RESOLUTION NO. 23-9297

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, TO ADOPT AN ADDENDUM TO THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR ADOPTION OF THE ZONING CODE UPDATE

SCH # 2008092005
PLN23-00604 (Zoning Code Update, General Text Amendments, and Addendum to the General Plan EIR)

WHEREAS, the City of Santa Clara (the "City") is contemplating the adoption of the City's Zoning Code Update, the first comprehensive update of the Code in over 50 years;

WHEREAS, the 2010-2035 General Plan is the City's vision for future development;

WHEREAS, the General Plan also includes regulatory elements that channel and constrain development, including limitations on the amount of land area that can be dedicated to manufacturing uses within certain industrial designations; prohibitions on specific uses within industrial designations; and definitions that assist in regulating land use, including the definition of Floor Area Ratio (FAR), which describes the bulk of a building;

WHEREAS, under Government Code Section 65860, the General Plan and Zoning Ordinance of a jurisdiction are required to be consistent with each other;

WHEREAS, the City desires to remove the area limitation on manufacturing in the Low- and High-Intensity Office/R&D districts to allow for use mixes that reflect the current industrial office market, and are also reflective of the existing uses of buildings in North Santa Clara;

WHEREAS, new combinations of uses are being proposed, including manufacturing of medical devices and outpatient procedures involving those devices;

WHEREAS, the City wishes to clarify the definition of Floor Area Ratio to better regulate the bulk of a building by including the area of a building dedicated to parking and by not including the area of a building below grade in the calculation of FAR;

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WHEREAS, the City held seven community meetings in 2018 and 2019 on the Zoning Code Update to solicit community feedback; received 500 responses to a community survey on the Zoning Code Update in 2019; and posted a copy of the draft code for public comment in 2022;

WHEREAS, the City Council and Planning Commission held three joint study sessions on the Zoning Code Update in the summer and fall of 2019;

WHEREAS, the Planning Commission held study sessions on the Zoning Code Update on August 22, 2018, September 5, 2018, October 27, 2021, and September 20, 2023, and also held a study session specifically on parking and outdoor dining regulations on June 16, 2021;

WHEREAS, the City Council held a study session on the Zoning Code Update on August 22, 2023;

WHEREAS, on November 16, 2010, the City Council certified the Final Environmental Impact Report for the 2010-2035 General Plan (the "General Plan EIR");

WHEREAS, the General Plan EIR included an analysis of the adoption of a zoning code that would be consistent with and implement the General Plan;

WHEREAS, on November 29, 2016, November 13, 2018, March 22, 2022, and June 7, 2022, the City Council certified Environmental Impact Reports for the Lawrence Station Area Plan, the Tasman East Specific Plan, the Patrick Henry Drive Specific Plan, and the Freedom Circle Future Focus Area, respectively (collectively, the "Subsequent EIRs");

WHEREAS, the City prepared an Addendum that tiers off the General Plan EIR and Subsequent EIRs and analyzes the potential impacts of the proposed Zoning Code Update (the "Addendum to the General Plan EIR");

WHEREAS, on November 1, 2023, a joint notice of the public hearing for the November 15, 2023 Planning Commission and December 19th City Council meeting was published in the *Weekly*, a newspaper of general circulation in the City;

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WHEREAS, on November 15, 2023, the Planning Commission conducted a duly noticed public hearing to consider the Addendum to the General Plan EIR and recommend an action on the General Plan text amendments and the Zoning Code update, at the conclusion of which, the Planning Commission voted unanimously (7-0-0) to recommend that the City Council adopt the Addendum to the General Plan EIR;

WHEREAS, on December 19, 2023, the City Council conducted a duly noticed public hearing to consider the Addendum to the General Plan EIR, General Plan text amendments, and Zoning Code Update, 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 project; and

WHEREAS, in considering the General Plan text amendments and the Zoning Code Update the City Council has reviewed and considered the potential environmental impacts and determined that the environmental effects of the proposed General Plan text amendments were consistent with 2010-2035 General Plan EIR and Subsequent EIRs, and that the proposed General Plan text amendments did not alter the conclusions of the adopted General Plan EIR and Subsequent EIRs.

NOW THEREFORE, BE IT 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 finds that the Addendum to the General Plan EIR has been completed in compliance with CEQA.

3. That the City Council hereby finds that the Addendum to the General Plan EIR has been presented to the Council, which reviewed and considered the information and analysis contained therein, and that the Addendum represents the independent judgment of the Council.

4. That the City Council hereby finds that the proposed General Plan Amendments do not involve substantial changes to the General Plan that would require major revisions to the General Plan EIR or Subsequent EIRs.

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5. That the City Council hereby finds that there is no substantial change in circumstances as a result of modifications to the General Plan that would require major revisions to the General Plan EIR and Subsequent EIRs or cause new or substantially more severe significant impacts.

6. That the City Council hereby finds that there is no new information of substantial importance that identifies new or more intense significant impacts than those identified in the General Plan EIR and Subsequent EIRs.

7. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, the City Council approves the Addendum to the General Plan EIR, in accordance with CEQA for the Project.

8. 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 CITY OF SANTA CLARA, CALIFORNIA, AT A SPECIAL MEETING THEREOF HELD ON THE 19TH DAY OF DECEMBER, 2023, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Becker
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Addendum to the General Plan EIR for the Zoning Code Update

City of Santa Clara Zoning Code Update and General Plan Amendments

Addendum to the City of Santa Clara 2010-2035 General Plan Environmental Impact Report

Lead Agency:

City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, California 95050

Prepared by:

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507

Public Review Draft
November 1, 2023

- This document is designed for double-sided printing -

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Appendix A 2010-2035 Santa Clara General Plan EIR
Appendix B Zoning Code Update and General Plan Amendments
Appendix C Lawrence Station Area Plan DEIR
Appendix D Tasman East Specific Plan DEIR
Appendix E Patrick Henry Drive Specific Plan DEIR
Appendix F Freedom Circle Focus Area Plan/Greystar General Plan Amendment DEIR

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

1 Introduction

This document has been prepared to serve as an addendum to the previously certified Santa Clara 2010-2035 General Plan Integrated Final Environmental Impact Report (EIR) (SCH # 2008092005), which was certified in January 2011, and subsequent amendments made for the various Specific Plan areas and future focus areas of the city. The City of Santa Clara ("City" or "Lead Agency") is considering approval of a comprehensive update of the city's current Zoning Code and corresponding General Plan text amendments ("proposed project" or "project"). The goal of the comprehensive Zoning Code Update (ZCU) is to develop a more up-to-date, readable, and relevant Zoning Code that better aligns with the city's General Plan and which fully aligns with recent changes in State law. The project would also include a General Plan Amendment (GPA) that would amend the text of the General Plan to reflect the ZCU. The City of Santa Clara is the Lead Agency for the proposed project. This Addendum serves as the environmental review for the ZCU/GPA, prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15164.

1.1 – Purpose and Authority

Pursuant to CEQA, the proposed Zoning Code Update constitutes a "*project"* that is subject to analysis and determination of environmental effects under CEQA (Public Resources Code Section 21000, *et seq.*) and the CEQA Guidelines (14 California Code of Regulations Section 15000, *et. seq*.). This Addendum, its appendices, and related supporting environmental documents have been prepared to determine whether and to what extent the General Plan EIR and associated amendments prepared for the General Plan EIR are sufficient to address the potential impacts of the proposed Zoning Code Update, or whether additional documentation is required under CEQA. The proposed project requires discretionary approval by the City of Santa Clara and, as the project initiator, the City of Santa Clara is the Lead Agency with respect to this Addendum pursuant to §15367 of the CEQA Guidelines. Specifically, the Project requires the City of Santa Clara's approval of a Zoning Code Update and General Plan Amendment. No other governmental agencies have discretionary permitting authority with respect to approval of the proposed project, and no Trustee Agencies, as defined in §21070 of the CEQA Statutes, has jurisdiction over resources such that Trustee agency approval is required for entitlement approval.

