. Because the Greystar project would not be expected to generate an inordinate amount of solid waste for its size (i.e., a rate inconsistent with adopted plans, policies, and regulations) either during demolition/construction activities or operation, and would be served by solid waste disposal and recycling facilities with sufficient capacities to accommodate project demolition/ construction debris and solid waste disposal needs, the Greystar project's effect on solid waste and recycling services would represent a less-than-significant impact.

Mitigation 18-10. No significant impact has been identified; no mitigation is required.

Impact 18-11: Electricity, Natural Gas, and Telecommunications Infrastructure—Plan Area. The Focus Area Plan is designed as a preliminary planning document. A future comprehensive planning study would be required, per the General Plan, to refine

development assumptions. Because no plans have been finalized nor sites identified for these potential additional electrical system improvements, any further analysis would be speculative. Any natural gas, and telecommunications improvements in the Plan Area would be required to comply with uniformly applied City of Santa Clara construction standards and regulations and the mitigations already identified elsewhere in the Freedom Circle/Greystar General Plan Amendment Project EIR, and therefore the construction period impacts associated with these improvements would represent a less-than-significant impact.

Mitigation 18-11. No significant impact has been identified; no mitigation is required.

Impact 18-12: Electricity, Natural Gas, and Telecommunications Infrastructure—Greystar Project. Similarly, for the Greystar project, any natural gas, and telecommunications improvements related to the project would be required to comply with uniformly applied City of Santa Clara construction standards and regulations and the mitigations already identified elsewhere in the Freedom Circle/Greystar General Plan Amendment Project EIR, and therefore the construction period impacts associated with these improvements would represent a less-than-significant impact.

Mitigation 18-12. No significant impact has been identified; no mitigation is required.

2. Project impacts determined to be less than significant with mitigation incorporated

(a) Impact 18-1: Focus Area Plan Inconsistency with General Plan and UWMP Growth Projections. The WSA prepared for the proposed Focus Area Plan includes development in the Plan Area that has not been identified in the General Plan (i.e., exceeds the General Plan land use projections for 2035, the General Plan horizon year), and therefore, because the 2015 Urban Water Management Plan (UWMP) was based on General Plan buildout projections, this WSA is inconsistent with General Plan and UWMP buildout projections. Until the Focus Area Plan development exceeding General Plan growth projections is included in the General Plan and the UWMP (i.e., the 2020 UWMP, currently being prepared), the Focus Area Plan is inconsistent with the General Plan/Urban Water Management Plan, and this inconsistency would represent a ***potentially significant project and cumulative impact.***

Facts in support of Finding:

Approval of the Freedom Circle Focus Area Plan and the required comprehensive planning study (specific plan) would include adoption of a General Plan amendment to incorporate the Focus Area Plan into the General Plan's growth projections. In addition, the recently adopted 2020 UWMP did not include Focus Area Plan

development in its growth projections. Until the General Plan is amended to include Focus Area Plan development, its anticipated growth would exceed the current General Plan growth projections for the Plan Area and would not be consistent with the City's prerequisite policy, prior to implementation of General Plan Phase III, of "undertak[ing] a comprehensive assessment of water…demand and facilities in order to ensure adequate capacity and funding to implement the necessary improvements to support development in the next phase" (General Plan Goal 5.1.1-P3). Therefore, to ensure consistency with General Plan and UWMP policies related to ensuring adequate water supplies for future, projected development, future project applications under the Focus Area Plan would need confirmation that the City-identified water supplies, as discussed previously, would be adequate to serve each project, in compliance with State law.

In addition, SB 221, adopted by the State in 2001, prohibits a city or county from approving a tentative subdivision map or parcel map, or a development agreement including land subdivision, of more than 500 units unless there is written verification that a sufficient and reliable water supply will be available prior to completion of the project. However, the Focus Area Plan would not entitle any specific development application, so while an adequate, specific water supply must still be verified for individual, future project applications, the City in the Freedom Circle Focus Area Plan WSA has identified that water supplies would be available and has estimated water demand in compliance with State law.

A project-specific, confirmation of water supply (e.g., written verification from the City that sufficient water supply is available for the project) would need to be completed in connection with the City's approval of any tentative map or development agreement for the Freedom Circle Focus Area Plan (regardless of the 500-unit or equivalent threshold under SB 221 and SB 610), when the individual project details have been more definitively established. This subsequent confirmation/verification would include any pertinent updates to the citywide water supply situation and would also include progress on City plans for expanding its recycled water program plus City requirements for implementing additional "best management practices" (BMPs) related to recycled water use and/or water conservation.

Mitigation 18-1. Prior to City approval of any tentative map or development agreement for a proposed, individual project, the City of Santa Clara Water & Sewer Utilities Department shall review individual project details to confirm that water supplies are adequate for each individual project. Such confirmation shall include an updated description of the citywide water supply situation (including any plans for pumping additional groundwater) at that future time, reflecting any progress on City plans for expanding its recycled water program and any City requirements for implementing additional "best management practices" (BMPs) related to recycled water use and/or water conservation. These City actions would ensure a continual monitoring of citywide water supply throughout implementation of the Focus Area Plan and required comprehensive planning study (specific plan).Incorporation of

measures to reduce water demand and, if necessary, identification of alternative water sources to offset project supply shortages would reduce this impact to a ***less-than-significant level***.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

(a) Impact 18-5: Cumulative Wastewater Pump Station Capacity Impacts—Plan Area. As noted in the Woodard & Curran technical memo conducted for the Focus Area Plan (and discussed above), future wastewater generated by anticipated development in the Focus Area Plan Area is projected to exceed the current combined wastewater capacity of the Northside and Rabello pump stations (46.1 mgd) by 0.2 mgd (for a total of 46.3 mgd), which represents a *cumulative wastewater impact*. Therefore, the proposed Freedom Circle Focus Area Plan contribution to cumulative pump station capacity at the Northside and Rabello pump stations would be a ***significant cumulative impact.***

Facts in Support of Finding: Necessary pump station upgrades could include additional wet well and pumping capacity and/or force main improvements. The timing of pump station improvements is not currently known. A detailed engineering study would be necessary to determine the extent and details of pump station capacity upgrades, and the City would ultimately be responsible for coordinating the capacity upgrades. Proposed developments (including those under the Freedom Circle Focus Area Plan and the future, required comprehensive planning study) would be responsible for funding their fair-share contribution to the upgrades. Also, although this EIR assumes that the proposed improvements could be accommodated on the existing pump station sites and/or within existing City rights-of-way, the upgrade project(s) would be subject to an environmental review and determination under CEQA.

Mitigation 18-5. The City shall require individual projects implemented under the Freedom Circle Focus Area Plan (and the future, required comprehensive planning study – e.g., specific plan) to make a fair-share contribution to the wastewater pump station improvements necessary to accommodate cumulative development in Santa Clara. The fair-share contributions for future projects developed under the Focus Area Plan and required comprehensive planning study shall be determined based on a detailed wastewater pump station engineering study prepared by the City and each project's percent of wastewater contribution to cumulative flow capacity needs above the current pump capacity. This mitigation would provide funding for wastewater pump station upgrades, which would reduce the Plan's contribution to the cumulative impact to a ***less-than-significant level.***

The City would be required to plan and construct the improvements. Because the timing of these improvements cannot be guaranteed or estimated at this time (spring 2021), the combined wastewater capacity of the two pump stations could be exceeded by development proposals already under consideration. Therefore, the City shall continually monitor pump station capacity in order to coordinate the pump station improvements with development proposals. Until pump station capacity improvements adequate to accommodate the incremental increases in wastewater flows are completed, the City shall delay individual project building permits. In addition, as a standard condition of approval, each individual project would need to provide sanitary sewer information to the City, and no project would be approved by the City until the City determines that sufficient sewer capacity exists. Implementation of this mitigation measure would reduce Plan cumulative wastewater pump capacity impacts to a ***less-than-significant level***.

None.

V. FINDINGS REGARDING ALTERNATIVES

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant's project objectives]; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (*CNPS*) ["an alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record'"] (quoting Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009] (*Kostka*), § 17.39, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) ["[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives"; "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"].) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar*, *supra*, 133 Cal.App.3d at p. 417; see also *CNPS*, *supra*, 177 Cal.App.4th at p. 1001 ["an alternative that 'is impractical or undesirable from a policy standpoint' may be rejected as infeasible"] [quoting *Kostka*, *supra*, § 17.29, p. 824]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17.)

To provide a basis for further understanding of the environmental effects of a proposed project and possible approaches to reducing its identified significant impacts, the CEQA Guidelines require an EIR to also "…describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic

objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

Identified Alternatives

Pursuant to these CEQA sections, chapter 21 identifies and evaluates the following five alternatives to the project:

(a) Freedom Circle Focus Area Plan

- **Alternative FC-1A: No Project (Without Greystar Project) - Existing City of Santa Clara 2010-2035 General Plan.** Under Alternative FC-1A (No Project—Without Greystar Project), there would be no change in the current land use and zoning controls in the Focus Plan Area, and the Greystar project would not proceed as proposed. The Freedom Circle Focus Area Plan would not be adopted, and development would proceed under the current 2010-2035 General Plan, including development allowed on the Greystar site. New infrastructure would be maintained or constructed as required to accommodate new development on a project-by-project basis, and not as a planned, integrated set of improvements specifically for the Plan Area. The No Project alternative would continue to allow development under the existing High Intensity Office/R&D (HDRD) with some Regional Commercial (RC) General Plan designations. The HDRD classification would accommodate medical facilities, data centers (and supporting on-site uses), and campus-like corporate/office developments with a maximum Floor Area Ratio (FAR) of 2.00; the RC classification would accommodate commercial developments such as regional shopping centers, local-serving offices, medical facilities, and travel-related services such as hotels, gas stations, restaurants, convention centers, and amusement parks, among other uses, with a maximum Floor Area Ratio (FAR) of 0.60. Because no residential uses would be developed, no new public parks or open spaces would be required. For this alternatives analysis it is assumed that the Greystar project would not be developed under its current proposal and reasonably foreseeable development on the Greystar site would include approximately 1,159,000 SF of commercial (see Alternative G-1, Greystar—No Project, for further discussion of what the General Plan would allow on the Greystar site). No goals or policies of the Freedom Circle Focus Area Plan would be implemented, and no residential units would be developed. No additional office square footage as proposed by the Focus Area Plan (i.e., the 2,000,000 SF above GP allowed) would be developed.

- **Alternative FC-1B: No Project (With Greystar Project) - Existing City of Santa Clara 2010-2035 General Plan.** Under Alternative FC-1B (No Project—With Greystar Project), there would be no change in the current land use and zoning controls in the Focus Plan Area, with the exception of those necessary to accommodate the Greystar project, which would proceed as proposed. The Freedom Circle Focus Area Plan would not be adopted, and development would proceed under the current 2010-2035 General Plan (except for the Greystar proposal). New infrastructure would be maintained or constructed as required to accommodate new development on a project-by-project

basis, and not as a planned, integrated set of improvements specifically for the Plan Area. The No Project alternative would continue to allow development under the existing High Intensity Office/R&D (HDRD) with some Regional Commercial (RC) General Plan designations. The HDRD classification would accommodate medical facilities, data centers (and supporting on-site uses), and campus-like corporate/office developments with a maximum Floor Area Ratio (FAR) of 2.00; the RC classification would accommodate commercial developments such as regional shopping centers, local-serving offices, medical facilities, and travel-related services such as hotels, gas stations, restaurants, convention centers, and amusement parks, among other uses, with a maximum Floor Area Ratio (FAR) of 0.60. Because no residential uses would be developed (except for Greystar), no new public parks or open spaces would be required, but Greystar's 2.0-acre park would still be proposed. For this alternatives analysis it is assumed that the Greystar project, which could theoretically be approved without approval of the Focus Area Plan, would be a reasonably foreseeable development, and therefore the Greystar project has been included in this "no project" alternative. No goals or policies of the Freedom Circle Focus Area Plan would be implemented, and no residential units (other than the Greystar project) would be developed. No additional office square footage as proposed by the Focus Area Plan (i.e., the 2,000,000 SF above GP allowed) would be developed.

- **Alternative FC-2: Mainly Commercial Office Development.** Under Alternative FC-2, a Freedom Circle Focus Area Plan would be adopted, but the maximum allowable office development would be approved (excluding parcels assumed not to be redeveloped, such as the hotel and other office buildings). Total office development would be 6,410,000 square feet, which would be an increase of 4,061,000 square feet over existing office development in the Plan Area and an increase of 1,041,000 square feet more than the proposed Focus Area Plan. No residential development would be included (besides the Greystar project), and because no other residential uses would be developed, no new public parks or open spaces would be required (again, besides the Greystar project). Alternative FC-2 would result in a net reduction of 2,525 fewer residential units and 5,732 fewer residents, but increases of 1,041,000 SF net new office development and 2,000 SF retail, and a 2.0-acre public park (both retail and the park would be on the Greystar site).

- **Alternative FC-3: Mainly Residential Development.** Under Alternative FC-3, a Freedom Circle Focus Area Plan would be adopted, but most development would be multi-family residential. No community development would be included in the Focus Area Plan. Alternative FC-3 would result in a net reduction of 3,501,000 less square feet of office space, but a net gain of approximately 1,871 multi-family dwelling units, for a total of 5,471 dwelling units in the Plan Area. Overall impacts throughout the Plan Area would be expected to be higher, generally due to the single-use (residential) aspect of the alternative.