Under CEQA, the City must determine whether the proposed changes would require a new or supplemental EIR, or whether an addendum would suffice. Section 2, *Project Description*, provides detailed description of the proposed changes. In determining whether an addendum is the appropriate document to analyze the modifications to the project and its approval, State CEQA *Guidelines* Section 15164 (addendum to an EIR or Negative Declaration) states:

a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

1.2 – Addendum Analysis and CEQA Guidelines

This Addendum has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, 15164, and 15168(c). This Addendum evaluates the project's potential environmental effects in light of those effects previously disclosed in the 2010 General Plan EIR and CEQA documents related to subsequent General Plan amendments to determine whether any of the conditions described in Guidelines Section 15162 calling for subsequent CEQA review have occurred. The General Plan EIR is available for review at the City's Planning Division, 1500 Warburton Avenue, Santa Clara, California 95050. CEQA Guidelines Section 15164(a) provides that the lead agency "*shall prepare an addendum* to a previously certified EIR if *some changes or additions are necessary* but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Sub-Section (c) further provides that an "addendum need not be circulated for public review but can be included in or attached to the final EIR," and Sub-Section (e) states that a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included" in the addendum, the agency's findings, or elsewhere in the administrative record.

CEQA Guidelines Section 15168(c)(2) provides that "if the agency finds that pursuant to Section 15162, no subsequent EIR will be required, the agency can approve the activity as being within the scope of the project covered by the EIR" and that "[w]hether a later activity is within the scope of an EIR is a factual question that the lead agency determines based on substantial evidence in the record." Sub-Section (c)(4) further provides that "[w]here the later activities involve site-specific operations, the agency *should use a written checklist or similar device* to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the EIR." According to CEQA *Guidelines* Section 15162, once an EIR has been certified, no subsequent or supplemental EIR shall be prepared for a project unless the lead agency determines that one or more of the following occurs:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An addendum may be prepared if some changes or additions are necessary to a certified EIR and none of the above-stated conditions apply (CEQA *Guidelines* Section 15164). Per the above, this Addendum functions as both an "addendum" and a "written checklist," as called for in CEQA Guidelines Section 15164(a) and 15168(c)(4). As such, this Addendum analyzes the proposed project's potential environmental effects in light of those effects disclosed in 2010 General Plan EIR consistent with Guidelines Section 15162. Based on a review of the proposed project (as described in Section 2, *Project Description*) and surrounding circumstances (i.e., the Environmental Setting), this addendum concludes that there is no substantial change proposed that would require major revisions to the previous EIR; that there is no substantial change in circumstances as a result of project modifications that would cause new or substantially more severe significant impacts (see Section 3, *Environmental Impacts and Mitigation Measures*); and, that there is no new information of substantial importance that identifies new or more intense significant impacts (CEQA *Guidelines* Section 15162).

1.3 – Tiering

Section 15152 et al of the CEQA Guidelines describes "tiering" as a streamlining tool as follows:

(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

(b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

(c) Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(d) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to affects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

(e) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.

(f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.

(1) Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR that effect is not treated as significant for purposes of the later EIR or negative declaration and need not be discussed in detail.
(2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).
(3) Significant environmental effects have been "adequately addressed" if the lead agency determines that:

(A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or
(B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

(g) When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.
(h) There are various types of EIRs that may be used in a tiering situation. These include, but are not limited to, the following:

(1) General Plan EIR (Section 15166)
(2) Staged EIR (Section 15167)
(3) Program EIR (Section 15168)
(4) Master EIR (Section 15175)
(5) Multiple-family residential development/residential and commercial or retail mixed-use development (Section 15179.5)
(6) Redevelopment project (Section 15180)
(7) Projects consistent with community plan, general plan, or zoning (Section 15183)

This Addendum for the proposed Zoning Code Update and General Plan Amendments has been prepared to tier from the General Plan “Program” EIR of the City of Santa Clara dated January 2011, as amended or otherwise supplemented (See Appendix A). In addition, this addendum has been prepared to tier from the Lawrence Station Area Plan (“Lawrence Station SP”) DEIR dated August 2016 (see Appendix C), the Tasman East Specific Plan (“Tasman East SP”) DEIR dated July 2018 (see Appendix D), the Patrick Henry Drive Specific Plan (“Patrick Henry Drive SP”) DEIR dated July 2021 (see Appendix E), and the Freedom Circle Future Focus Area Plan/Greystar Project General Plan Amendment (“Freedom Circle FFA”) DEIR dated November 2021 (see Appendix F). Mitigation measures from the General Plan EIR and subsequent Specific Plan EIRs are incorporated herein by reference.

1.4 – Organization and Scope

Although this document is not an initial study, in the interest of providing a thorough examination of any potential environmental impacts, the document has been organized to comply with Section 15063 of the State CEQA Guidelines, which sets forth the required contents of an Initial Study. These include:

- A description of the project, including the location of the project (see Section 2)
- Identification of the environmental setting (see Section 2.5)
- Identification of environmental effects by use of a checklist, matrix, or other methods, provided that entries on the checklist or other form are briefly explained to indicate that there is some evidence to support the entries (see Section 3)
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (see Section 4.11)
- Applicable General Plan EIR and Subsequent Specific Plan EIR mitigation measures (see Section 5)
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (see Section 6.1)

1.5 – Conclusions

The City of Santa Clara may approve the proposed project based on this Addendum. The impacts of the proposed project remain within the impacts previously analyzed in the General Plan EIR and associated amendments (CEQA Guidelines Section 15164). The proposed project does not require any revisions to the General Plan EIR. No new significant information or changes in circumstances surrounding the proposed project have occurred since the approval of the General Plan EIR and EIR's relate to subsequent specific plans and area plans that amended the General Plan. Therefore, the previous CEQA analyses completed for the General Plan EIR and associated amendments remain adequate. The applicable mitigation measures and/or conditions of approval from the General Plan EIR and associated amendments would be imposed on the proposed project as described herein. The proposed project does not require preparation of a new subsequent or supplemental EIR, due to either the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the proposed project is consistent with the findings of the General Plan EIR and associated amendments and would involve only minor changes; therefore, an Addendum is appropriate CEQA compliance for the proposed project.

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2 Project Description

2.1 – Project Title

City of Santa Clara Zoning Code Update

2.2 – Lead Agency Name and Address

City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, California 95050

2.3 – Contact Person and Phone Number

John Davidson, Principal Planner
(408) 615-2478

2.4 – Project Location

The City of Santa Clara is located in north-central Santa Clara County (See Exhibit 1, Regional Context Map). Santa Clara is at the southern end of the San Francisco Bay, approximately 40 miles south of the city of San Francisco. The Planning Area encompasses all incorporated areas located within the boundaries of the City of Santa Clara.

2.5 – Environmental Setting

The City of Santa Clara is essentially built out and the existing land use pattern is predominantly characterized by single family neighborhoods, retail commercial corridors, and industrial/office employment centers (See Exhibit 2, Existing General Plan Land Use Map). These uses are largely separated by major transportation facilities located in the City. U.S. Highway 101 traverses east-west through the center of the City, while State Route 237 is located to the north and Interstates 880 and 280 skirt the southeast and southwest corners of the City, respectively. Existing transit lines include Caltrain, Altamont Commuter Express (ACE), Capitol Corridor, and Valley Transportation Authority (VTA) bus and light rail. The City of Santa Clara covers approximately 18.4 square miles of land, and is completely surrounded by neighboring cities: San José to the north, east and south, and Sunnyvale and Cupertino to the west. The City is located at the center of the Santa Clara Valley, between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Three seasonal creeks run through the City and empty into the southern portion of the San Francisco Bay: the San Tomas Aquino, Saratoga and Calabazas Creeks. Additionally, the City is bordered by the Guadalupe River to the northeast.

2.6 – General Plan Land Use Designations

Multiple.

2.7 – Zoning Districts

Multiple.

2.8 – Project Description

The proposed project includes a comprehensive update to the City of Santa Clara Zoning Code and corresponding text amendments to the General Plan. The following discussion summarizes the key changes and concepts being brought forward through the Zoning Code Update.