- **Alternative FC-4: Alternative Project Location (Considered But Rejected).** Section 15126.6(a) of the CEQA Guidelines states, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain

most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project[.]" Further, section 15126.6(c) explains, "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects." Because an alternative project location would be infeasible, would not necessarily avoid or lessen the significant impacts of the proposed project and might result in new significant impacts, and would not necessarily be able to achieve the basic project objectives, a project alternative in a different location was eliminated from further detailed consideration. No further evaluation of alternative project locations is required under CEQA.[4]

(b) Greystar Project

- **Alternative G-1: No Project - Existing City of Santa Clara 2010-2035 General Plan.** Under Alternative G-1 (No Project), there would be no change in the current land use and zoning controls on the Greystar project site. The Greystar project would not be approved, and development would be allowed to proceed under the current 2010-2035 General Plan. The No Project alternative would continue to allow development under the existing High Intensity Office/R&D (HDRD) General Plan designation. The HDRD classification would accommodate medical facilities, data centers (and supporting on-site uses), and campus-like corporate/office developments with a maximum Floor Area Ratio (FAR) of 2.00. Because no residential uses would be developed, no new public parks or open spaces would be required. No residential development would occur on the Greystar site, and no parkland would be required (i.e., the 2.0-acre public park would not be developed). In addition, there would be no retail development.

- **Alternative G-2: Same Residential Buildout But Larger Park.** Under Alternative G-2, the Greystar project would be developed essentially the same as proposed but with a larger park (3.0 to 4.0 acres rather than the proposed 2.0 acres). Though there would be changes made to configuration of the site (mainly to create the additional 1.0 to 2.0 acres), the number of dwelling units would stay the same, though there could be a different mix of unit types and the size of units could vary. The main project characteristics would remain the same. Relevant to air quality, energy, GHG, and noise impacts, this alternative would result in generally the same approximately 5,722 average daily vehicle trips (ADT) because the only change in this alternative would be the

[4]CEQA Guidelines section 15126.6(c) explains that alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the basic project objectives, are infeasible, or do not avoid significant environmental effects. CEQA Guidelines section 15126.6(f) indicates that the Lead Agency should consider site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitation, jurisdictional boundaries, and the proponent's control over alternative sites in determining the range of alternatives to be evaluated in an EIR. With respect to alternative locations, CEQA Guidelines section 15126.6(f) indicates that alternative locations need not be evaluated in every case. The key question in determining whether to evaluate alterative locations is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen significant effects need be evaluated in the EIR. CEQA Guidelines section 15126(f)(2) indicates that alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered.

increase the size of the park from 2.0 acres to 3.0 or 4.0 acres. Therefore, this alternative would generate the same approximately 5,722 ADT as the proposed Greystar project.

- **Alternative G-3: Reduced Residential Buildout But Larger Park.** Under Alternative G-3, the Greystar project would be developed similar to Alternative G-2 except that residential development would be reduced by 20 percent from 1,075 units to 860 units. The other aspects of the project would be the same: 2,000 SF retail and a larger park (3.0 to 4.0 acres rather than the proposed 2.0 acres). Relevant to air quality, energy, GHG, and noise impacts, this alternative would result in approximately 4,771 average daily vehicle trips (ADT) due to the 20 percent reduction in residential units. Therefore, this alternative would generate about 951 fewer ADT than the proposed project (5,722).

- **Alternative G-4: Alternative Project Location (Considered But Rejected).** Section 15126.6(a) of the CEQA Guidelines states, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project[.]" Further, section 15126.6(c) explains, "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects." Because an alternative project location would be infeasible, would not necessarily avoid or lessen the significant impacts of the proposed project and might result in new significant impacts, and would not necessarily be able to achieve the basic project objectives, a project alternative in a different location was eliminated from further detailed consideration. No further evaluation of alternative project locations is required under CEQA.

Environmentally Superior Alternative

(a) Freedom Circle Focus Area Plan. Of all the identified alternatives other than the No Project alternative (Alternative FC-1), Alternative FC-3: Mainly Residential Development would be the "environmentally superior alternative" because although the overall severity of impacts compared to the other alternatives (see EIR Table 21-2) would be similar, if not greater in some instances, this alternative would meet most basic project objectives similarly or more effectively, particularly with respect to addressing the City's existing jobs/housing imbalance and providing needed affordable housing in Santa Clara.

(b) Greystar Project. Of all the identified alternatives other than the No Project alternative (Alternative G-1), Alternative G-3: Reduced Residential Buildout/Larger Park would result in the least adverse overall environmental impacts and would therefore be the "environmentally superior alternative." This conclusion is based on the overall reduction in the severity of impacts compared to the other alternatives (see EIR Table 21-3). However, while the alternative would meet most of the project objectives, it would not address the

City's existing jobs/housing imbalance because it would not provide as much needed affordable housing in Santa Clara as either the proposed project or Alternative G-2.

Finding: As discussed above for each alternative, based on the sheer size of the Plan Area (108 acres) and the development already allowed under the existing Santa Clara General Plan (No Project), none of the significant unavoidable project or cumulative impacts are expected to be reduced to a level of less than significant under any of the Focus Area Plan alternatives.

VI. FINDINGS REGARDING GROWTH-INDUCING IMPACTS OF THE PROJECT

CEQA Guidelines section 15126.2(d) provides the following guidance on growth-inducing impacts: a project is identified as growth inducing if it "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

As of October 2021, there were no residential units in the Plan Area. The Freedom Circle Focus Area Plan/Greystar General Plan Amendment implementation would result in new housing and population in the Plan Area over existing conditions, as explained in section 3.5 (Focus Area Plan Development Assumptions) and chapter 14 (Population and Housing) of this EIR. The increases through the horizon year of 2040 would be up to approximately 3,600 residential units and about 8,172 residents. This forecast assumption is based on the potential development of projects in the Plan Area, consistent with Plan goals and policies related to land use and urban design, and the proposed Greystar project. The direct increase in residential units and population could have an indirect economic "multiplier" effect, generating additional employment in the broader region. The Freedom Circle Focus Area Plan/Greystar General Plan Amendment would help accommodate anticipated regional growth, including residential development that is necessary to meet the City's state-mandated RHNA targets. No substantial, detrimental, unplanned growth-inducing effect is expected. Freedom Circle Focus Area Plan/Greystar General Plan Amendment implementation would not extend roads or infrastructure through undeveloped or low-density areas, except for the Greystar project, which would construct a perimeter road around the project site to facilitate resident movement and emergency vehicle (e.g., fire/EMS, police) access. The Plan (including the Greystar project) would not "oversize" infrastructure that would lead to indirect growth. A primary objective of the Plan is to facilitate appropriate development efficiently and effectively in an area where roads and infrastructure already exist (see EIR chapter 3, Project Description).

VII. FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

The City Council adopts the following findings with respect to whether to recirculate the Draft EIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not

"significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid.*)

The City Council recognizes that the Final EIR contains additions, clarifications, modifications, and other changes to the Draft EIR. Some comments on the Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR as well as additional mitigation measures. As explained in the Final EIR (Text Revisions), some of the suggestions were found to be appropriate and feasible and were adopted in the Final EIR. Where changes have been made to mitigation measures, these changes do not change the significance of any conclusions presented in the Draft EIR.

CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936

(internal citations omitted).) Here, the changes made to the Draft EIR in the Final EIR are exactly the kind of revisions that the case law recognizes as legitimate and proper.

The City Council finds that none of the revisions to the Draft EIR made by, or discussion included in, the Final EIR involves "significant new information" triggering recirculation because the changes do not result in any new significant environmental effects, substantial increase in the severity of previously identified significant effects, or feasible project alternatives that would clearly lessen the environmental effects of the project. Similarly, no documentation produced by, or submitted to, the City and relied on by the City after publication of the Final EIR, including but not limited to public comments, identifies any new significant effect, substantial increase in the severity of any environmental effect, or feasible project alternatives that would clearly lessen the environmental effects of the project. All project modifications were either environmentally benign or environmentally neutral and all additional documentation relied on by the City merely clarifies or amplifies conclusions in the EIR, and thus represent the kinds of common changes that occur and supplemental information that is received during the environmental review process as it works towards its conclusion. Under such circumstances, the City Council hereby finds that recirculation of the EIR is not required.

VII. SECTION 21082.1(c)(3) FINDINGS

Pursuant to Public Resources Code Section 21082.1(c)(3), the City Council hereby finds that the Final EIR reflects that independent judgment of the lead agency.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Where a proposed project may result in significant impacts on the environment, and it is infeasible to reduce impacts to less than significant levels through project alternatives or mitigation measures, CEQA allows a public agency to approve the project only if the benefits of the project outweigh the unavoidable adverse environmental effects.

Section 15093 of the CEQA Guidelines provides the following:

> CEQA requires the decision making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

As discussed in more detail in the EIR and as summarized in Section IV above, the Project will result in significant unavoidable impacts related to air quality, historic resources and noise. Specifically, the Project will have significant and unavoidable impacts on the following:

- Toxic Air Contaminant (TAC) emissions
- Potential destruction or degradation of Historic Resources
- Noise, specifically increases in traffic noise levels from development within the Focus Area

The project would also result in the following significant unavoidable cumulative impacts:

- Air Quality emissions (criteria pollutant emissions)

The City identified a potentially feasible alternative (the Reduced Overall Development Alternative) that would result in the reduction of the Project's significant and unavoidable impact due to Increases in Traffic Noise from development, but it has not identified any potentially feasible alternatives that would avoid any of the other significant and unavoidable impacts. Moreover, as compared to the Project, this Alternative would be of substantially less assistance to the City in meeting its RHNA goals and its objectives of providing housing close to commercial development and current and planned jobs and reducing the jobs to housing ratio in the City.

Furthermore, although the Reduced Overall Development Alternative was initially determined to be *potentially* feasible (subject to further review as the CEQA process proceeded), the City has now determined that the Reduced Intensity is not feasible, for the specific economic, social, environmental, technological, legal or other considerations set forth in section V above. Under CEQA, "the decision makers may reject as infeasible alternatives that were identified in the EIR as potentially feasible." *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18.

The City certifies that it has considered the information on alternatives provided in the EIR and in the record, and finds that, as described in the EIR and for the reasons identified in Section V above, there are no feasible alternatives that would avoid all of the above-listed significant and unavoidable impacts.

Overriding Considerations

The City finds that notwithstanding the disclosure of the above significant unavoidable impacts, there are specific overriding economic, social, technological, and other reasons for approving the proposed Project. Those reasons are as follows:

- The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of the benefits of the Project.

- The Project will help to intensify an existing office-industrial area near Levi's Stadium, the Convention Center, and the future City Place project by providing housing in an amenity–rich, urban environment that is close to the San Tomas Aquino Creek Trail,

which is the spine of the City's active transportation network, and proximate to employment opportunities.

• The Project will include the establishment of bicycle paths that will provide connections for the residents within the Focus Area to nearby employment and entertainment destinations, such as those planned in the City Place project.

• The Project will produce a significant number of new construction jobs during the years of construction.

• The Project plans for the construction of up to 3,500 dwelling units by 2040 that could accommodate up to 7,700 City residents, which would substantially improve the City's jobs-housing balance and would be a key component of meeting the City's RHNA obligation for the sixth Housing Element cycle.

• The Project will promote environmental sustainability, transportation efficiency, greenhouse gas reduction, and stormwater management using green technology.

• The Project will provide new development in an already urbanized area where public services are available, including utilities, a well-developed network of roadways and where public transit is immediately adjacent to the site. New practices and standards of sustainability, relying on both current and future technologies, are applied to the project and will enable the most efficient use of resources.

On balance, the City finds that there are specific considerations associated with the Project that serve to override and outweigh the Project's significant unavoidable environmental impacts. Therefore, the significant unavoidable environmental impacts associated with the Project are considered acceptable. As the CEQA Lead Agency for the proposed action, the City has reviewed the Project description and the EIR and fully understands the Project. Based on the entire record before the City, and having considered the unavoidable adverse impacts of the Project, the City hereby determines that all feasible mitigation has been adopted to reduce the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The City finds that economic, social, technological, and other considerations of the Project outweigh the unavoidable adverse impacts described above. Further, the City finds that each of the separate benefits of the Project is hereby determined to be, in itself and independent of the other Project benefits, a basis for overriding all unavoidable environmental impacts identified in the EIR and in these Findings. In making this finding, the City has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

Freedom Circle Focus Area Plan/Greystar General Plan Amendment MMRP

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
AESTHETICS				
Impact 4-1: Effects on Scenic Vistas—Plan Area	LS	N/A	N/A	N/A
Impact 4-2: Effects on Scenic Vistas—Greystar Project	LS	N/A	N/A	N/A
Impact 4-3: Impacts on Existing Visual Character and Quality—Plan Area. New development throughout the Plan Area could include a combination of residential, retail, office, and open space uses. New uses could include combinations of, for example, residential, retail, restaurant, and office uses in single or mixed-use buildings. The Freedom Circle Focus Area Plan is, by definition, a generalized plan. As stated in the General Plan, a comprehensive planning study is required for future focus areas, which would include, among other items, "…appropriate design guidelines for private development, public facilities, streetscapes and transitions to adjacent land uses" (Prerequisite Policy 5.1.1-P8). Although the Focus Area Plan includes goals and policies intended to provide direction for minimizing visual impacts from future development, these general goals and policies lack the detail and enforceability that would be	S	**Mitigation 4-3.** As required by the City of Santa Clara General Plan, the City shall prepare a future comprehensive planning study for the Freedom Circle Focus Area Plan (whether a specific plan or another type of plan) and it shall include the following performance and design standards and guidelines that apply to all future individual development proposals in the Plan Area to minimize visual impacts by: (a) those enhancing form and design in the Plan Area; (b) those incorporating land use densities and associated changes in intensity consistent with the General Plan; (c) those encouraging street trees and landscaping along corridors to beautify the streetscape; (d) those coordinating signage color, shape, and graphic styles with the City's signage system; (e) those including standards to ensure compatibility of new development with nearby existing and planned development; (f) those establishing standards related to building form, mass, and scale that enhance the	City	LS

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SU = Significant unavoidable impact
NA = Not applicable

See Table 1.1 for definitions.