Organization of the Zoning Code

The draft updated Zoning Code has been organized and formatted for clarity and ease of use (see Appendix B). One significant change in organizational structure is to move from a nested or cumulative approach to zoning districts to an organization where the contents of each zoning district is self-contained. In the 1969 Zoning Code, uses were listed out within each zoning district, and the zoning code was cumulative in nature, meaning that uses in less intense zoning districts were included by reference in the more intense districts of the same type. For example, all of the uses allowed in the CN Neighborhood Commercial district are also allowed in the CC Community Commercial zoning district, and the uses of both zoning districts are allowed in the CT Commercial Thoroughfare zoning district with each district referring back to the other districts for the complete list of allowed uses. Functionally, this means that to understand the uses applicable to a property, a resident might need to follow a chain of references through three chapters of the Code. The updated Zoning Code further improves readability by presenting all similar districts together in a single chapter, with uses presented in tabular format, making it easier to compare regulations between uses and zoning districts. Similarly, development standards, including building heights, setbacks and area limitations such as lot coverage maximums are presented in tables, allowing information to be readily accessed in a concise format. The updated Zoning Code also adds explanatory graphics, helping to clarify code sections such as non-standard setback regulations and sign types.

Zoning Code Changes Required by Recent State Legislation

Over the past year, the State has made a number of changes to the Government Code that are intended to promote housing inventory including several actions cities are required to implement through their Zoning Codes. As a result, the City of Santa Clara has made the following changes to the proposed Zoning Code Update since the release of the February 2022 draft:

- Allowing residential development on land with commercial land use designations (SB 6 and AB 2011), provided that the development meets specific conditions including a minimum density of 30 du/ac and paying prevailing wages during construction;
- The relaxation of local ADU development standards to allow greater ADU heights near transit (SB 897), and waiving otherwise required front setbacks if a detached ADU of 800 square feet cannot be built (AB 2221);
- Increasing the range of projects that can take advantage of incentives in the Density Bonus Law, including shared housing (AB 682) and commercial projects that include an affordable housing component (AB 1551);
- A prohibition on parking requirements for residential and commercial developments within a half-mile of transit (AB 2097) and for 55-and-older senior housing projects (AB 2334);
- Requirements to provide more possible zoning districts for emergency shelters, and to approve emergency shelters using objective standards (AB 2339); and
- Prohibition on cities from requiring a public hearing for residential renovation projects that only involve interior reconfigurations (AB 916).

Some of the new state laws simply changed processing procedures, and individual projects themselves will still be subject to environmental review. For those laws, the Zoning Code changes would be considered administrative actions not likely to result in environmental impacts under CEQA Guidelines 15378(b)(5). These include: SB 6 (residential uses on commercial land); AB 1551 and AB 682 (density bonuses for mixed use and shared housing); and, AB 2339 (emergency shelters in residential zones). For other laws, the Legislature created a ministerial approval process for certain projects, which has already gone into effect. By adopting an ordinance conforming to state law, the City is not changing anything, because the approvals are already ministerial, and pursuant to CEQA Guidelines Section 15268 (ministerial projects) and Public Resources Code (PRC) Section 21080(b)(1), are not subject to CEQA, whether or not the ordinance is adopted. These include: SB 897 (new max ADU heights); AB 2221 (waiver of front setbacks for ADUs); AB 2011 (100% affordable projects in commercial zones); and, AB 916 (reconfiguration of bedrooms). Finally, two of the laws pertain to parking; however, parking is not a CEQA impact (Save Our Access v. Watershed Conservation Authority, 68 Cal. App. 5th 8 (2021)). These include: AB 2097 (no parking near transit) and AB 2334 (no parking for affordable housing).

New Mixed-Use Zoning Districts

One of the purposes of the proposed Zoning Code Update is to implement existing General Plan land use designations and eliminate any remaining inconsistencies between the City's General Plan and the Zoning Code. When the City completed the most recent comprehensive update of the General Plan in 2010, staff began a corresponding update to the Zoning Code to more fully align with the new General Plan, but this effort was not completed. This lack of alignment limits the effectiveness of the Zoning Code as an implementation tool for the General Plan. Recent changes in State law also remove an exception for charter cities, such as Santa Clara, that allowed for inconsistency between zoning and General Plan. Other recent changes in State law also require that local land use regulations for residential and mixed-use developments be generally limited to objective standards, which are found in the updated Zoning Code. The Zoning Code Update will address these concerns. For example, the City's General Plan designates areas for mixed-use development along the City's commercial thoroughfares, but the current applicable zoning districts are limited to commercial uses. As a result of the current lack of mixed-use zoning districts, mixed-use projects must be developed using the more cumbersome, expensive and time-consuming Planned Development Zoning process.

The proposed Zoning Code Update adds mixed-use zoning districts that directly align with the City's General Plan land use designations, including new mixed-use districts for commercial corridors, such as El Camino Real, Homestead Road, and Saratoga Avenue. The creation of mixed-use districts conforming to the General Plan will provide developers with a more streamlined approval process through a development review hearing using objective standards in the analysis of projects. The proposed designations for El Camino Real implement the existing General Plan land use designations including the MU-CC Mixed Use – Community Commercial zone, which corresponds to the CMU Community Mixed-Use designation, and the MU-RC Mixed Use – Regional Commercial zone, which corresponds to the RMU Regional Mixed-Use designation. Any future zoning changes that result from the El Camino Real Specific Plan, which is under development, would be adopted separately.

New Industrial Zoning Districts

Most of the employment lands in North Santa Clara are zoned ML Light Industrial, a catch-all designation in the 1969 code, even though the General Plan designates these areas as a mix of Light Industrial, Low Intensity Office or High Intensity Office. Lands designated for Light and Heavy Industrial use are now focused within areas most impacted by the flight path of San José Mineta International Airport (SJC). The Zoning code update also addresses potential height conflicts with airport uses by

limiting heights in industrial districts to the maximum allowed under the FAA's part 77 surfaces. The update maintains the Light and Heavy Industrial zoning districts in areas with those General Plan designations, especially near SJC, and creates new zoning designations for Low-Intensity Office/R+D (LO-RD) and High-Intensity Office/R+D (HI-RD) uses, recognizing that additional height and development intensity is now a part of the development program for contemporary office uses. The additional height is related to the low- and high-intensity office designations. The proposed zoning code FARs are the same as in the General Plan, at 1.0 and 2.0 respectively. This change would also better reflect the mix of businesses that are located in Santa Clara's job centers.

Additional Height Allowances for Industrial Uses with Fewer Employees

The 1969 Zoning Code assumed that light industrial uses would be limited to low-rise development. Increasingly, developers of modern industrial uses, such as data centers, seek to better utilize industrially zoned land. The City has typically granted modifications regarding height through the City's permit process for these uses. This code change recognizes the contemporary needs for additional height of this development type which are compatible with surrounding forms of industrial development and therefore provides a more logical and streamlined development process. The current maximum height for these uses is 70 feet. Under this change, the maximum allowable height for these uses will be 90 feet.

Streamlined Permitting Processes for Placemaking Uses

The updated Zoning Code includes multiple changes to streamline the permitting of placemaking uses. The streamlined processes include an increased allowance for restaurants to provide up to 24 outdoor seats without a permit, as opposed to twelve as currently allowed, making it easier for restaurants to activate their adjacent outdoor spaces. The code changes also include a streamlined administrative permit process for temporary outdoor events on private property as well as live entertainment, provided the entertainment use meets residential separation requirements, striking a balance between placemaking and neighborhood protection. These types of activities would be permitted with less time and cost through a streamlined staff review process rather than through City Council action as required by the current Zoning Code.

Simplified Parking Regulations

The parking section of the Zoning Code has been revised to base parking requirements on the floor area of a building, as opposed to requirements based on other criteria. The parking requirements in the current Zoning Code can prevent an existing commercial space from being re-tenanted for a different commercial use. For example, the current Zoning Code requirements for restaurants based on the number of seats can effectively prevent a restaurant from entering a vacant commercial space. Implementing a consistent standard based on square footage makes for an apples-to-apples comparison of required parking between different uses such as restaurants and retail and makes it easier to re-tenant buildings. The updated Zoning Code also increases the thresholds for triggering additional parking requirements so that a wider range of tenants can use existing buildings, reducing the likelihood of vacant commercial space and leading to livelier streets. Additional changes are included to align with recent changes to State law, especially AB 2097, which prohibits cities from requiring parking within one-half mile of a major transit stop.

Construction Parking for Larger Projects

The updated Zoning Code adds requirements for off-street parking for the duration of construction of residential projects of over 100 units in size, or non-residential projects of over 100,000 square feet in

area. Parking spaces on private property (either the project site or off-site private property) would be required to be available from the time of issuance of building permits until the issuance of a certificate of occupancy. The proposed code provisions include performance standards to maintain the temporary parking lot and to sweep surrounding streets.

Occupancy Limits for Residences

The Zoning Code Update will require that in new or expanded residences, each residential unit maintain a minimum common area (the area dedicated to living rooms, family rooms and kitchens) of 25% of the floor area of the building, to provide adequate common space for congregating in the residences and to prevent dining rooms and living rooms from being converted to bedrooms.

Short-Term Rentals

The proposed Zoning Code Update establishes regulations for short-term rentals, requiring the unit to be owner-occupied or significantly limiting the amount of time that the unit may be rented, and requiring the owner to register with the City, pay the Transient Occupancy Tax (TOT), and meet performance standards. The proposed regulations will establish a maximum number of days (90 aggregate days in a calendar year) that properties can be rented without the owner present, set occupancy limits and require a local contact person.

Increased Allowances for Houses with One-Car Garages

A number of subdivisions were built in Santa Clara in the 1950s with one-car garages and do not conform to the City's current standard of two parking spaces per single-family residence. Prior to the 2010 General Plan update, the City had a General Plan policy that allowed expansions of these houses by up to 500 square feet before they were required to provide an additional garage space. The Zoning Code Update will codify the ability to make up to a cumulative 1,000-square foot addition to such houses over the life of the building without the need to add a parking space. Any additions made previously will count towards the 1,000-square foot total. Previously, property owners with one-car garages were able to add expansions up to 500 square feet without a variance. This change would increase the size of the addition allowed by 500 square feet and would apply to approximately 5 percent of the existing housing stock within the planning area

By-Right Setback Exceptions

The proposed Zoning Code Update will add by-right exceptions for additions to houses with legal non-conforming side setbacks, provided the addition is to the rear. It has become a frequent practice for the City to grant Variances for such additions in consideration of a lack of any clear negative impact upon the community and the benefit to the homeowner. This change will thus reduce the number of variance cases in the City, especially in relation to pre-war houses in the Old Quad, reducing unnecessary time and cost burdens for homeowners.

Unenclosed Porch Allowances

The Zoning Code Update would increase the amount that unenclosed porches can encroach into the front setback to up to six feet. This change aligns with current community preferences, reflecting the transition from a visual preference for large, uninterrupted front lawns to homes that are more inviting and pedestrian-oriented. Homeowners will be more able to add on an open front porch that could activate their front yard and better convey the homeowner's identity.

Prohibited Activities

The proposed Zoning Code Update adds language to clarify that residential front and side setbacks need to be free of inoperable vehicles, construction equipment and debris, and other potential attractive nuisances, such as unattended ping-pong tables and inflatable pools. This clarified code language will make it easier for the City to conduct Code Enforcement for non-compliant property owners.

One-and-a-Half Story Accessory Dwelling Units

Recent changes to State law require cities to allow 800-square foot Accessory Dwelling Units (ADUs) with 4-foot side and rear yard setbacks. Cities are allowed to have more permissive development standards for Accessory Dwelling Units that go beyond these minimum requirements. In response to community input, particularly from the Old Quad neighborhood, the proposed update will include zoning standards that allow one-and-a-half story ADUs by right. This increased height is considered by the community to be consistent with the historical character of the Old Quad, and an appropriate means of allowing compatible development, as the volume of a half-story is largely underneath the pitch of the roof and use of the half-story reduces the mass of a structure with two habitable floor areas.

Minor Use Permits

The Zoning Code Update will create a Minor Use Permit process to allow more streamlined review of non-controversial uses, such as licenses for beer and wine sales at a restaurant. Neighbors would be notified of the proposed use permit, but a public hearing would only be held if requested by a neighbor. Non-controversial permits would be approved by the Director of Community Development without a public hearing.

Changes Made as a Result of the Housing Element Update

Several changes are proposed for the Zoning Code Update to implement actions proposed by staff and/or directed by the State Department of Housing and Community Development (HCD) through the City's Housing Element update process. Specific to the Zoning Code, the State has asked the City to support a wider variety of residential housing choices by allowing a wider variety of housing types in the City's various residential zoning districts. This includes generally allowing Single Room Occupancies (SROs) and supportive housing (housing that includes supportive services) in multi-family and mixed-use zoning districts. HCD also asked that the City include low-barrier navigation centers as an enumerated use. Low-barrier navigation centers are functionally emergency shelters with additional supportive services.

General Plan Text Amendments

The Zoning Code Update includes an accompanying General Plan Amendment in response to a recent change to State law that requires charter cities to have consistent General Plans and Zoning Codes. This Amendment would update the mix of industrial areas supported by the General Plan to align with the Zoning Code update and the evolving nature of industrial activity within Santa Clara. First, the General Plan changes would remove limitations on the maximum amount of building area devoted to manufacturing in the Low and High Intensity Office/R+D designations. This would allow both existing industrial businesses to continue in place and would allow for new businesses with a manufacturing component to locate in the new zoning designations that have not yet been applied to the City's zoning map. Second, the proposed changes would remove the prohibition on Medical Facilities in the areas

designated High Intensity Office/R+D. Reflecting current practices within the medical industry, this change would allow medical uses, including uses that both manufacture medical supplies or equipment and perform outpatient procedures, to locate both parts of their business within the same building. Third, the proposed change would modify the definition of Floor Area Ratio (FAR), which is used to regulate building mass. The definition is being changed to clarify that FAR calculation is based on all of the building mass above grade, but excludes basements and below-grade parking. This change to the General Plan text would not change Floor Area Ratio maximums but would more clearly describe a building's bulk numerically.

Zoning Code Sections to be in Effect Prior to Map Approval

Adoption of the Zoning Code is scheduled for City Council consideration in advance of the proposed adoption of a Zoning Map that would change the zoning at specific locations throughout the City where the current zoning does not align with the General Plan. This change would address the State requirement now applicable to charter cities for the Zoning and General Plan to align. The proposed changes in the Zoning Code Update that are zoning district-based would not become effective until the time of the Zoning Map adoption. However, the bulk of the elements that apply citywide would take effect upon adoption of the Zoning Code.

2.9 – Required Approvals

The project would require the following approvals:

- Zoning Code Update
- General Plan Amendment

2.10 – Other Public Agency Whose Approval is Required

- None.

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Exhibit 1
Regional Context Map

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Exhibit 2
Existing General Plan Land Use Map

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3 Determination

3.1 – *Environmental Categories Potentially Affected*

The environmental categories checked below were identified in the General Plan EIR and subsequent amendments as being a 'Potentially Significant Impact,' and the following sections of this Addendum identify to what degree the proposed project contributes to these previously identified significant impacts.

☐	Aesthetics	☐	Agriculture Resources	☑	Air Quality
☑	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology /Soils	☑	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology / Water Quality	☐	Land Use / Planning	☐	Mineral Resources
☑	Noise	☑	Population / Housing	☐	Public Services
☐	Recreation	☑	Transportation/Traffic	☐	Tribal Cultural Resources
☑	Utilities / Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

3.2 – *Determination*

☐	The project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	Although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	The project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	The project MAY have a 'potentially significant impact' or 'potentially significant unless mitigated' impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☑	The project could have a significant effect on the environment, but all of its potentially significant effects (a) have been adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION. As such, no further environmental documentation (e.g., a subsequent EIR) is required.