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
included in the comprehensive planning study, and therefore present potential conflicts with applicable General Plan policies governing scenic quality. This represents a ***potentially significant impact.***		pedestrian realm and provide transitions to adjacent lower-density development and public spaces; (g) those including guidelines and standards for pedestrian amenities; and (h) those fostering site design so that building height and massing would not overshadow new parks and plazas and/or interfere with solar collectors. Incorporation of such performance and design standards and guidelines in the required comprehensive planning study for the Plan Area would minimize conflicts with General Plan policies pertaining to visual character. Therefore, implementation of this mitigation would reduce this impact to a ***less-than-significant level.***		
Impact 4-4: Impacts on Existing Visual Character and Quality—Greystar Project	LS	N/A	N/A	N/A
Impact 4-5: Project Light and Glare Effects—Plan Area	LS	N/A	N/A	N/A
Impact 4-6: Project Light and Glare Effects—Greystar Project	LS	N/A	N/A	N/A
AIR QUALITY				
Impact 5-1: Conflict with 2017 Clean Air Plan – Freedom Circle Focus Area Plan	LS	N/A	N/A	N/A

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See Table 1.1 for definitions.

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 5-2: Conflict with 2017 Clean Air Plan – Greystar General Plan Amendment	LS	N/A	N/A	N/A
Impact 5-3: Result in a Cumulatively Considerable Net Increase in Criteria Pollutants for which the Region is Non-Attainment – Freedom Circle Focus Area Plan. Implementation of the Freedom Circle Focus Area Plan could result in growth in the Plan Area that exceeds the level of growth accounted for in the City's General Plan and, therefore, could generate a cumulatively considerable net increase in criteria air pollutants for which the region is in non-attainment. This represents a ***potentially significant impact.***	S	**Mitigation Measure 5-3A: Implement BAAQMD Basic Construction Mitigation Measures.** The City shall require new development projects occurring under implementation of the Freedom Circle Focus Area Plan to implement the BAAQMD's Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid	City; Individual project applicants	SU

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See Table 1.1 for definitions.

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		as soon as possible after grading unless seeding or soil binders are used. 6. 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. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the City 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.		
		Mitigation Measure 5-3B: Require a Project-level Construction Assessment for New Development Proposed Under Implementation of the Freedom Circle Focus Area Plan. The City shall require applicants to	City; Individual project applicants	SU

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See Table 1.1 for definitions.

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis for future development proposed under implementation of the Freedom Circle Focus Area Plan. The estimated construction criteria air pollutant and toxic air contaminant emissions shall be compared against the thresholds of significance maintained by the Bay Area Air Quality Management District (BAAQMD) and, if emissions are shown to be above BAAQMD thresholds, the City shall require the implementation of mitigation to reduce emissions below BAAQMD thresholds or to the maximum extent feasible. Mitigation measures to reduce emissions could include, but are not limited to: ▪ Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime); ▪ Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter); ▪ Minimizing the idling time of diesel-powered construction equipment to two minutes;		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		▪ Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM; ▪ Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines; and ▪ Application of Low-VOC paints to interior and/or exterior surfaces (e.g., paints that meet SCAQMD Rule 1113 "Low-VOC" or "Super-Compliant" requirements).		
		Mitigation Measure 5-3C: Use Low- and Super Compliant VOC Architectural Coatings During Operational Activities. The City shall require the use of Low- and Super-Compliant VOC Architectural Coatings in maintaining buildings in Freedom Circle Focus Area Plan through Covenants Conditions and Restrictions (CC&Rs) and Ground Lease. Developed parcels shall require within their CC&Rs and/or ground leases requirements for all future interior and exterior spaces to be repainted with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits of South Coast Air Quality Management District AQMD Rule 1113. "Super-Compliant" refers to paints that have been reformulated to levels well below the "Low-VOC" limits.	City; Individual project applicants	SU

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		Mitigation Measure 5-3D: Implement TDM Program. Proposed residential and office land uses within the Freedom Circle Focus Area Plan shall prepare and implement Transportation Demand Management (TDM) programs that achieve a minimum reduction in vehicle miles traveled (VMT) of 20 percent compared to baseline conditions (i.e., without internal or external reductions accounted for, such as geographic location, land use interconnectivity, etc.), with at least 10 percent of the reduction coming through project-specific TDM measures (e.g., transit subsidies, telecommuting options, etc.). Even with implementation of these measures, this impact would remain ***significant and unavoidable***.	City; Individual project applicants	SU
Impact 5-4: Result in a Cumulatively Considerable Net Increase in Criteria Pollutants for which the Region is Non-Attainment – Greystar General Plan Amendment. Implementation of the Greystar General Plan Amendment / Project could result in the emission of criteria air pollutants that have the potential to exceed BAAQMD thresholds of significance. These activities represent a ***potentially significant impact.***	S	**Mitigation Measure 5-4A: See Mitigation Measure 5-3A.** **Mitigation Measure 5-4B: Use Low- and Super Compliant VOC Architectural Coatings During Construction.** During construction, the City shall require the Greystar Project use architectural coatings for exterior applications that meet “Low-VOC” or “Super-Compliant” standards, as defined in South Coast Air Quality Management District AQMD Rule 1113. “Super-Compliant” refers to paints that have been reformulated to levels well below the “Low-VOC”	Greystar project applicant	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		limits. This impact would be ***less than significant with mitigation incorporated.***		
Impact 5-5: Generate Toxic Air Contaminant Emissions that Expose Sensitive Receptors to Substantial Pollutant Concentrations During Construction – Freedom Circle Focus Area Plan. Implementation of the Freedom Circle Focus Area Plan would result in construction activities over the next approximately 20 years that generate toxic air contaminant emissions and could expose sensitive receptors to substantial pollutant concentrations. These activities represent a ***potentially significant impact.***	S	**Mitigation Measure 5-5: See Mitigation Measure 5-3B.** Even with implementation of these measures, this impact would remain ***significant and unavoidable.***	City; Individual project applicants	SU
Impact 5-6: Expose Sensitive Receptors to Substantial Operational Pollutant Concentrations – Freedom Circle Focus Area Plan	LS	N/A	N/A	N/A
Impact 5-7: Expose Sensitive Receptors to Substantial Pollutant Concentrations – Greystar General Plan Amendment	LS	N/A	N/A	N/A
Impact 5-8: Odors – Freedom Circle Focus Area Plan	LS	N/A	N/A	N/A
Impact 5-9: Odors – Greystar General Plan Amendment	LS	N/A	N/A	N/A

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See Table 1.1 for definitions.

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
BIOLOGICAL RESOURCES				
Impact 6-1: Impacts on Special-Status Species, Riparian Habitat, Sensitive Natural Communities, and Wetlands	LS	N/A	N/A	N/A
Impact 6-2: **Potential Impacts on Threatened and Endangered Species Habitat.** Because biological resources are mobile and may colonized or relocate, even within built structures, before project work begins, the City would evaluate whether each individual, future project application (with the exception of the Greystar site [Ground-truthing of the biological resources on the Greystar property site on the December 12, 2020 site visit provided no evidence that further biological surveys would be required to be in compliance with this EIR's mitigation measures, as the site contained no vegetation, no aquatic resources, is regularly disked, and did not contain any small mammal burrows.]) would be required to prepare a biological resource survey for City review prior to approval of any development. This is to ensure that any future project activities within the Focus Plan Area that have the potential to degrade the habitat of any threatened or endangered species are evaluated according to Policy 5.10.1-P1 of the Santa Clara General Plan (see "Regulatory Setting" above). Disregarding City evaluation of the need for	S	**Mitigation 6-2.** Upon receiving applications for projects within the project area, the City shall evaluate the need for a specific biological resource survey of the project area and adjacent area that may be indirectly impacted by project work. If no biological resources are determined to be at risk for an individual project (i.e., potential for bird and bat species, within and directly adjacent to the project area, to occur and/or be affected by project activities is negligible), no further survey shall be required. However, if the City determines that biological resources within the proposed project area require further analysis, the project proponent shall be required to conduct a biological resource survey of the habitat and special-status species that may be impacted by project activities, either directly or indirectly. A report shall be provided to the City detailing survey methods, results, performance standards, and avoidance and minimization measures required to protect any special-status species with potential to be impacted, consistent with the regulatory agency protocols. Implementation of this measure would reduce the impact to a ***less-than-significant*** level.	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
further biological resource surveys would be in violation of City policy and is therefore considered a ***potentially significant impact.***				
Impact 6-3: **Potential Impacts on Special-Status Plants.** There is a low potential for Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*; California Rare Plant Rank 1B.2) and arcuate bush mallow (*Malacothamnus arcuatus*; California Rare Plant Rank 1B.2) to occur within the project area (with the exception of the Greystar site, which has been confirmed not to contain these plant species) , especially if the area is left undisturbed for a long period of time (i.e., a year or longer) and plants are able to colonize the project site. Without a proactive mitigation procedure in place, Plan implementation and any future projects planned within the Focus Area Plan could inadvertently result in the removal of special-status plants. This is considered a ***potentially significant impact.***	S	**Mitigation 6-3.** Before any project work within the project area, including the Greystar project site, a qualified botanist shall conduct site-specific, focused surveys according to CDFW guidelines to determine presence or absence of special-status plant species on the individual project site and any adjacent potential area of disturbance. A comprehensive, site-wide survey should be conducted within May to September before project work begins, to encompass the Congdon's tarplant and arcuate bush mallow's blooming periods. Following the completion of the surveys, a survey results report shall be prepared and provided to the City. This report should include, but should not be limited to, the following: (1) a description of the survey methodology; (2) a discussion of the survey results; and (3) a map showing the survey area and the location of any special-status plants encountered. If no rare plants are found, then no further mitigation would be required. If rare plants are found during the survey, the number of individuals present shall be documented, and the limits of population shall be marked with flagging. The flagged border of the population shall be avoided by construction personnel for the duration of the project. If the	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		species cannot be avoided or may be indirectly impacted, the applicant shall notify CDFW to discuss avoidance, minimization, and other measures as appropriate for each species population, including measures to be taken and protocols to be followed if special-status plants are inadvertently disturbed during construction activities. CDFW may require the preparation and implementation of a mitigation plan that details avoidance, preservation, and/or compensation for the loss of individual special-status plant species. Mitigation may include the purchase of mitigation bank credits, preserving and enhancing existing on-site populations, creation of off-site populations through seed collection and/or transplantation and monitoring these populations to ensure their successful establishment, and/or preserving occupied habitat off-site in perpetuity. Specific amount and method of mitigation and/or credits shall be determined in formal consultation with CDFW and/or USFWS. Implementation of this measure would reduce the impact to a ***less-than-significant level.***		
Impact 6-4: **Potential Impacts on Nesting Birds or Roosting Bats.** The Federal Migratory Bird Treaty Act and California Fish and Game Code sections 3503, 3503.5, 3513,	S	**Mitigation 6-4.** The demolition of any buildings, disturbance of gravel substrate, and/or removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
3800, and 4150 protect migratory and nesting birds, as well as roosting bats. Although the project does not specify which trees or buildings might be removed under individual projects facilitated by the Plan, trees (potential nesting and roosting habitat) or buildings could be disturbed or removed by Plan implementation. The possibility of removing trees and/or buildings that contain nests or roosting bats is identified here as a potentially significant impact. Any direct removal of trees or indirect disturbance by construction or operational activities during the nesting season that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a "take." There is a low potential for burrowing owl (*Athene cunicularia*; California species of special concern), white-tailed kite (*Elanus leucurus*; California Fully-Protected Species), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*; California species of special concern) to utilize the landscaped habitat within the project area for roosting and/or nesting, especially if the area is left undisturbed for a long period of time. In addition, many common bird species without a special status, though protected by the MBTA, MBPA, and California Fish and Game Code (CFGC), may utilize buildings, gravel		31 bird nesting period to the extent possible. If no demolition, gravel disturbance, vegetation, or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds at most 14 days prior to the start of removal of trees, shrubs, grassland vegetation, or buildings, including prior to grading or other construction activity. If demolition of buildings, disturbance of gravel substrate, or vegetation removal efforts do not begin within the 14 days following the nesting bird survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as reasonably accessible areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist and dependent on species' life history requirements. If an active nest is discovered in the areas to be directly physically disturbed, or in other habitats within the vicinity of construction boundaries and may be disturbed by construction activities (as determined by the qualified biologist), clearing and construction shall be postponed within a species-specific no-work buffer (to be determined by the qualified biologist and based on the species life history and regulatory requirements) until the biologist has determined		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
substrates, and the landscaped vegetation within the project area for nesting, foraging, and roosting. Common bat species protected by the CFGC may also rarely utilize vegetation or roof tiles within the project area for individual roosting. Without a proactive mitigation procedure in place, Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, or roosting bats, which would be considered unlawful take under the MBTA and the CFGC (see Regulatory Setting above). This is considered a ***potentially significant impact.***		that the young have fledged (left the nest), the nest fails, or the nest is otherwise determined to be inactive by the biologist (i.e., predation). To avoid impacts to roosting bats that may rarely utilize the project area vegetation, roof tiles, and/or vacant buildings for day roosting, the project applicant shall retain a qualified wildlife biologist to conduct a survey for roosting bats no sooner than 14 days prior to the start of demolition of any vacant buildings left with entry and egress points accessible to bats or removal of suitable bat roosting vegetation. If demolition of buildings or vegetation removal efforts do not begin within the 14 days following the roosting bat survey, another survey shall be required. If roosting bats are detected, the biologist shall enact a minimum of a 150-foot no-work buffer and confer with CDFW to determine potential roost protection or roost eviction practices. After conferring with CDFW, the protective buffer may be adjusted based on specific roost needs. Once bats have been suitably protected by a buffer and/or safely evicted from roosting sites (as approved by CDFW, avoiding take as defined by CESA and the CFGC), construction may resume outside the buffered area. A nesting bird and roosting bat survey report of the methods and results of the pre-project survey will be submitted to the City for review and approval prior to commencement of		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		construction activities for individual projects. Any additional construction monitoring, as determined through any necessary coordination/discretionary approvals with the resource agencies, will be documented per requirements set forth in an approved mitigation monitoring and reporting program for the entirety of the project. Implementation of this measure would reduce the impact to a ***less-than-significant level.***		
Impact 6-5: Potential Impacts on Protected Trees, Plants, and Shrubs	LS	N/A	N/A	N/A
CULTURAL AND HISTORIC RESOURCES				
Impact 7-1: Destruction/Degradation of Historic Resources—Plan Area. There may be one or more properties or features within the Focus Area Plan Area, now or in the future, that meets the CEQA definition of a historic resource, including properties or features eligible for listing in a local, State, or Federal register of historic resources. Future development projects in the Focus Area Plan Area, which would be required to be consistent with the standards and guidelines incorporated in a subsequent comprehensive planning study (such as a specific plan) adopted by the City to guide Plan Area development, may ultimately cause substantial adverse changes in the	S	**Mitigation 7-1.** For any individual discretionary project under the subsequent comprehensive planning study (such as a specific plan) adopted by the City to guide Plan Area development that the City determines may involve a property that contains a potentially significant historic resource, the resource shall be assessed by a professional who meets the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historic resource and whether or not the project may have a potentially significant adverse effect on the historic resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a	City; Individual project applicants	SU

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines section 15064.5[b]). Such adverse changes in the significance of a CEQA-defined historic resource would be a ***significant impact.***		potentially significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to at least one of the following Secretary of the Interior's Standards:[1] ▪ Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or ▪ Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project		

[1]Under the CEQA Guidelines (section 15064.5[b][3]), a project's adverse impact on a historic resource generally can be mitigated to a less-than-significant level by following either of these standards.

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		historic resource impacts to a ***less-than-significant level*** (CEQA Guidelines section 15064.5). (b) If the City determines that measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historic resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that a substantial adverse change in the significance of the historic resource is avoided.[1] Implementation of measure (b) would reduce the impact to a ***less-than-significant level.*** If the City determines that neither measure (a) nor measure (b) is feasible, to the extent required by CEQA, additional analysis shall be conducted in accordance with CEQA Guidelines Section 15064.5 and 15162, particularly in order for specific project alternatives to be designed and evaluated. If the City determines that		

[1]One example of a substantial adverse change would be the loss of eligibility for listing on the California Register. The State Historical Resources Code encourages the retention of historic resources on-site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving a historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historic resource. A historic resource should retain its historic features and compatibility in orientation, setting, and general environment.
(California Office of Historic Preservation, *California Register and National Register: A Comparison,* Technical Assistance Series 6; Sacramento, CA: California Department of Parks and Recreation, 2001)