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4 Evaluation of Environmental Impacts

The purpose of this Addendum is to evaluate the CEQA environmental checklist categories in terms of any changed conditions from the approved General Plan EIR and subsequent amendments to the proposed project (e.g., project changes, changed circumstances, or new information of substantial importance) that may produce a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) pursuant to CEQA Guidelines Section 15162, 15164, and 15168(c). As such, the Addendum's checklist analysis uses the standard environmental categories provided in Appendix G of the CEQA Guidelines but provides answer columns for evaluation consistent with the considerations listed in Guidelines Section 15162(a). Mitigation measures identified in the General Plan EIR and applicable to the proposed project are discussed under each environmental Section and are listed in Section 5 – Applicable General Plan EIR Mitigation Measures. As discussed in the following sections, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of impacts previously identified by the General Plan EIR and subsequent amendments.

EXPLANATION OF CHECKLIST EVALUATION CATEGORIES (COLUMNS)

Effect Not Examined in the General Plan EIR?

Pursuant to CEQA Guidelines Section 15168(c)(1), this column indicates whether the project would have effects that were not previously examined by the General Plan EIR and subsequent Specific Plan EIRs, which new effects could necessitate subsequent CEQA review.

Conclusion in the General Plan EIR and Subsequent EIRs?

This column summarizes the conclusion of the General Plan EIR and subsequent Specific Plan EIRs concerning the environmental issue listed under each topic.

Proposed Changes Involving New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162(a)(1), this column indicates whether any changes represented by the proposed project would result in new significant environmental impacts not previously identified or mitigated by the General Plan EIR and subsequent Specific Plan EIRs or whether the changes would result in a substantial increase in the severity of a previously identified significant impact.

New Circumstances Involving New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162(a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions to the General Plan EIR and subsequent Specific Plan EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

New Information Showing New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162(a)(3), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of

reasonable diligence at the time the General Plan EIR and subsequent Specific Plan EIRs were certified, shows any of the following:

(A) The project would have one or more significant effects not discussed in the General Plan EIR and subsequent amendments;

(B) Significant effects previously examined would be substantially more severe than shown in the General Plan EIR and subsequent amendments;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives that are considerably different from those analyzed in the General Plan EIR and subsequent amendments would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the General Plan EIR and subsequent Specific Plan EIRs remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “No,” and no subsequent environmental review would be required.

DISCUSSION FOLLOWING CHECKLIST EVALUATION

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers regarding the proposed project in relation to the General Plan EIR and subsequent Specific Plan EIRs. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented. Applicable mitigation measures from the General Plan EIR and subsequent Specific Plan EIRs that apply to the proposed project are listed at the end of each of the topical sections and in Section 5 of this Addendum. The summary of each of the subsequent Specific Plan EIR’s has been excerpted and are included in Appendix C, and each of the summaries includes the mitigation measures for each of the subsequent Specific Plan EIR’s.

Conclusion

Each Section ends with a summary of the conclusion of the preceding analysis.

4.1 – Aesthetics

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Have a substantial adverse effect on a scenic vista?	Yes	Less than Significant Impact	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a state scenic highway?	Yes	Less than Significant Impact	No	No	No
c) In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Yes	Less than Significant Impact	No	No	No
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Scenic Vistas. The General Plan EIR noted that there are no scenic vistas within the City, but the City of Santa Clara offers many views of the community and surrounding natural features, including panoramic views of the Santa Cruz Mountains and the Diablo Range and stretches of open space and undeveloped land in the Ulistac Natural Area. It was further noted that these scenic vistas can be viewed from the system of roadways and formal and informal public trails throughout the City, but private views of these resources from residential neighborhoods are currently obstructed by adjacent development. The General Plan EIR found that development and redevelopment under the 2010-2035 General Plan could obstruct views of these scenic vistas from the system of roadways and formal and informal public trails throughout the City. However, it was noted that the 2010-2035 General Plan includes a range of

policies that provide program-level mitigation for effects to the scenic vistas and ensure high quality design that maintains the quality of these scenic vistas and ensures their importance in the City's future. *Therefore, it was determined that implementation of General Plan policies and existing programs would minimize effects to the existing scenic vistas and impacts would be less than significant. In addition, subsequent Specific Plan EIRs determined that this impact would not occur or be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to scenic vistas. In addition, the proposed additional height allowances for industrial uses with fewer employees would not apply to areas of the City designated as being part of a scenic vista and where views of scenic vistas are already partially or completely blocked by existing development. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(b) Scenic Resources within a State Scenic Highway. The General Plan EIR noted that development under the 2010-2035 General Plan has the potential to alter the City's scenic resources. It was also noted that the El Camino Real Focus Area would serve as a gateway into the City and help define the boundary of the City's historic core, and transition goals and policies, in conjunction with the El Camino Real Focus Area policies require that this development respect the existing historic character and development patterns of the surrounding area. It was further noted that the Downtown Focus Area offers opportunities for place-making and for a unique destination in the City to serve both local and regional interests, and that revitalization will support the Major Strategies for city identity and community vitality. The General Plan EIR found that policies related to Areas of Historic Sensitivity and to transitions would also apply in order to respect the existing character and development patterns of the surrounding area. It was found that most development would go through the City's architectural review process prior to issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. It was further found that the City's scenic resources would be managed consistent with city adopted regulations and policies, in combination with State regulations. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing programs would minimize effects to the existing scenic resources and impacts would be less than significant. In addition, subsequent Specific Plan EIRs determined that this impact would not occur or be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to scenic resources within a State Scenic Highway. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(c) Degrade Existing Visual Character. The General Plan EIR noted that new development and redevelopment under the General Plan would be substantial enough, and would occur at key locations throughout the City, such that it could have the potential to degrade the visual character of the City without appropriate planning and oversight. However, the General Plan EIR noted that most development would go through the City's architectural review process prior to issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. In addition, it was noted that Focus Areas within which much of the changes would occur are strategically designed to protect the integrity of residential neighborhoods, and changes to public spaces, including roadways, would be designed to upgrade the aesthetic environment. The General Plan EIR found that the City's visual character would be maintained consistent with city adopted regulations and policies, in combination with State regulations. It was further noted that the General Plan includes a range of policies to ensure high quality design that supports and enhances the aesthetic qualities and character of the City and minimize or avoid adverse effects on the existing visual character. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing programs would minimize effects to the existing visual character and impacts would be less than significant. However, the subsequent Specific Plan EIR for the Freedom Circle FFA found that the goals and policies of the Specific Plan presented potential conflicts with applicable General Plan policies governing scenic quality, and the following mitigation measure was incorporated to reduce potential impacts to less than significant:*

- Freedom Circle *FFA* EIR – See Mitigation Measure 4-3.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to degradation of the existing visual character of the Planning Area. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(d) Light and Glare. The General Plan EIR noted that new development and redevelopment under the 2010-2035 General Plan has the potential to create additional light or glare in the City, and sources of light and glare would include external housing lights, street-lights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. It was also noted that most new development would go through the City's architectural review process prior to issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. The General Plan EIR found that the City's light and glare would be reduced and managed consistent with city adopted regulations and policies, in combination with State regulations. It was also found that the 2010-2035 General Plan includes a range of policies to provide program-level mitigation for effects to residential neighborhoods from new light and glare resources and ensure high quality design that maintains the quality of existing neighborhoods and reduces light and glare. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing programs would minimize effects of light and glare and impacts would be less than significant. In addition, subsequent Specific Plan EIRs determined that this impact would not occur or be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to light and glare. In addition, the proposed project would not make any changes to the City's Zoning Code related to light and glare. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that visual and scenic resources are generally localized, although specific resources can be regional in nature, such as vistas of a mountain range. It was also noted that build-out of the General Plan would be limited to redevelopment of existing urbanized areas within Santa Clara, as there are only a small number of vacant undeveloped parcels remaining in the City. Further, it was noted that cumulative development within Santa Clara by other public agencies (i.e., public school districts), or in adjacent communities (i.e., San Jose), would also largely consist of 'recycling' of existing developed parcels for new urban land uses or intensification of existing land uses. The General Plan EIR determined that implementation of the General Plan, including implementation of design review process and incorporation of applicable policies regulating the appearance of new development, would not result in impacts to regional visual and scenic resources, such as the Valley's surrounding hillsides, in that new development and redevelopment would not be of a scale or density to affect regional visual and scenic resources. *Therefore, the General Plan EIR determined that the City's contribution to cumulative regional visual and scenic resource impacts would be less than significant. In addition, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that cumulative projects would not result in a cumulative visual or aesthetic impact and cumulative aesthetics impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater aesthetics impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative aesthetics impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to aesthetics impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Subsequent Specific Plan EIR mitigation measures, as referenced above and

listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect on scenic vistas, scenic vistas, visual character, or light and glare. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

Freedom Circle *FFA* EIR – See Mitigation Measure 4-3.