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order: (c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's *Standards for Architectural and Engineering Documentation*. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies. (d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction. (e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		in a way that commemorates their original use and significance. (f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Plan Area. Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources, but not to a less-than-significant level. Without knowing the characteristics of the potentially affected historic resource or of the future individual development proposal, the City cannot determine with certainty that measure (a) or (b) above would be considered feasible. Consequently, this impact is currently considered ***significant and unavoidable.***		
Impact 7-2: Destruction/Degradation of Historic Resources—Greystar Project	LS	N/A	N/A	N/A
Impact 7-3: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains, and Tribal Cultural Resources—Plan Area. Development facilitated by the subsequent comprehensive planning study (such as a specific plan) could disturb unrecorded sensitive archaeological resources or tribal cultural resources in the	S	**Mitigation 7-3.** During the City's standard project-specific review process for all future, discretionary, public improvement and private development projects under the subsequent comprehensive planning study (such as a specific plan) adopted by the City to guide development in the Plan Area, the City shall determine the possible presence of, and the	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Plan Area. This possibility represents a ***potentially significant impact.***		potential for new or substantially more severe impacts of the action on, archaeological resources and tribal cultural resources. The City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area – i.e., on or adjoining an identified archaeological site – shall proceed only after the project applicant contracts with an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards, to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures, as described directly below. In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		In addition, the City shall continue to notify the Native American tribes traditionally and culturally affiliated with the Plan Area of the discretionary, public improvement and private development projects if those proposed improvements or projects are subject to a CEQA Negative Declaration (including Mitigated Negative Declaration) or Environmental Impact Report (EIR), in accordance with California Assembly Bill 52, and if a Native American tribe requests consultation, conduct a good faith consultation. Following field inspection and completion of all necessary phases of study as determined by the archaeologist and the City, damage to any identified archaeological resources shall be avoided or mitigated to the maximum extent possible. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by: ▪ Planning construction to avoid the archaeological or tribal cultural site; ▪ Incorporating the site within a park, green space, or other open space element; ▪ Covering the site with a layer of chemically stable soil; or		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		▪ Deeding the site into a permanent conservation easement. When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site (including artifacts discovered on the site), subject to review and approval by the City, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission (NAHC). CHRIS and NAHC are recognized as experts in their respective disciplines. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups (CHRIS and NAHC), as reviewed and approved by the City, shall be undertaken prior to and during construction activities. Although the precise details of the mitigation measures would be specific to the particular project site, the measures shall be consistent with the avoidance and mitigation strategies described in this programmatic mitigation measure.		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		A *data recovery plan* and data recovery for a historic resource shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]). Resource identification training procedures shall be implemented for construction personnel, conducted by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a Plan Area construction activity, work within 50 feet shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources. Although work may continue beyond 50 feet, the archaeologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to archaeological resources. If human remains are found, the rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) apply and shall be followed.		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		Implementation of this measure would reduce the impact to a ***less-than-significant level.***		
Impact 7-4: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains and Tribal Cultural Resources—Greystar Project. Development of the Greystar project could disturb unrecorded sensitive archaeological resources or tribal cultural resources on the project site. This possibility represents a ***potentially significant impact.***	S	**Mitigation 7-4.** Prior to construction activities, resource identification training procedures shall be implemented for construction personnel, conducted by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The qualified professional archaeologist shall be retained by the applicant and approved by the City and shall meet U.S. Secretary of the Interior's Professional Qualifications and Standards. Training shall include a written handout and focus on how to identify cultural/Native American resources that may be encountered during earth-moving activities, including the procedures to be followed in such an event. On-site archaeological monitor duties and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation shall also be explained, in case either or both becomes necessary. During ground-disturbing project construction activities, if subsurface cultural resources are encountered, work within 50 feet shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. Project personnel shall not collect cultural resources. Although work may	City; Greystar project applicant	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		continue beyond 50 feet, the archaeologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to archaeological resources. All cultural/archaeological resources unearthed by project construction activities shall be evaluated by the qualified professional archaeologist. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes and/or Individuals shall be contacted and consulted, and Native American construction monitoring shall be initiated if requested by the Tribes and/or Individuals. The City shall coordinate with the archaeologist to develop an appropriate treatment plan that avoids or mitigates, to the maximum extent possible, damage to any identified resources. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by: ▪ Planning construction to avoid the archaeological or tribal cultural site; ▪ Incorporating the site within a park, green space, or other open space element; ▪ Covering the site with a layer of chemically stable soil; or		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		▪ Deeding the site into a permanent conservation easement. If in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site (including artifacts discovered on the site), subject to review and approval by the City, shall be prepared and adopted prior to any excavation being undertaken. The study shall be submitted to the CHRIS Northwest Information Center, and if Native American artifacts are indicated, the study shall also be submitted to the Native American Heritage Commission (NAHC). CHRIS and NAHC are recognized as experts in their respective disciplines. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Any additional mitigation measures recommended by these two groups (CHRIS and NAHC), as reviewed and approved by the City, shall be undertaken prior to and during construction activities. Although the precise details of those measures would be based on the nature and extent of the resource(s) uncovered on the site, the measures shall be consistent with the avoidance and mitigation strategies described above in this mitigation measure.		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		In addition, if the qualified archaeologist determines that construction excavations have exposed, or have a high probability of exposing, cultural and/or archaeological artifacts, construction monitoring for cultural and/or archaeological resources shall be required. The City shall retain a qualified archaeological monitor, who meets the qualifications set forth by the U.S. Secretary of the Interior's Professional Qualifications and Standards, who will work under the guidance and direction of a professional archaeologist. The archaeological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into non-fill sediments. Multiple earth-moving construction activities may require multiple archaeological monitors. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils), the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the project archaeologist. If human remains are found, the rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) apply		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		and shall be followed, in consultation with the Native American Heritage Commission (as appropriate). Implementation of this measure would reduce the impact to a ***less-than-significant level***.		
GEOLOGY AND SOILS				
Impact 8-1: Effects of Strong Seismic Ground Shaking—Plan Area	LS	N/A	N/A	N/A
Impact 8-2: Effects of Strong Seismic Ground Shaking—Greystar Project	LS	N/A	N/A	N/A
Impact 8-3: Potential Soil Erosion and Loss of Topsoil—Plan Area	LS	N/A	N/A	N/A
Impact 8-4: Potential Soil Erosion and Loss of Topsoil—Greystar Project	LS	N/A	N/A	N/A
Impact 8-5: Potential Ground Instability Impacts—Plan Area. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of differential settlement, liquefaction, lateral spreading, and subsidence potential in the Plan Area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly	S	**Mitigation 8-5.** Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required individual project- and site-specific geotechnical investigations and engineering studies for site-specific proposals, in coordination with City grading permit and building permit performance standards. Such recommendations could address design- and construction-level details regarding the type of	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
engineered for, could result in associated significant damage to project buildings, other improvements, and adjacent property, with direct or indirect risks to life or property, representing a ***potentially significant impact.***		building foundation, the extent of subsurface excavation, the details of retaining structures, any need for subsurface water extraction, and other engineering issues and solutions. Incorporation of this mitigation requirement would reduce this impact to a ***less-than-significant level*****.**		
Impact 8-6: Potential Ground Instability Impacts—Greystar Project. The potential for ground instability would depend on specific, highly localized underlying soil conditions. As discussed in section 8.1.4, the Rockridge geotechnical report concluded that although no major geotechnical or geological issues would prevent development of the proposed project on the site, the following issues would need to be addressed: ▪ adequate foundation support for the structures; ▪ weaker, more compressible zones of clay above about 30 feet below ground surface (bgs); ▪ moderately to highly expansive near-surface soil and susceptibility to large volume changes with moisture changes; and	S	**Mitigation 8-6.** The City shall require the applicant to provide a final geotechnical report, prepared by a geotechnical engineer, for City review and approval. The final geotechnical report (as discussed in Impact 8-2 above) shall include a supplemental field investigation that includes: (1) new borings as necessary to confirm subsurface conditions; (2) review of final project plans and specifications with recommendations based on professional geotechnical engineering (such as final foundation design recommendations and potential need for piles); (3) any other engineering studies to address design- and construction-level details related to type of building foundation, the extent of subsurface excavation, details of retaining structures or subsurface water extraction, and other engineering issues and solutions as may be determined necessary in consultation with the City; and (4) observation of site preparation, foundation installation, shoring installation, and	City; Greystar project applicant	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
▪ liquefaction-induced settlement potential at one location in the southwestern part of the site. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings, other improvements, and adjacent property, with direct or indirect risks to life or property, representing a ***potentially significant impact.***		the placement and compaction of fill during construction by a professional geotechnical engineer. The mitigations and recommendations in the final geotechnical report, subject to review and approval by the City, shall be complied with and would provide reasonable, professional assurances that the project incorporates design and engineering refinements to reduce the degree of impacts to less-than-significant levels by either avoiding identified soil and geologic impact areas altogether (i.e., basic project design changes) or by rectifying the impact through conventional engineering and construction procedures (e.g., suitable foundation design and construction). Incorporation of these measures into project final plans prior to issuance of permits and City inspection and verification procedures prior to project operation is required and would reduce this impact to a ***less-than-significant level*****.**		
Impact 8-7: Potential for Disturbance of Paleontological Resources—Plan Area. Development facilitated by the Freedom Circle Focus Area Plan could disturb unrecorded paleontological resources in the Plan Area. This possibility represents a ***potentially significant impact.***	S	**Mitigation 8-7.** For all public improvement and private development projects in the Freedom Circle Focus Area Plan Area, the following measures shall be implemented: *(1) Education Program.* Project applicants shall implement a program that includes the following elements:	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		▪ Resource identification training procedures for construction personnel, conducted by a paleontologist who meets the Secretary of the Interior's Professional Qualifications Standards; ▪ Spot-checks and monitoring by a qualified paleontologist of all excavations deeper than seven feet below ground surface; and ▪ Procedures for reporting discoveries and their geologic context. *(2) Procedures for Resources Encountered.* If subsurface paleontological resources are encountered, excavation shall halt within a buffer area of at least 50 feet around the find, where construction activities will not be allowed to continue until the project paleontologist evaluates the resource and its stratigraphic context. Work shall be allowed to continue outside the buffer area; however, the paleontologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification.		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources. Implementation of this measure would reduce the impact to a ***less-than-significant level.***		
Impact 8-8: Potential for Disturbance of Paleontological Resources—Greystar Project. Similar to Impact 8-7, development of the Greystar project could disturb unrecorded paleontological resources in the Plan Area. This possibility represents a ***potentially significant impact.***	S	**Mitigation 8-8.** The Greystar project shall be required, as a condition of project approval, to implement the following measures: *(1) Education Program.* The project applicant shall implement a program that includes the following elements: ▪ Resource identification training procedures for construction personnel, conducted by a paleontologist who meets the Secretary of	City; Greystar project applicant	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		the Interior's Professional Qualifications Standards; ▪ Spot-checks and monitoring by a qualified paleontologist of all excavations deeper than seven feet below ground surface; and ▪ Procedures for reporting discoveries and their geologic context. *(2) Procedures for Resources Encountered.* If subsurface paleontological resources are encountered, excavation shall halt within a buffer area of at least 50 feet around the find, where construction activities will not be allowed to continue until the project paleontologist evaluates the resource and its stratigraphic context. Work shall be allowed to continue outside the buffer area; however, the paleontologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage.		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources. Implementation of this measure would reduce the impact to a ***less-than-significant level.***		
GREENHOUSE GAS EMISSIONS AND ENERGY				
Impact 9-1: GHG Emissions and Plan Consistency – Freedom Circle Focus Area Plan. Implementation of the Freedom Circle Focus Area Plan could generate GHG emissions that have a significant effect on the environment and/or conflict with a plan, policy, or regulation adopted for the purposes of reducing GHG emissions. This represents a *potentially significant impact.*	S	**Mitigation Measure 9-1A: See Mitigation Measure 5-3D.** **Mitigation Measure 9-1B: Utilize GHG-Free Electricity.** The City shall require new development projects occurring under implementation of the Freedom Circle Focus Area Plan to source 100% of their electricity from GHG-free sources. GHG-free electricity may come from on-site renewable electricity generation (e.g., photovoltaic systems),	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		enrollment in a GHG-free electricity program (e.g., Silicon Valley Power's *Santa Clara Green Power* program), or any combination of measures that ensure electricity consumed by projects subject to discretionary approval come entirely from GHG-free sources, as determined by the City. This impact would be ***less than significant with mitigation incorporated.***		
Impact 9-2: GHG Emissions and Plan Consistency – Greystar General Plan Amendment	LS	N/A	N/A	N/A
Impact 9-3. Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources – Freedom Circle Focus Area Plan	LS	N/A	N/A	N/A
Impact 9-4. Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources – Greystar General Plan Amendment	LS	N/A	N/A	N/A
Impact 9-5. Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency – Freedom Circle Focus Area Plan	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 9-6. Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency – Greystar General Plan Amendment	LS	N/A	N/A	N/A
HAZARDS AND HAZARDOUS MATERIALS				
Impact 10-1: Project-Related Potential Impacts Due to Hazardous Materials Transport, Use, Storage, and Disposal—Plan Area	LS	N/A	N/A	N/A
Impact 10-2: Project-Related Potential Impacts Due to Hazardous Materials Transport, Use, Storage, and Disposal—Greystar Project	LS	N/A	N/A	N/A
Impact 10-3: Potential Exposure to Existing Hazardous Materials Contamination—Plan Area	LS	N/A	N/A	N/A
Impact 10-4: Potential Exposure to Existing Hazardous Materials Contamination—Greystar Project	LS	N/A	N/A	N/A
Impact 10-5: Project-Related Potential Asbestos and PCB Exposure—Plan Area	LS	N/A	N/A	N/A
Impact 10-6: Project-Related Potential Asbestos and PCB Exposure—Greystar Project	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 10-7: Project-Related Potential Lead-Based Paint Exposure—Plan Area	LS	N/A	N/A	N/A
Impact 10-8: Project-Related Potential Lead-Based Paint Exposure—Greystar Project	LS	N/A	N/A	N/A
Impact 10-9: Potential for Hazardous Materials Near Schools—Plan Area	LS	N/A	N/A	N/A
Impact 10-10: Potential for Hazardous Materials Near Schools—Greystar Project	LS	N/A	N/A	N/A
Impact 10-11: Protocols for Government Code Section 65962.5 Sites—Plan Area	LS	N/A	N/A	N/A
Impact 10-12: Protocols for Government Code Section 65962.5 Sites—Greystar Project	LS	N/A	N/A	N/A
Impact 10-13: Consistency With San Jose Airport Comprehensive Land Use Plan—Plan Area	LS	N/A	N/A	N/A
Impact 10-14: Consistency With San Jose Airport Comprehensive Land Use Plan—Greystar Project	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
HYDROLOGY AND WATER QUALITY				
Impact 11-1: Construction Period and Post-Construction Water Quality Impacts—Plan Area	LS	N/A	N/A	N/A
Impact 11-2: Construction Period and Post-Construction Water Quality Impacts—Greystar Project	LS	N/A	N/A	N/A
Impact 11-3: Long-Term Water Quality Impacts from Project Operation—Plan Area	LS	N/A	N/A	N/A
Impact 11-4: Long-Term Water Quality Impacts from Project Operation—Greystar Project	LS	N/A	N/A	N/A
Impact 11-5: Effects on Groundwater Recharge and Groundwater Management—Plan Area	LS	N/A	N/A	N/A
Impact 11-6: Effects on Groundwater Recharge and Groundwater Management—Greystar Project	LS	N/A	N/A	N/A
Impact 11-7: Drainage Patterns and Risk of Flooding—Plan Area	LS	N/A	N/A	N/A
Impact 11-8: Drainage Patterns and Risk of Flooding—Greystar Project	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
LAND USE AND PLANNING				
Impact 12-1: Project Effects on the Physical Arrangement of the Community—Plan Area	LS	N/A	N/A	N/A
Impact 12-2: Project Effects on the Physical Arrangement of the Community—Greystar Project	LS	N/A	N/A	N/A
Impact 12-3: Project Consistency with Land Use Plans, Policies, and Regulations Adopted for the Purpose of Avoiding or Mitigating Environmental Effects—Plan Area	LS	N/A	N/A	N/A
Impact 12-4: Project Consistency with Land Use Plans, Policies, and Regulations Adopted for the Purpose of Avoiding or Mitigating Environmental Effects—Greystar Project	LS	N/A	N/A	N/A
NOISE				
Impact 13-1: Temporary Construction Noise Levels – Freedom Circle Focus Area Plan. The implementation of the Freedom Circle Focus Area Plan could result in construction and development activities in the Plan Area that generate noise levels above City standards and/or otherwise result in a	S	**Mitigation 13-1: Reduce Potential Freedom Circle Focus Area Plan Construction Noise Levels**. To reduce potential noise levels from Focus Area Plan related construction activities, the City shall ensure future development projects within the Plan Area:	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
substantial, temporary increase in ambient noise levels in the vicinity of the Plan Area. This represents a ***potentially significant impact.***		*1) Notify Residential and Commercial Land Uses of Planned Construction Activities.* This notice shall be provided at least one week prior to the start of any construction activities, describe the noise control measures to be implemented by the Project, and include the name and phone number of the designated contact for the Applicant/project representative and the City of Santa Clara responsible for handling construction-related noise complaints (per Section 8). This notice shall be provided to: A) The owner/occupants of residential dwelling units within 500 feet of construction work areas; and B) The owner/occupants of commercial buildings (including institutional buildings) within 200 feet of construction work areas or within 400 feet of construction work areas if pile driving equipment will be used. *2) Notify San Tomas Aquino Creek Trail Users of Construction Activities.* Prior to the start of construction activities within 500 feet of the San Tomas Aquino Creek Trail, signs shall be posted along the trail warning of potential temporary elevated noise levels during construction. Signs shall be posted within 250 feet of impacted trail segments (i.e., portions of the trail within 500 feet of a work area) and shall remain posted throughout the duration of all substantial noise generating construction activities (typically demolition, grading, and initial foundation installation activities).		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		3) Restrict Work Hours. All construction-related work activities, including material deliveries, shall be subject to the requirements of City Municipal Code Section 9.10.230. Construction activities, including deliveries, shall occur only during the hours of 7:00 AM to 6:00 PM, Monday through Friday, and 9 AM to 6 PM on Saturday, unless otherwise authorized by City permit. The applicant/project representative and/or its contractor shall post a sign at all entrances to the construction site informing contractors, subcontractors, construction workers, etc. of this requirement. *4) Control Construction Traffic and Site Access*. Construction traffic, including soil and debris hauling, shall follow City-designated truck routes and shall avoid routes (including local roads in the Plan Area) that contain residential dwelling units to the maximum extent feasible given specific project location and access needs. *5) Construction Equipment Selection, Use, and Noise Control Measures*. The following measures shall apply to construction equipment used in the Plan Area: A) To the extent feasible, contractors shall use the smallest size equipment capable of safely completing work activities; B) Construction staging shall occur as far away from residential and commercial land uses as possible; C) All stationary noise-		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		generating equipment such as pumps, compressors, and welding machines shall be shielded and located as far from sensitive receptor locations as practical. Shielding may consist of existing vacant structures or a three- or four-sided enclosure provide the structure/ barrier breaks the line of sight between the equipment and the receptor and provides for proper ventilation and equipment operations; D) Heavy equipment engines shall be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical isolators, mounts, etc. These devices shall be maintained in accordance with manufacturer's recommendations during active construction activities; E) Pneumatic tools shall include a noise suppression device on the compressed air exhaust; F) The applicant/project representative and/or their contractor shall connect to existing electrical service at the site to avoid the use of stationary power generators (if feasible); G) No radios or other amplified sound devices shall be audible beyond the property line of the construction site. *6) Implement Construction Activity Noise Control Measures*: The following measures shall apply to construction activities in the Plan Area: A) Demolition: Activities shall be sequenced to take advantage of existing shielding/noise reduction provided by existing buildings or parts of buildings and methods that minimize noise		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		and vibration, such as sawing concrete blocks, prohibiting on-site hydraulic breakers, crushing, or other pulverization activities, shall be employed to the maximum extent feasible; B) Demolition Site Preparation, Grading, and Foundation Work: During all demolition, site preparation, grading, and structure foundation work activities within 500 feet of a residential dwelling unit or 400 feet of a commercial building (including institutional buildings), a physical noise barrier capable of achieving the construction noise level standards set forth in Section 7 below shall, if required pursuant to Section 7, be installed and maintained around the site perimeter to the maximum extent feasible given site constraints and access requirements. Potential barrier options capable of reducing construction noise levels could include, but are not limited to: i) A concrete, wood, or other barrier installed at-grade (or mounted to structures located at-grade, such as a K-Rail), and consisting of a solid material (i.e., free of openings or gaps other than weep holes) of sufficient height (determined pursuant to Section 7) that has a minimum rated transmission loss value of 20 dB; ii) Commercially available acoustic panels or other products such as acoustic barrier blankets that have a minimum sound transmission class (STC) or transmission loss value of 20 dB; iii) any combination of noise barriers and commercial products capable of achieving		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		required construction noise reductions during demolition, site preparation, grading, and structure foundation work activities; iv) The noise barrier may be removed following the completion of building foundation work (i.e., it is not necessary once framing and typical vertical building construction begins provided no other grading, foundation, etc. work is still occurring on-site); and C) Pile Driving: If pile driving activities are required within 500 feet of a residential dwelling unit or 400 feet of a commercial building, the piles shall be pre-drilled with an auger to minimize pile driving equipment run times. *7) Prepare Project-Specific Construction Noise Evaluation*. Prior to the start of any specific construction project lasting 12 months or more, the City shall review and approve a project-specific construction noise evaluation prepared by a qualified acoustical consultant that: A) Identifies the planned project construction sequence and equipment usage; B) Identifies typical hourly average construction noise levels for project construction equipment; C) Compares hourly average construction noise levels to ambient noise levels at residential and commercial land uses near work areas (ambient noise levels may be newly measured or presumed to be consistent with those levels shown in Table 13-2 and 13-3 of the Freedom Circle Focus Area Plan/Greystar General Plan		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		Amendment Draft Environmental Impact Report (EIR); and D) Identifies construction noise control measures incorporated into the project that ensure: i) activities do not generate noise levels that are above 60 dBA L_{eq} at a residential dwelling unit and exceed the ambient noise environment by at least 5 dBA Leq for more than one year; and ii) activities do not generate noise levels that are above 70 dBA Leq at a commercial property (including institutional land uses) and exceed the ambient noise environment by at least 5 dBA Leq for more than one year. Such measures may include but are not limited to: a) The requirements of Sections 4, 5, 6, and 8; b) Additional project and/or equipment-specific enclosures, barriers, shrouds, or other noise suppression methods. The use of noise control blankets on building facades shall be considered only if noise complaints are not resolvable with other means or methods. *8) Prepare a Construction Noise Complaint Plan*. The Construction Noise Complaint Plan shall: A) Identify the name and/or title and contact information (including phone number and email) for a designated project and City representative responsible for addressing construction-related noise issues; B) Includes procedures describing how the designated project representative will receive, respond, and resolve construction noise complaints; C) At a		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		minimum, upon receipt of a noise complaint, the project representative shall notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint; D) The elements of the Construction Noise Complaint Plan may be included in the project-specific noise evaluation prepared to satisfy Section 7 or as a separate document. *9) Owner/Occupant Disclosure*: The City shall require future occupants/tenants in the Plan Area receive disclosure that properties in the Plan Area may be subject to elevated construction noise levels from development in the Plan Area. This disclosure shall be provided as part of the mortgage, lease, sub-lease, and/or other contractual real-estate transaction associated with the subject property. With implementation of these measures, this impact would be ***less than significant***.		
Impact 13-2: Temporary Construction Noise Levels – Greystar General Plan Amendment. The Greystar project could result in construction and development activities in the Plan Area that generate noise levels above City standards and/or otherwise	S	**Mitigation 13-2: Reduce Greystar Project Construction Noise Levels**. To reduce potential noise levels from Greystar Project construction activities, the City shall ensure the Applicant:	City; Greystar project applicant	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
result in a substantial, temporary increase in ambient noise levels in the vicinity of the Plan Area. This represents a ***potentially significant impact.***		*1) Notify Residential and Commercial Land Uses of Planned Construction Activities*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1. *2) Notify San Tomas Aquino Creek Trail Users of Construction Activities.* See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 2. *3) Restrict Work Hours*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 3. *4) Control Construction Traffic and Site Access*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 4. *5) Construction Equipment Selection, Use, and Noise Control Measures*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 5. *6) Implement Construction Activity Noise Control Measures*: See Freedom Circle Focus Area Plan/Greystar General Plan Amendment		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		Draft EIR Mitigation Measure 13-1, Section. The project will not require pile driving and, therefore, pile driving control measures identified in Mitigation Measure 13-1, Section 6 C) are not applicable. See below for noise barrier mitigation requirements per Mitigation Measure 13-1, Section 6 B). *7) Prepare Project-Specific Construction Noise Evaluation*. Not applicable. The construction noise analysis presented in the Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report constitutes the Project-specific construction noise evaluation per Mitigation Measure 13-1, Section 7. *8) Prepare a Construction Noise Complaint Plan*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 8. *9) Owner/Occupant Disclosure*: See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 9. Per Mitigation Measure 13-1, Section 6 B), the following noise barriers shall be installed and maintained around the perimeter of active work areas: A) For all demolition, site preparation, grading, and foundation work within 100 feet of		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		the commercial property (Pedro's Restaurant and Cantina) that borders the site's southwest perimeter: i) a 6-foot-tall barrier shall be installed starting at Freedom Circle and extending south along the property boundary to the site's southern property line (approximately 640 linear feet). B) For all demolition, site preparation, grading, and foundation work within 150 feet of commercial properties across Freedom Circle: i) a 6-foot-tall barrier shall be provided along the length of the property line that fronts Freedom Circle, excepting construction access points as needed (approximately 1,130 linear feet). C) Noise barriers shall consist of ½" plywood or any other material weighing 4 pounds per square foot or more or having a minimum documented transmission loss value of 20 dBA. The barriers may be erected on temporary retaining walls or temporary K-rails or other solid structures (which shall be considered as part of the total height of the barrier). Boards shall be staggered one over two, or joints otherwise fastened and sealed, to prevent sound transmission through joints. There shall be no openings or gaps in the barrier. The barrier shall be regularly inspected (e.g., weekly) and maintained during construction activities (e.g., warped or cracked boards shall be replaced upon discovery). D) The noise barrier may be removed following the completion of building foundation work within the distances specific above (i.e., it is not necessary once framing and typical vertical building construction		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		begins provided no other grading, foundation, etc. work is still occurring on-site). With implementation of these measures, this impact would be ***less than significant***.		
Impact 13-3: Temporary Construction Vibration Levels – Freedom Circle Focus Area Plan. The implementation of the Freedom Circle Focus Area Plan could result in construction and development activities in the Plan Area that generate vibration levels above City standards and/or otherwise result excessive ground-borne vibration levels. This represents a ***potentially significant impact.***	S	**Mitigation 13-3: Reduce Potential Freedom Circle Focus Area Plan Construction Vibration Levels.** To reduce potential vibration-related structural damage and other excessive vibration levels from Focus Area Plan related construction activities, the City shall ensure future development projects within the Plan Area: *1) Notify Residential and Commercial Land Uses of Planned Construction Activities*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1. *2) Restrict Work Hours*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 2. *3) Prohibit Vibratory Equipment*. The use of large vibratory rollers, vibratory/impact hammers, and other potential large vibration-generating equipment (e.g., hydraulic breakers/hoe rams) shall be prohibited within 100 feet of any	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		residential building façade and 50 feet of any commercial building façade during construction activities. Plate compactors and compactor rollers are acceptable, and deep foundation piers or caissons shall be auger drilled. *4) Prepare Project-Specific Construction Vibration Evaluation Plan*. If it is not feasible to prohibit vibratory equipment per Section 3) due to site- or project-specific conditions or design considerations, the City shall review and approve a project-specific construction vibration evaluation that: A) Identifies the project's planned vibration-generating construction activities (e.g., demolition, pile driving, vibratory compaction); B) Identifies the potential project-specific vibration levels (given project-specific equipment and soil conditions, if known) at specific building locations that may be impacted by the vibration-generating work activities (generally buildings within 50 feet of the work area); C) Identifies the vibration control measures incorporated into the project that ensure equipment and work activities would not damage buildings or result in vibrations that exceed Caltrans' strongly perceptible vibration detection threshold for peak particle velocity (PPV) of 0.1 inches/second (in/sec). Such measures may include, but are not limited to: i) the requirements of Sections 1, 2, and 3; ii) the use of vibration monitoring to measure actual vibration levels; iii) the use of photo monitoring		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		or other records to document building conditions prior to, during, and after construction activities; and iv) the use of other measures such as trenches or wave barriers; D) Identifies the name (or title) and contact information (including phone number and email) of the Contractor and City-representatives responsible for addressing construction vibration-related issues; and E) Includes procedures describing how the construction contractor will receive, respond, and resolve to construction vibration complaints. At a minimum, upon receipt of a vibration complaint, the Contractor and/or City representative described in the first condition D) above shall identify the vibration source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint by reducing ground-borne vibration levels to peak particle velocity levels that do not exceed accepted guidance or thresholds for structural damage that are best applicable to potentially impacted buildings (e.g., see Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Table 13-6) and Caltrans' strongly perceptible vibration detection threshold (PPV of 0.1 in/sec, see Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Table 13-7). With implementation of these measures, this impact would be ***less than significant.***		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 13-4: Temporary Construction Vibration Levels – Greystar General Plan Amendment. The Greystar project could result in construction and development activities in the Plan Area that generate vibration levels above City standards and/or otherwise result excessive ground-borne vibration levels. This represents a ***potentially significant impact.***	S	**Mitigation 13-4: Reduce Greystar Project Construction Vibration Levels.** To reduce potential vibration-related structural damage and other excessive vibration levels from Greystar project construction activities, the City shall require the Applicant: *1) Notify Residential and Commercial Land Uses of Planned Construction Activities*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1. *2) Restrict Work Hours*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 2. *3) Prohibit Vibratory Equipment*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-3, Section 3. *4) Prepare Project-Specific Construction Vibration Evaluation Plan*. See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 3. Mitigation Measure 13-3, Section 4 A) – C) are not applicable because the construction vibration analysis presented in the Freedom Circle Focus Area Plan/Greystar General Plan	City; Greystar project applicant	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		Amendment Draft EIR constitutes the Project-specific construction vibration evaluation per Mitigation Measure 13-3, Section 4. With implementation of these measures, this impact would be ***less than significant.***		
Impact 13-5: On-site Noise Levels from Focus Area Plan Development. The implementation of the Freedom Circle Focus Area Plan could result in new residential, office, and other land uses that generate noise from on-site equipment, activities, or other operations in excess of applicable City standards. This represents a ***potentially significant impact.***	S	**Mitigation 13-5: Control Fixed and Other On-site Noise-Generating Sources and Activities in the Freedom Circle Area Plan.** To ensure on-site, operations-related equipment and activities associated with the Focus Area Plan do not generate noise levels that exceed City standards or otherwise result in a substantial permanent increase in ambient noise levels, future development projects shall submit a project-specific operational noise analysis to the City for review and approval prior to the issuance of the first building permit for the project, or as otherwise determined by the City. The noise analysis shall be prepared by a qualified acoustical consultant and shall identify all major fixed machinery and equipment, non-residential truck docks/dedicated loading zones, waste collection areas, and above ground parking garages included in the final project design/site plan. The noise analysis shall also document how project noise sources and activities will comply with the exterior sound limits established in Municipal Code Section 9.10.040, Schedule A and the noise compatibility guidelines in General Plan Table 8.14-1. Fixed machinery and	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		equipment may include, but is not limited to, pumps, fans (including air intake or exhaust fans in parking garages), compressors, air conditioners, generators, and refrigeration equipment. The control of noise from such equipment may be accomplished by selecting quiet equipment types, siting machinery and equipment inside buildings, within an enclosure (e.g., equipment cabinet or mechanical closets, or behind a parapet wall or other barrier/ shielding. Truck docks/dedicated loading zones consist of a loading dock or other dedicated area for the regular loading and unloading of retail, commercial, or other non-residential goods from delivery trucks. The control of noise from such truck docks/loading areas, waste collection areas, and parking garages may be accomplished by placing such areas away from sensitive land uses, restricting activities or operating hours for certain areas, or other design means. With implementation of these measures, this impact would be ***less than significant***.		
Impact 13-6: On-site Noise Levels from Greystar Project. The implementation of the Greystar project could result in new residential, park, and retail land uses that could generate noise from on-site equipment, activities, or	S	**Mitigation 13-6: Control Greystar Project Parking Garage Ventilation System Noise Levels.** To ensure potential parking garage ventilation systems do not generate noise levels that exceed City standards or otherwise result in	City; Greystar project applicant	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
other operations in excess of applicable City standards. This represents a ***potentially significant impact.***		a substantial permanent increase in ambient noise levels, the City shall require the Applicant to prepare an acoustical study that identifies the final type, location, and sound power level of all parking garage ventilation systems. The study shall also document how project noise sources and activities will comply with the exterior sound limits established in Municipal Code Section 9.10.040, Schedule A. The control of noise from ventilation systems may be accomplished by selecting quiet equipment types, siting machinery and equipment inside buildings, within an enclosure (e.g., equipment cabinet or mechanical closets), the installation of louvres or baffles, or other design means. With implementation of these measures, this impact would be ***less than significant***.		
Impact 13-7: Increases in Traffic Noise Levels – Freedom Circle Focus Area Plan. The implementation of the Freedom Circle Focus Area Plan could generate vehicle trips that substantially increase existing and future No Project traffic noise levels and/or exceed City noise and land use compatibility standards. This represents a ***potentially significant impact.***	S	**Mitigation 13-7.** No feasible mitigation is available.	City; Individual project owners	SU
Impact 13-8: Increases in Traffic Noise Levels – Greystar Project	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 13-9: Operational Vibrations – Freedom Circle Focus Area Plan	LS	N/A	N/A	N/A
Impact 13-10: Operational Vibrations – Greystar Project	LS	N/A	N/A	N/A
Impact 13-11: Exposure to Airport-Related Noise – Freedom Circle Focus Area Plan and Greystar Project	LS	N/A	N/A	N/A
POPULATION AND HOUSING				
Impact 14-1: Effects on Population Growth—Plan Area	LS	N/A	N/A	N/A
Impact 14-2: Effects on Population Growth—Greystar Project	LS	N/A	N/A	N/A
Impact 14-3: Population and Housing Displacement Effects—Plan Area	LS	N/A	N/A	N/A
Impact 14-4: Population and Housing Displacement Effects—Greystar Project	LS	N/A	N/A	N/A
Impact 14-5: Temporary Employment Impacts—Plan Area	LS	N/A	N/A	N/A
Impact 14-6: Temporary Employment Impacts—Greystar Project	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
PUBLIC SERVICES				
Impact 15-1: Increase in Fire Protection/Emergency Medical Service (EMS) Demands—Plan Area	LS	N/A	N/A	N/A
Impact 15-2: Impacts on Fire Protection/Emergency Medical Service (EMS) Demands-- Greystar Project	LS	N/A	N/A	N/A
Impact 15-3: Increase in Police Service Demands—Plan Area	LS	N/A	N/A	N/A
Impact 15-4: Impacts on Police Service Demands--Greystar Project	LS	N/A	N/A	N/A
Impact 15-5: Impacts on Public Schools—Plan Area	LS	N/A	N/A	N/A
Impact 15-6: Impacts on Public Schools--Greystar Project	LS	N/A	N/A	N/A
Impact 15-7: Impacts on Parks and Recreational Facilities—Plan Area	LS	N/A	N/A	N/A
Impact 15-8: Impacts on Parks and Recreational Facilities--Greystar Project	LS	N/A	N/A	N/A
Impact 15-9: Impacts on Other Public Facilities—Plan Area	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 15-10: Impacts on Other Public Facilities—Greystar Project	LS	N/A	N/A	N/A
Impact 15-11: Construction Period Impacts—Plan Area	LS	N/A	N/A	N/A
Impact 15-12: Construction Period Impacts—Greystar Project	LS	N/A	N/A	N/A
RECREATION				
Impact 16-1: Impacts on Parks and Recreational Facilities—Plan Area	LS	N/A	N/A	N/A
Impact 16-2: Impacts on Parks and Recreational Facilities—Greystar Project	LS	N/A	N/A	N/A
Impact 16-3: Construction Period Impacts—Plan Area	LS	N/A	N/A	N/A
Impact 16-4: Construction Period Impacts—Greystar Project	LS	N/A	N/A	N/A
TRANSPORTATION				
Impact 17-1: Conflict With Adopted Policies, Plans, or Programs Regarding Roadways—Plan Area	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 17-2: Conflict With Adopted Policies, Plans, or Programs Regarding Roadways—Greystar Project	LS	N/A	N/A	N/A
Impact 17-3: Impacts on Transit Related to Conflicts with Adopted Policies, Plans, or Programs—Plan Area	LS	N/A	N/A	N/A
Impact 17-4: Impacts on Bicycle Facilities—Plan Area	LS	N/A	N/A	N/A
Impact 17-5: Impacts on Pedestrian Facilities—Plan Area	LS	N/A	N/A	N/A
Impact 17-6: Impacts on Transit Related to Conflicts with Adopted Policies, Plans, or Programs—Greystar Project	LS	N/A	N/A	N/A
Impact 17-7: Impacts on Bicycle Facilities—Greystar Project	LS	N/A	N/A	N/A
Impact 17-8: Impacts on Pedestrian Facilities—Greystar Project	LS	N/A	N/A	N/A
Impact 17-9: Impacts Related to Vehicle Miles Traveled—Plan Area	LS	N/A	N/A	N/A
Impact 17-10: Impacts Related to Vehicle Miles Traveled—Greystar Project	LS	N/A	N/A	N/A