4.3 – Agriculture and Forest Resources

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

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No	Not Examined	No	No	No
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No	Not Examined	No	No	No
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g))?	No	Not Examined	No	No	No
d) Result in loss of forest	No	Not Examined	No	No	No

land or conversion of forest land to non-forest use?					
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	No	Not Examined	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Designated Farmland. The General Plan EIR and subsequent Specific Plan EIRs did not analyze impacts related to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance because these impacts were screened out during the Initial Study process.

The City of Santa Clara is almost completely urbanized and there are very few undeveloped parcels in the Planning Area. While there are locations in the City designated (A) Agricultural, there are no lands designated by the Farmland Mapping and Monitoring Program as being Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. *Therefore, the proposed Zoning Code Update and General Plan Amendments would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.*

(b) Williamson Act. The General Plan EIR and subsequent Specific Plan EIRs did not analyze impacts related to Williamson Act contracts because these impacts were screened out during the Initial Study process.

The City of Santa Clara is almost completely urbanized and there are very few undeveloped parcels in the Planning Area. There are no lands within the City under a Williamson Act contract. *Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.*

(c) Forest Zoning. The General Plan EIR and subsequent Specific Plan EIRs did not analyze conflicts with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g)) because these impacts were screened out during the Initial Study process.

There are no areas of the City zoned as forest land or timberland resources. *Therefore, the proposed project would not conflict with existing zoning for forest land or timberland.*

(d) Loss or Conversion of Forestland. The General Plan EIR and subsequent Specific Plan EIRs did not analyze impacts related to the loss of forest land or conversion of forest land to non-forest use because these impacts were screened out during the Initial Study process.

There are no areas of the City zoned as forest land, and the Planning Area does not contain any forest land resources. *Therefore, the proposed project would not result in the loss or conversion of forest land*.

(e) Other Changes. The General Plan EIR and subsequent Specific Plan EIRs did not analyze impacts related to the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use because these impacts were screened out during the Initial Study process.

The Zoning Code Update and General Plan Amendments do not re-zone or re-designate any parcel within the City from agricultural uses or zones to other uses. Development associated with implementation of the Zoning Code Update and General Plan Amendments would not result in the conversion of any agricultural or forest land to non-agricultural or non-forest uses. In addition, the Zoning Code Update and General Plan Amendments do not propose any specific development that would result in the conversion of farmland to non-agricultural use. There are no parts of the City designated as timberland, forest land, or farmland. As such, implementation of the project would not result in a conversion of these land uses to another use. *Therefore, the impact would be less than significant.*

Cumulative Impacts

The General Plan EIR and subsequent Specific Plan EIRs did not analyze cumulative impacts related to the loss of agricultural or forest land. The City of Santa Clara is almost completely urbanized and is designated in Farmland Mapping and Monitoring Program as “Urban and Built-Up Land”. Implementation of the proposed Zoning Code Update and General Plan Amendments would not result in the loss or conversion of agricultural or forest uses. *Therefore, no cumulative agriculture and forest resources impacts would occur as a result of the proposed project.*

Conclusion

No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Zoning Code Update and General Plan Amendments would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.4 – Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Conflict with or obstruct implementation of the applicable air quality plan?	Yes	Significant and Unavoidable Impact	No	No	No
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Yes	Significant and Unavoidable Impact	No	No	No
c) Expose sensitive receptors to substantial pollutant concentrations?	Yes	Significant and Unavoidable Impact	No	No	No
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Conflict with AQMP. The General Plan EIR noted that population projections under the General Plan are slightly above the *Bay Area 2005 Ozone Strategy* and the *Bay Area 2010 Clean Air Plan.* However, it was also noted that the rate of VMT growth is less than half the rate of population growth. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan would be consistent with the 2010 CAP and impacts would be less than significant.*

The General Plan EIR also noted that the Air District has a long history of implementing control measures to reduce ozone precursor emissions from stationary, area, mobile and transportation sources, and transportation control measures (TCMs) were designed to reduce emissions from motor vehicles by reducing vehicle trips and vehicle miles traveled. The General Plan EIR also noted that

TCMs may also reduce vehicle use, vehicle idling or traffic congestion, and that the TCMs address State ozone planning requirements for the Bay Area. The General Plan EIR found that the policies under the 2010-2035 General Plan support and reasonably implement the applicable *Bay Area 2005 Ozone Strategy* and the *Bay Area 2010 Clean Air Plan* TCMs. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan would be consistent with the TCMs and project impacts would be less than significant. However, the subsequent Specific Plan EIR for the Lawrence Station SP found that implementation of the Specific Plan would result in a significant an unavoidable impact and there are no feasible mitigation measures that reduce the impact to less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to and no greater than those evaluated in the General Plan EIR and subsequent EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the General Plan and Zoning Code would be required to perform environmental review to ensure they do not conflict with the AQMP. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would also contribute to a conflict with the applicable AQMP and result in a significant and unavoidable impact.*

(b) Cumulatively Considerable Net Increase in Criteria Pollutant Emissions. The General Plan EIR noted that new development and redevelopment allowed under the 2010- 2035 General Plan could increase the concentration of air pollutants. However, the General Plan EIR found that implementation of General Plan policies and existing regulations and programs would substantially reduce air pollutants. *Therefore, the General Plan EIR determined that implementation of the General Plan would not result in a cumulatively considerable net increase in any criteria pollutant emission and impacts would be less than significant. However, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA found that construction related impacts would require implementation of the below mitigation measures to reduce impacts to less than significant. In addition, the subsequent Specific Plan EIRs determined that operational impacts would be significant and unavoidable even with incorporation of mitigation.*

- Lawrence Station SP EIR – See Mitigation Measures AQ-4, AQ-5, AQ-6, and AQ-7.
- Tasman East SP EIR – See Mitigation Measures AQ-1.1, AQ-1.2, AQ-2.1, AQ-2.2, and AQ-2.3.
- Patrick Henry Drive SP EIR – See Mitigation Measures 5-2A, 5-2B, 5-2C, and 5-2D.
- Freedom Circle FFA EIR – See Mitigation Measures 5-3A, 5-3B, 5-3C, and 5-3D.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to and no greater than those evaluated in the General Plan EIR and subsequent EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in cumulatively considerable net increases in criteria pollutant emissions for which the Air Basin is in non-attainment. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, even with incorporation of the mitigation measures listed above, implementation of the proposed project would also contribute to a cumulatively considerable net increase in criteria pollutant emissions and result in a significant and unavoidable impact.*

(c) Exposure of Sensitive Receptors Substantial Pollutant Concentrations. The General Plan EIR found that new development and redevelopment allowed under the 2010- 2035 General Plan could result in construction dust emissions that could affect local and regional air quality. *However, the General Plan EIR found that implementation of General Plan policies and existing regulations and programs would substantially reduce construction dust emissions and impacts would be less than significant.* The General Plan EIR also found that implementation of the 2010-2035 General Plan may involve the placement of sensitive receptors (e.g., new residences) near localized sources of Toxic Air Contaminants (TACs). The General Plan EIR subsequently found that the 2010-2035 General Plan does not provide adequate buffers between existing sources of TAC and new residences or sensitive receptors. *As such, the General Plan EIR determined that the impact would be significant and unavoidable, even with the incorporation of Mitigation Measure 4.10-1 However, the subsequent Specific Plan EIR for the Lawrence Station SP found implementation of the following mitigation measures would reduce impacts to less than significant:*