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 17-11: Hazards Due to Design Features or Incompatible Uses—Plan Area	LS	N/A	N/A	N/A
Impact 17-12: Hazards Due to Design Features or Incompatible Uses—Greystar Project	LS	N/A	N/A	N/A
Impact 17-13: Emergency Access—Plan Area	LS	N/A	N/A	N/A
Impact 17-14: Emergency Access—Greystar Project	LS	N/A	N/A	N/A
UTILITIES AND SERVICE SYSTEMS				
Impact 18-1: Focus Area Plan Inconsistency with General Plan and UWMP Growth Projections. The WSA prepared for the proposed Focus Area Plan includes development in the Plan Area that has not been identified in the General Plan (i.e., exceeds the General Plan land use projections for 2035, the General Plan horizon year), and therefore, because the 2015 Urban Water Management Plan (UWMP) was based on General Plan buildout projections, this WSA is inconsistent with General Plan and UWMP buildout projections. Until the Focus Area Plan development exceeding General Plan growth projections is included in the General Plan and the UWMP (i.e., the 2020 UWMP), the Focus	S	**Mitigation 18-1.** The WSA prepared for the proposed Focus Area Plan includes development in the Plan Area that has not been identified in the General Plan (i.e., exceeds the General Plan land use projections for 2035, the General Plan horizon year), and therefore, because the 2015 Urban Water Management Plan (UWMP) was based on General Plan buildout projections, this WSA is inconsistent with General Plan and UWMP buildout projections. Until the Focus Area Plan development exceeding General Plan growth projections is included in the General Plan and the UWMP (i.e., the 2020 UWMP), the Focus Area Plan is inconsistent with the General Plan/Urban Water Management Plan, and this	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Area Plan is inconsistent with the General Plan/Urban Water Management Plan, and this inconsistency would represent a ***potentially significant project and cumulative impact.***		inconsistency would represent a ***potentially significant project and cumulative impact***.		
Impact 18-2: Greystar Project Inconsistency with General Plan and UWMP Growth Projections	LS	N/A	N/A	N/A
Impact 18-3: Project and Cumulative Need for Water, Wastewater, and Storm Drainage System Infrastructure—Plan Area	LS	N/A	N/A	N/A
Impact 18-4: Project and Cumulative Need for Water, Wastewater, and Storm Drainage System Infrastructure—Greystar Project	LS	N/A	N/A	N/A
Impact 18-5: Cumulative Wastewater Pump Station Capacity Impacts—Plan Area. As noted in the Woodard & Curran technical memo conducted for the Focus Area Plan (and discussed above), future wastewater generated by anticipated development in the Focus Area Plan Area is projected to exceed the current combined wastewater capacity of the Northside and Rabello pump stations (46.1 mgd) by 0.2 mgd (for a total of 46.3 mgd), which represents a *cumulative wastewater impact*. Therefore, the proposed Freedom Circle Focus Area Plan contribution to cumulative pump station capacity at the Northside and Rabello pump	S	**Mitigation 18-5.** The City shall require individual projects implemented under the Freedom Circle Focus Area Plan (and the future, required comprehensive planning study – e.g., specific plan) to make a fair-share contribution to the wastewater pump station improvements necessary to accommodate cumulative development in Santa Clara. The fair-share contributions for future projects developed under the Focus Area Plan and required comprehensive planning study shall be determined based on a detailed wastewater pump station engineering study prepared by the City and each project's percent of wastewater	City; Individual project applicants	LS

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
stations would be a ***significant cumulative impact.***		contribution to cumulative flow capacity needs above the current pump capacity. This mitigation would provide funding for wastewater pump station upgrades, which would reduce the Plan's contribution to the cumulative impact to a ***less-than-significant level.*** The City would be required to plan and construct the improvements. Because the timing of these improvements cannot be guaranteed or estimated at this time (spring 2021), the combined wastewater capacity of the two pump stations could be exceeded by development proposals already under consideration. Therefore, the City shall continually monitor pump station capacity in order to coordinate the pump station improvements with development proposals. Until pump station capacity improvements adequate to accommodate the incremental increases in wastewater flows are completed, the City shall delay individual project building permits. In addition, as a standard condition of approval, each individual project would need to provide sanitary sewer information to the City, and no project would be approved by the City until the City determines that sufficient sewer capacity exists. Implementation of this mitigation measure would reduce Plan cumulative wastewater pump capacity impacts to a ***less-than-significant level***.		

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Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
Impact 18-6: Cumulative Wastewater Pump Station Capacity Impacts—Greystar Project	LS	N/A	N/A	N/A
Impact 18-7: Wastewater Treatment Capacity Impacts—Plan Area	LS	N/A	N/A	N/A
Impact 18-8: Wastewater Treatment Capacity Impacts—Greystar Project	LS	N/A	N/A	N/A
Impact 18-9: Impacts on Solid Waste Disposal and Recycling Service—Plan Area	LS	N/A	N/A	N/A
Impact 18-10: Impacts on Solid Waste Disposal and Recycling Service—Greystar Project	LS	N/A	N/A	N/A
Impact 18-11: Electricity, Natural Gas, and Telecommunications Infrastructure—Plan Area	LS	N/A	N/A	N/A
Impact 18-12: Electricity, Natural Gas, and Telecommunications Infrastructure—Greystar Project	LS	N/A	N/A	N/A

S = Significant
LS = Less than significant
SU = Significant unavoidable impact
NA = Not applicable

See Table 1.1 for definitions.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE AND CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT, MAKE FINDINGS WITH RESPECT THERETO, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FREEDOM CIRCLE FUTURE FOCUS AREA AND GREYSTAR GENERAL PLAN AMENDMENT

SCH # 2020060425
PLN2017-12516 (EIR, Greystar General Plan Amendment, and Greystar Zoning Amendment)
PLN22-00054 (Freedom Circle Focus Area)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara (the "City") is contemplating the adoption of the Freedom Circle Future Focus Area and Greystar General Plan Amendment and related rezoning (collectively, the "Project"), which together would allow for up to 3,600 dwelling units and up to 2 million additional square feet of office space beyond what would be allowed the current General Plan designation, subject to a future planning study; and

WHEREAS, the Freedom Circle Future Focus Area sets out a vision for a vibrant urban neighborhood for the area bounded by Great America Parkway to the west, the southern boundary of the Great America theme park to the north, San Tomas Aquino Creek to the east, and Highway 101 to the south; and

WHEREAS, the Greystar General Plan Amendment and associated development proposal will create up to 1,100 units of housing and an associated 2.0-acre park (the "Greystar Project"); and

WHEREAS, Santa Clara City Charter Section 1007 and Government Code Section 65353 require that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

WHEREAS, the Project approvals will include a resolution certifying the EIR; a resolution approving the General Plan Amendment creating the Freedom Circle Future Focus Area and making related text changes to the General Plan; a resolution approving the Greystar GPA to change the land use designation from High Intensity Office / R&D to Very High Density Residential; and a resolution rezoning the Greystar Site from Commercial Park (CP) to Planned Development (PD) (collectively, the "Approvals");

WHEREAS, implementation of the Project also requires separate applications for the Greystar Tentative and/or Vesting Tentative Subdivision Maps and architectural review that are not part of this application, but which were analyzed as part of the environmental analysis; and

WHEREAS, once the Freedom Circle Future Focus Area has been created, future development (beyond the Greystar project) would first require the preparation of a comprehensive plan such as a Specific Plan, consistent with General Plan prerequisite 5.1.1-P8, which would be subject to separate environmental review; and

WHEREAS, on June 26, 2020, the City distributed a Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the Freedom Circle Future Focus Area and Greystar General Plan Amendment; and

WHEREAS, on June 26, 2020, the City posted the Notice of Preparation at the Santa Clara County Clerk's office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR; and

WHEREAS, on July 1, 2020, the City hosted a public scoping meeting to obtain community input on the scope and content of the DEIR;

WHEREAS, the DEIR was prepared in accordance with CEQA and the City circulated copies of the DEIR and Notice of Availability to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies, and the City sought the comments of such persons, organizations and agencies on November 5, 2021 for a 45-day review period, ending on December 20, 2021 (the "Comment Period");

WHEREAS, the City prepared written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"). The FEIR consists of a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, and copies of comment letters. The FEIR was distributed to commenting parties and to the public on March 30, 2022;

WHEREAS, the DEIR and FEIR constitute the EIR for the Project;

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project as proposed;

WHEREAS, the EIR outlined various mitigation measures that would substantially lessen or avoid the Project's significant effects on the environment, as well as alternatives to the Project as proposed that would provide some environmental advantages;

WHEREAS, the City is required, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

WHEREAS, the EIR analyzed a "No Project" alternative for the Freedom Circle Future Focus area that considers full build-out under the existing land use designation (No Project/Light Industrial Development) both with and without the Greystar project, along with a Mainly Commercial Office Development alternative, a Mainly Residential Development Alternative and a Development Alternative with Reduced Focus Area Plan and with the Greystar project; and

WHEREAS, for the Greystar project, the EIR also analyzed a "No Project" alternative that maintains development potential for the Greystar site and the Freedom Circle Future Focus Area as currently allowed in the Santa Clara General Plan, along with a Same Greystar Residential Buildout But With Larger Park alternative, and a Reduced Greystar Residential Development Alternative but With Larger Park; and

WHEREAS, significant and unavoidable air quality, historic resources, and traffic noise impacts would remain with the proposed project;

WHEREAS, Public Resources Code § 21081, subdivision (a) requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, the "CEQA Findings" attached to this Resolution is a set of Findings of Fact and a Statement of Overriding Considerations prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

WHEREAS, as the CEQA Findings explain, the Planning Commission intends to recommend that the City Council adopt the associated General Plan Amendments including for both the creation of the Freedom Circle Future Focus Area and for the Greystar General Plan Amendment, along with the approval of the Greystar rezoning;

WHEREAS, the Planning Commission has determined that none of the alternatives addressed in the EIR, would be both feasible and environmentally superior to the Project as proposed. Neither the No Project alternatives, nor the Reduced Development alternative, nor the Mainly Residential nor the Mainly Commercial alternatives, nor the Larger Park alternatives would sufficiently satisfy the Project Objectives. The details supporting these determinations are set forth in the CEQA Findings;

WHEREAS, in taking this course, the Planning Commission has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

WHEREAS, many of the significant and potentially significant environmental effects associated with the Project can either be substantially lessened or avoided through the inclusion of mitigation measures proposed in the EIR;

WHEREAS, the Planning Commission, in reviewing the Project, recommends that the City Council adopt all mitigation measures set forth in the EIR;

WHEREAS, the significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable;

WHEREAS, as detailed in the CEQA Findings, the Planning Commission has determined that, despite the occurrence of significant unavoidable environmental effects associated with the Project, as mitigated and adopted, there exist certain overriding economic, social and other considerations for approving the Project which justify the occurrence of those impacts and render them acceptable;

WHEREAS, notice of the public hearing on the proposed project was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on March 30, 2022;

WHEREAS, notices of the public hearing on the proposed project were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor's roll, on March 30, 2022; and

WHEREAS, the Planning Commission reviewed the EIR and Mitigation Monitoring and Reporting Program, attached as the "MMRP", as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA, along with the City Staff report pertaining to the EIR for the Project (SCH #2020060425), and all evidence received at a duly noticed public hearing on April 13, 2022. All of these documents and evidence are incorporated herein by reference into this Resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby finds that the EIR has been completed in compliance with CEQA.

3. That the Planning Commission hereby finds the EIR has been presented to the Planning Commission, which reviewed and considered the information and analysis contained therein before making its determination, and that the EIR reflects the Commission's independent judgment and analysis.

4. That the Planning Commission hereby finds, pursuant to Public Resources Code Section 21081 and California Code of Regulations, Title 14, Section 15091, that many of the proposed mitigation measures described in the EIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest as conditions of approval when the Project is approved.

5. That the Planning Commission hereby finds that none of the Project Alternatives set forth in the EIR can feasibly substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures.

6. That, in order to comply with Public Resources Code Section 21081.6, the Planning Commission recommends that the City Council adopt the Mitigation Monitoring and Reporting Program as set forth in the attached "MMRP". The MMRP is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the action to be taken and the party responsible for implementation.

7. That the Planning Commission hereby finds that the EIR set forth program and cumulative environmental impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Planning Commission finds that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those impacts, as detailed in the "CEQA Findings" exhibit attached hereto.

8. Based on the findings set forth in this Resolution, the evidence in the City Staff Report, and the attached CEQA Findings, the Planning Commission hereby recommends that the City Council approve and certify the EIR, make findings concerning mitigation measures, adopt the MMRP, make findings concerning alternatives and make findings that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those associated impacts and adopt the CEQA Findings and Statement of Overriding Considerations, all in accordance with CEQA for the Project.