- Lawrence Station SP EIR – See Mitigation Measures AQ-1, AQ-2, and AQ-3

However, subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA found that impacts would be significant and unavoidable even with incorporation of the following mitigation measures:

- Patrick Henry Drive SP EIR – See Mitigation Measures 5-3A and 5-2B.
- Freedom Circle *FFA* EIR – See Mitigation Measures 5-3A, 5-3B, 5-3C, and 5-3D.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to and no greater than those evaluated in the General Plan EIR and subsequent EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in exposure of sensitive receptors to substantial pollutant concentrations. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, even with incorporation of the mitigation measures listed above, implementation of the proposed project would also contribute to the exposure of sensitive receptors to substantial pollutant concentrations and result in a significant and unavoidable impact.*

(d) Other Emissions Such as Odors. The General Plan EIR noted that implementation of the 2010-2035 General Plan may involve the placement of sensitive receptors (e.g., new residences) near localized sources of odors. The General Plan EIR subsequently found that the 2010-2035 General Plan does not provide adequate buffers between sources of odors and new residences or sensitive receptors. As listed in the Mitigation Measures section below, the General Plan EIR found that the addition of Policy 5.1.1-P25 to the Prerequisite section and Policy 5.10.5-P34 to the Safety section would require minimum screening or buffer distances between emissions sources and sensitive receptors. *As such, the General Plan EIR included incorporation of Mitigation Measure 4.10-2. Therefore, the General Plan EIR determined that impacts from implementation of the General Plan would be less than significant with incorporation of mitigation measures. Subsequent Specific Plan EIRs also determined that this impact would be less than significant without the need for additional mitigation measures.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to the General Plan EIR. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would have a less than significant effect.*

Cumulative Impacts

The General Plan EIR noted that air pollution is a regional issue affected by climate, land uses, and topography. The General Plan EIR also noted that Section *4.10, Air Quality* includes a detailed analysis of the cumulative air quality conditions related to build-out of the 2010-2035 General Plan, as well as the General Plan's conformance with the existing Bay Area 2005 Ozone Strategy and the draft 2010 Bay Area Clear Air Plan, which have been based on regional ABAG projections. The General Plan EIR found that the 2010-2035 General Plan would conform with the current and proposed long-range air quality plans for the Bay Area. *Therefore, the General Plan EIR determined that implementation of the General Plan would result in a less than cumulatively considerable contribution to cumulative air quality impacts. However, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that while cumulative construction, air quality impacts would be reduced to less than significant with incorporation of mitigation measures, long-term cumulative operational emissions would be significant and unavoidable even with incorporation of mitigation measures.*

The Planning Area is completely urbanized and cumulative impacts related to air quality were analyzed in the General Plan EIR and were determined to be less than significant. While the proposed Zoning Code Update and General Plan Amendments would conflict with implementation of the applicable air quality plan, similar to what was determined in the General Plan EIR and subsequent Specific Plan EIRs, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant. The proposed Zoning Code Update and General Plan Amendments would be required to implement General Plan EIR Mitigation Measures 4.10-1 and 4.10-2 as well as subsequent Specific Plan EIR mitigation measures incorporated by reference. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, implementation of the proposed project would also contribute to cumulative air quality impacts, even with incorporation of mitigation, and would result in a significant and unavoidable cumulative impact.*

Conclusion

Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to the mobile, energy, and area sources that cumulatively contribute to criteria pollutant levels and associated air pollution in the Basin. Future development would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR Mitigation Measures 4.10-1 and 4.10-2, incorporated by reference, would also be applicable to development under the General Plan and Zoning Code. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur, nor would the significant unavoidable impacts identified in the General Plan EIR and subsequent Specific Plan EIRs be worsened. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not

propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

General Plan EIR: 4.10-1 and 4.10-2.

Lawrence Station SP EIR: AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, and AQ-7.

Tasman East SP EIR: AQ-1.1, AQ-1.2, AQ-2.1, AQ-2.2, and AQ-2.3.

Patrick Henry Dr. SP EIR: 5-2A, 5-2B, 5-2C, 5-2D, and 5-3A.

Freedom Circle FFA EIR: 5-3A, 5-3B, 5-3C, 5-3D, 5-4A, 5-4B, and 5-5.

4.6 – Biological Resources

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use	Yes	Less than Significant with Mitigation Incorporated	No	No	No

of native wildlife nursery sites?					
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Listed or Sensitive Species. The General Plan EIR found that new development under the 2010-2035 General Plan would result in minimal direct impacts due to habitat loss since there are very few vacant, undeveloped parcels left in the City proposed for urban development that provide habitat value. The General Plan EIR noted that the vast majority of new development anticipated under the 2010-2035 General Plan would occur on parcels already developed with an urban use. However, the General Plan EIR found that future development of vacant parcels containing ruderal grasslands has the potential to impact the Congdon's tarplant, should the tarplant be present at the time of development. Further, the General Plan EIR found that development of vacant parcels could result in impacts to individual burrowing owls if owls moved onto the site prior to project construction. In addition, it was noted that if owls are using active nests when construction activity commences, grading of the site could result in destruction of nests and individual owls. The General Plan EIR found that development under the 2010-2035 General Plan would be required to comply with State and federal regulations regarding special-status species. In addition, it was found that General Plan policies would reduce the potential for impacts on the special-status species considered most likely to use habitat in the City. As such, mitigation measures 4.9-1 and 4.9-2 were incorporated into the General Plan EIR to ensure avoidance of Congdon's tarplant and burrowing owl. *Therefore, the General Plan EIR determined that impacts to species identified as a candidate, sensitive, or special status species would be less than significant with incorporation of mitigation measures. In addition, subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that impacts to special status species would be less than significant with incorporation of the following subsequent EIR mitigation measures:*

- Lawrence Station SP EIR – See Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-2.
- Tasman East SP EIR – See Mitigation Measures BIO-1.1, BIO-2.1, BIO-2.2, BIO-2.3, BIO-2.4, BIO-3.1, BIO-5.1, BIO-5.3, and BIO-5.4.
- Patrick Henry Drive SP EIR – See Mitigation Measures 6-3 and 6-4.
- Freedom Circle FFA EIR – See Mitigation Measures 6-3 and 6-4.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to

implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to special-status species or their habitat. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(b) Riparian Habitat or Sensitive Natural Communities. The General Plan EIR found that redevelopment of urban parcels adjacent to riparian corridors along Calabazas Creek, San Tomas Aquino Creek, and Guadalupe River has the potential to indirectly affect the habitat value of the riparian corridor. It was further noted that the De La Cruz and Tasman East Focus Areas are each immediately west of the Guadalupe River riparian corridor, separated by an earthen levee, and future redevelopment of each Focus Area, in particular, could affect wildlife movement along the Guadalupe River. Additionally, it was noted that the east bank of the Guadalupe River adjacent to Santa Clara is under the jurisdiction of the City of San Jose and is included within the Valley HCP boundary. The Valley HCP's conservation strategy to ensure urban development on the east side of the Guadalupe River doesn't further degrade the riparian corridor's habitat value is to apply the City of San Jose's Riparian Corridor Policy. In addition, the General Plan EIR found that the 2010-2035 General Plan includes updated biological policies that address impacts to riparian habitats. As described in the General Plan EIR, the City of Santa Clara has adopted the Water Collaborative's Guidelines and Standards for Land Uses Near Streams, and the two riparian protection policies (5.10.1-P2 and 5.10.1-P5) are functionally equivalent and will ensure that new development and redevelopment on either bank of the Guadalupe River doesn't significantly impact wildlife movement along the Guadalupe River. Finally, it was found that there are no other sensitive natural communities present in the City. *Therefore, the General Plan EIR determined that impacts to riparian habitat or other sensitive natural communities would be less than significant. However, subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that the following mitigation measures are required to reduce potential impacts to sensitive habitat to less than significant:*