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13th DAY OF APRIL, 2022, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
1. FC/Greystar General Plan Amendment MMRP
2. FC/Greystar General Plan Amendment Findings of Fact

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RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT #98 TO CREATE AND APPLY THE FREEDOM CIRCLE FUTURE FOCUS AREA, WHICH IS BOUNDED BY GREAT AMERICA PARKWAY TO THE WEST, THE SOUTHERN PROPERTY LINE OF CALIFORNIA'S GREAT AMERICA TO THE NORTH, SAN TOMAS AQUINO CREEK TO THE EAST AND HIGHWAY 101 TO THE SOUTH; AND TO REVISE THE PROCESS FOR DEVELOPMENT OF FUTURE FOCUS AREAS

SCH # 2020060425
PLN2017-12516 (EIR)
PLN22-00054 (Freedom Circle Focus Area)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on May 3, 2017, the Greystar Corporation applied for a General Plan Amendment and rezoning to develop a vacant 13.3 acre site north of Highway 101 and west of the San Tomas Aquino Creek in the City of Santa Clara (the "Greystar Site"); and

WHEREAS, Greystar is proposing to amend the General Plan for the Greystar Site from High-Intensity Office/R&D (maximum Floor Area Ratio of 2.0) to Very High Density Residential (51-100 Dwelling Unit/Acre) (the "Greystar GPA"); and

WHEREAS, Greystar has also applied for a Planned Development rezoning to develop up to 1,100 dwelling units, along with a 2.0 acre park and up to 2,000 square feet of amenity space (together with the Greystar GPA, the "Greystar Project"); and

WHEREAS, the Greystar Site adjoins an existing industrial office area; and

WHEREAS, City staff was directed by the City Council to plan for future development in the area surrounding the Greystar Site, bounded by Great America Parkway to the West, the southern property line of California's Great America to the North, San Tomas Aquino Creek to the East and Highway 101 to the South (the "Project Site"); and

WHEREAS, the City is proposing to add a Freedom Circle Future Focus area to the General Plan to help direct potential development in the area, subject to a Specific Plan (together with the Greystar Project, the "Project"); and

WHEREAS, the intent of the Freedom Circle Future Focus area is create a dynamic, mixed-use district that includes residential developments and community amenities as well as a diverse range of employment uses, which will complement other North Santa Clara neighborhoods and provide a complete network of pedestrian, bicycle and roadway connections to destinations including employment centers, transit stops and trails; and

WHEREAS, Santa Clara City Charter Section 1007 and Government Code Section 65353 require that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

WHEREAS, notice of the public hearing on the proposed General Plan Amendment was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on March 30, 2022; and

WHEREAS, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor's roll, and to all local agencies expect to provide essential facilities or services to the project, on March 30, 2022;

WHEREAS, before considering making a recommendation for the General Plan Amendment for the Freedom Circle area, the Planning Commission reviewed and considered the potential environmental impacts of the Project, identified mitigation measures, and recommended that the Council adopt and certify the Environmental Impact Report ("EIR") for the Project (SCH # 2020060425), as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA;

WHEREAS, the Planning Commission has reviewed the General Plan Amendment; and

WHEREAS, on April 13, 2022, the Planning Commission conducted a duly noticed public hearing to consider the GPA, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed General Plan Amendment.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. General Plan Amendment Findings. That the Planning Commission finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

A. The proposed General Plan Amendment is deemed to be in the public interest, in that:

The proposed General Plan Amendment is a prerequisite to the adoption of the Project, which is located in an urbanized area served by existing municipal services and implements smart growth principles by developing underutilized properties with a high density residential, transit-oriented development that will contribute to the City both socially and economically.

B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Project furthers and is consistent with the goals, policies and major strategies of the General Plan that enhance the City's quality of life, preserve and cultivate neighborhoods, promote sustainability, enhance City identity, support Focus Areas and community vitality, maintain the City's fiscal health and quality of services, and maximize health and safety benefits with the creation a new residential development close to jobs, amenities and services and the City's primary north-south bike corridor.

C. The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), in that:

A Draft Environmental Impact Report ("DEIR") was prepared in accordance with CEQA and the City circulated copies of the DEIR and Notice of Availability to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies, and the City sought the comments of such persons, organizations and agencies. The City prepared and circulated written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"), in accordance with CEQA.

D. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for implementation with Project development to reduce potentially significant impacts identified in the EIR to less than significant and a set of CEQA Findings and a Statement of Overriding Considerations have been prepared for the significant unavoidable impacts that cannot be mitigated to less than significant; and the Planning Commission has recommended that the City Council adopt these documents.

3. That the Planning Commission, pursuant to Government Code § 65354, hereby recommends that the City Council amend the General Plan by:

A. Adding the Freedom Circle Future Focus Area Plan, attached hereto and incorporated herein by this reference, to Subchapter 5.4, Focus Areas, of Chapter 5, Goals and Policies by creating a new Section 5.4.8, Freedom Circle Future Focus Area Goals and Policies.

B. Adding a new land use designation, Very High Intensity Office/Research and Development (R&D), to Section 5.2.2, Land Use Classifications, of the General Plan with the following text:

"Very High-Intensity Office/Research and Development (R&D). This classification is intended for landmark high-rise developments for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Permitted uses include offices and prototype R&D uses. Data centers under this designation are limited to those that serve the use on-site. Medical facilities, except pharmacies, are not allowed. In addition, manufacturing uses are limited to less than ten percent of the building area. Accessory, or secondary, small-scale supporting retail uses that serve local employees and visitors are also permitted. Parking is typically structured or below-grade. The maximum FAR is 3.00, excluding any FAR devoted to supporting retail uses."

C. Adding a new Policy 5.4.7-P11 to Section 5.4.7, Future Focus Areas Goals and Policies, to Subchapter 5.4, Focus Areas, of Chapter 5, Goals and Policies, to read as follows:

"5.4.7-P11: Allow for General Plan Amendments and rezonings outside of existing Future Focus Areas in combination with the designation of new Future Focus Areas."

D. Changing the General Plan Land Use diagram for the Freedom Circle Area by modifying Figure 5.2-3 of the General Plan to reflect the land use designations shown on the Freedom Circle Land Use and Urban Design Framework diagram, as set forth on the final page of the Freedom Circle Future Focus Area Plan.

4. That based on the findings set forth in this Resolution, the EIR Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter, the Planning Commission hereby recommends that the City Council approve the General Plan Amendment.

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5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13th DAY OF APRIL, 2022, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
1. Freedom Circle Future Focus Area plan, dated February 2022

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RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT #89 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM HIGH INTENSITY OFFICE/R&D (MAXIMUM FLOOR AREA RATIO OF 2.0) TO VERY HIGH DENSITY RESIDENTIAL (51-100 DWELLING UNITS/ACRE), FOR THE 13.3 ACRE GREYSTAR SITE, WHICH IS BOUNDED BY FREEDOM CIRCLE TO THE WEST, MISSION COLLEGE BOULEVARD TO THE NORTH, SAN TOMAS AQUINO CREEK TO THE EAST AND HIGHWAY 101 TO THE SOUTH

SCH # 2020060425
PLN2017-12516 (EIR, Greystar General Plan Amendment, and Greystar Zoning Amendment)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on May 3, 2017, the Greystar Corporation applied for a General Plan Amendment and rezoning to develop a vacant 13.3 acre site North of Highway 101, West of the San Tomas Aquino Creek, East of Freedom Circle and South of Mission College Boulevard in the City of Santa Clara (the "Greystar Site"); and

WHEREAS, Greystar is proposing to amend the General Plan for the subject site from High Intensity Office/R&D (maximum Floor Area Ratio of 2.0) to Very High Density Residential (51-100 Dwelling Unit/Acre) (the "Greystar GPA"); and

WHEREAS, Greystar has also applied for a Planned Development rezoning to develop up to 1,100 dwelling units, along with a 2.0 acre park and up to 2,000 square feet of amenity space (together with the Greystar GPA, the "Project"); and

WHEREAS, the Greystar Site adjoins an existing industrial office area; and

WHEREAS, City staff was directed by the City Council to plan for future development in the area surrounding the Greystar Site, bounded by Great America Parkway to the West, the southern property line of California's Great America to the North, San Tomas Aquino Creek to the East and Highway 101 to the South (the "Future Focus Area Site"); and

WHEREAS, the City is proposing to add a Freedom Circle Future Focus Area to the General Plan to help direct potential development in the area, subject to a Specific Plan; and

WHEREAS, Santa Clara City Charter Section 1007 and Government Code Section 65353 require that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

WHEREAS, notice of the public hearing on the proposed General Plan Amendment was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on March 30, 2022; and

WHEREAS, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 1,000 feet of the Future Focus Area Site, according to the most recent assessor's roll, and to all local agencies expect to provide essential facilities or services to the project, on March 30, 2022;

WHEREAS, before considering making a recommendation for the General Plan Amendment for the Project Site, the Planning Commission reviewed and considered the potential environmental impacts of the Project, identified mitigation measures, and recommended that the Council adopt and certify the Environmental Impact Report ("EIR") for the Project (SCH # 2020060425), as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA;

WHEREAS, the Planning Commission has reviewed the General Plan Amendment; and

WHEREAS, on April 13, 2022, the Planning Commission conducted a duly noticed public hearing to consider the GPA, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed General Plan Amendment.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. General Plan Amendment Findings. That the Planning Commission finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

A. The proposed General Plan Amendment is deemed to be in the public interest, in that:

The proposed General Plan Amendment is a prerequisite to the adoption of the Project, which is located in an urbanized area served by existing municipal services and implements smart growth principles by developing underutilized properties with a high density residential, transit-oriented development that will contribute to the City both socially and economically.

B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Project furthers and is consistent with the goals, policies and major strategies of the General Plan that enhance the City's quality of life, preserve and cultivate neighborhoods, promote sustainability, enhance City identity, support Focus Areas and community vitality, maintain the City's fiscal health and quality of services, and maximize health and safety benefits with the creation a new residential development close to jobs, amenities and services and the City's primary north-south bike corridor.

C. The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), in that:

A Draft Environmental Impact Report ("DEIR") was prepared in accordance with CEQA and the City circulated copies of the DEIR and Notice of Availability to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies, and the City sought the comments of such persons, organizations and agencies. The City prepared and circulated written responses to the comments received

during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"), in accordance with CEQA.

D. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for implementation with Project development to reduce potentially significant impacts identified in the EIR to less than significant and a set of CEQA Findings and a Statement of Overriding Considerations have been prepared for the significant unavoidable impacts that cannot be mitigated to less than significant; and the Planning Commission has recommended that the City Council adopt these documents.

3. That the Planning Commission, pursuant to Government Code § 65354, hereby recommends that the City Council amend the General Plan by changing the General Plan Land Use Designation for the Project Site from High Intensity Office/R&D to High Density Residential (51-100 DU/AC) by modifying Figures 5.2-2 and 5.2-3 of the General Plan.

4. That based on the findings set forth in this Resolution, the EIR Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter, the Planning Commission hereby recommends that the City Council approve the General Plan Amendment.

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5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13th DAY OF APRIL, 2022, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
none
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RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA TO RECOMMEND APPROVAL OF A REZONING FROM COMMERCIAL PARK (CP) TO PLANNED DEVELOPMENT (PD) TO ALLOW A RESIDENTIAL DEVELOPMENT CONSISTING OF UP TO 1,100 RESIDENTIAL UNITS, A 2.0 ACRE PUBLIC PARK AND UP TO 2,000 SQUARE FEET OF AMENITY SPACE, LOCATED AT 3905 FREEDOM CIRCLE, SANTA CLARA

PLN2017-12516 (General Plan Amendment, Rezoning and EIR)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on May 13, 2017, the Greystar Corporation ("Applicant") filed a development application for a 13.3 acre site consisting of two parcels (APNs 104-40-021 and -036) at 3905 Freedom Circle, which is currently vacant ("Project Site"); and

WHEREAS, the Applicant has applied to change the General Plan Land Use Designation of the Project Site from High-Intensity Office/R&D (Maximum FAR of 2.0) to Very High-Density Residential (51-100 DU/AC); and

WHEREAS, the Applicant has applied to rezone the Project Site from Commercial Park (CP) to Planned Development (PD) to allow a residential development of up to 1,100 dwelling units, a 2.0 acre public park, and up to 2,000 square feet of amenity space ("the Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference; and

WHEREAS, in conformance with CEQA, an EIR was prepared for the project, which was noticed and was circulated for a 45-day public review period from December 5, 2021 to December 20, 2021;

WHEREAS, the EIR prepared for the project identified potentially significant impacts from the development of the Project, that with implementation of the mitigation measures identified in the Mitigation Monitoring or Reporting Program ("MMRP") will reduce potential impacts to a less than significant level and will be incorporated into the Project;

WHEREAS, the EIR prepared for the project also identified potentially significant impacts from the development of the Project that could not be mitigated to a less-than significant level, and for which the City Council has adopted a Statement of Overriding Considerations;

WHEREAS, Santa Clara City Code (SCCC) Section 18.112.040 provides for the review and recommendation of the City's Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, notice of the public hearing on the proposed project was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on March 30, 2022;

WHEREAS, notices of the public hearing on the proposed project were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor's roll, on March 30, 2022; and

WHEREAS, on April 13, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed rezoning of the Project Site from Commercial Park (PD) to Planned Development (PD), at which time all interested persons were given an opportunity to present evidence and provide testimony, both in favor of and in opposition to the proposed rezoning.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the City Council hereby rezones the Project Site from Commercial Park (CP) to Planned Development (PD) to allow a residential development consisting of up to 1,100 dwelling units, a 2.0 acre public park, and up to 2,000 square feet of amenity space, as shown on the attached Development Plans, incorporated herein by this reference.

3. Pursuant to SCCC Code Section 18.112.010, the City Council determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable, in that the existing Zoning Code does not allow for residential development and creation of housing opportunities at the project site reflective of the residential densities proposed by the applicant.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area, in that the proposal develops two vacant parcels and will potentially act as a catalyst for additional residential development in the neighboring Freedom Circle Future Focus Area.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that the proposed zone change provides additional residential development opportunities close to jobs in the northern part of Santa Clara.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts in that the proposed zone change would allow flexibility in the development standards to construct residential development that is in the upper range of developments approved within the City of Santa Clara

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, EIR, Findings of Fact and Statement of Overriding Considerations and MMRP, the Planning Commission recommends rezoning the Project Site as set forth herein.

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5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13TH DAY OF APRIL, 2022, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
1. Development Plans