- Tasman East SP EIR – See Mitigation Measure BIO-4.1.
- Patrick Henry Drive SP EIR – See Mitigation Measure 6-2.
- Freedom Circle FFA EIR – See Mitigation Measure 6-2.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to riparian habitat or sensitive natural communities. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(c) Protected Wetlands. The General Plan EIR noted that wetlands and other waters are protected under the federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act, and are

under the jurisdiction of the U.S. Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. It was further noted that Federal and State regulations require avoidance of impacts to the extent feasible, and compensation for unavoidable losses of jurisdictional wetlands and waters. The General Plan EIR found that development along the City's watercourses would have some potential to affect jurisdictional waters and wetlands. *Despite this, the General Plan EIR determined that compliance with existing regulations and proposed General Plan policies would ensure impacts on state or federally protected wetlands would be less than significant. However, subsequent Specific Plan EIR for the Tasman East SP determined that the following mitigation measures are required to reduce potential impacts to wetlands to less than significant:*

- Tasman East SP EIR – See Mitigation Measures BIO-6.1, BIO-6.2, BIO-7.1, BIO-8.1, BIO-8.2, BIO-9.1, BIO-9.2, and BIO-9.3.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to protected wetlands or waters. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(d) Wildlife Movement. The General Plan EIR noted that the creeks that flow through the City provide the primary wildlife movement corridors, and therefore future development near the creeks has the potential to disrupt or disturb wildlife movements along the creek corridors. However, the General Plan EIR found that the City's implementation of the Water Collaborative's Guidelines and Standards for Land Uses Near Streams would minimize the potential for impacts to wildlife movement. *Therefore, the General Plan EIR determined impacts to the movement of any native resident or migratory fish or wildlife species would be less than significant. However, the subsequent Specific Plan EIR for the Tasman East SP determined that the following mitigation measures are required to reduce potential impacts to wildlife movement to less than significant:*

- Tasman East SP EIR – See Mitigation Measure BIO-3.1.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to wildlife corridors or wildlife movement. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(e) Local Policies. The General Plan EIR noted that there is a city ordinance currently in effect to protect trees on public property, and the General Plan proposes a new policy that would afford protection to specified trees on private property. *Therefore, the General Plan EIR determined that Development under the 2010-2035 General Plan would not conflict with the existing tree ordinance and impacts would be less than significant. However, subsequent Specific Plan EIRs for the Lawrence Station SP and the Tasman East SP determined that the following mitigation measures are required to reduce potential impacts from tree removal to less than significant:*

- Lawrence Station SP EIR – See Mitigation Measures BIO-3a and BIO-3b.
- Tasman East SP EIR – See Mitigation Measures BIO-10.1 and BIO-10.2.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to conflicts with located policies protecting biological resources. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(f) Habitat Conservation Plans. The General Plan EIR found that the City is not located within the study area, but rather adjacent to, the Valley Habitat Conservation Plan (HCP). It was also found that future nitrogen emissions attributable to the General Plan's net new development in 2035 would constitute approximately 1.5 percent of total emissions and would represent a less than cumulatively considerable contribution to nitrogen deposition impacts to the serpentine grassland special status flora and fauna being addressed in the Valley HCP. *Therefore, the General Plan EIR and subsequent Specific Plan EIRs determined that conflicts with the provisions of an adopted Habitat Conservation Plan would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in conflicts with habitat conservation plans. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

<u>Cumulative Impacts</u>

The General Plan EIR noted that there is minimal vacant, undeveloped land within Santa Clara that provides suitable habitat for rare, threatened, or endangered flora or fauna, and that most suitable

habitat in the City is concentrated along the several creek corridors. It was also noted that the predominant biologic impacts associated with implementation of the 2035 General Plan would occur to common, urban-adapted species. In the rare instances where future development would involve a site with a special status species, appropriate mitigation, including avoidance, would be implemented to reduce the impacts to a less than significant level. Therefore, the General Plan EIR determined that new construction and redevelopment within the City of Santa Clara would not contribute to cumulative impacts to special status plants and animals present within the City. As further discussed in Section *4.9 Biology* of the General Plan EIR, regional nitrogen deposition impacts to serpentine habitat in southern San Jose is a cumulative issue being addressed by the Local Partner agencies participating in the Valley HCP. However, for the reasons provided in Section *4.9,* Santa Clara's NOx contribution from new development allowed under the 2035 General Plan was determined to be less than cumulatively considerable. Finally, it was also determined that Nitrogen Oxides (NOx) emissions associated with the City's electrical utility, Silicon Valley Power, would be mitigated on an ongoing basis through management of serpentine habitat on Coyote Ridge in San Jose. *Therefore, the General Plan EIR determined that cumulative biological impacts would be less than significant. In addition, the subsequent Specific Plan EIR for the Lawrence Station SP determined that cumulative biological impacts would be less than significant with incorporation of mitigation measures. However, the subsequent Specific Plan EIR for the Tasman East SP determined that cumulative biological impacts would be significant and unavoidable.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement General Plan EIR Mitigation Measures 4.9-1 and 4.9-2 as well as subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater impact on biological resources than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative biological resources impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to biological resources impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR and subsequent Specific Plan EIR mitigation measures, as listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of General Plan EIR and subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect on any sensitive species or habitat, on any wetlands, with the movement of any native resident or migratory fish or wildlife species, and would not conflict with local policies or ordinances protecting biological resources or with a habitat conservation plan. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur, nor would the significant unavoidable impacts identified in the General Plan EIR and subsequent Specific Plan EIRs be worsened. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not

propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

General Plan EIR: 4.9-1 and 4.9-2.

Lawrence Station SP EIR: BIO-1a, BIO-1b, BIO-1c, BIO-2, BIO-3a, and BIO-3b.

Tasman East SP EIR: BIO-1.1, BIO-2.1, BIO-2.2, BIO-2.3, BIO-2.4, BIO-3.1, BIO-4.1, BIO-5.1, BIO-5.2, BIO-5.3, BIO-5.4, BIO-6.1, BIO-6.2, BIO-7.1, BIO-8.1, BIO-8.2, BIO-9.1, BIO-9.2, BIO-9.3, BIO-10.1, and BIO-10.2.

Patrick Henry Dr. SP EIR: 6-2, 6-3, and 6-4.

Freedom Circle FFA EIR: 6-2, 6-3, and 6-4.

4.7 – Cultural Resources

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section15064.5?	Yes	Significant and Unavoidable Impact	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section15064.5?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Historical Resources. The General Plan EIR noted that future development under the 2010-2035 General Plan has the potential to impact, either directly or indirectly, historic resources, both those that are currently listed, and those that have yet to be identified and evaluated. It was also noted that the General Plan's Phase III Prerequisite policy to conduct a citywide survey prior to Phase III (2025) would encompass buildings constructed prior to 1975 (i.e., buildings constructed prior to 1975 would be at least 50 years of age in 2025), and would identify whether additional buildings have achieved historic significance over time. Further, it was noted that buildings over 50 years of age would be evaluated prior to demolition or substantial alteration on a case-by-case basis. The General Plan EIR found that implementation of General Plan policies and programs, including application of the California Historic Building Code and the City's Combining Historic Districts, the City's design review process, and referral of projects involving historic resources to the Historical and Landmarks Commission, would serve to minimize historic resources impacts. *Therefore, the General Plan EIR determined that implementation of proposed policies and existing programs would reduce potential historical resources impacts to less than significant. In addition, the subsequent Specific Plan EIR for the Lawrence Station SP determined that incorporation of the following subsequent EIR mitigation measure would be required to reduce this impact less than significant:*

- Lawrence Station SP EIR – See Mitigation Measure CUL-1.

However, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that even with implementation of the following mitigation measures this impact would be significant and unavoidable:

- Patrick Henry Drive SP EIR – See Mitigation Measure 7-1.
- Freedom Circle FFA EIR – See Mitigation Measure 7-1.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to historical resources. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Nevertheless, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in a significant and unavoidable impact.*

(b) Archaeological Resources. The General Plan EIR found that future development and redevelopment and construction activities under the 2010-2035 General Plan may result in direct or indirect impacts to both prehistoric and historic archaeological resources. It was also noted that construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites. Further, it was found that all areas of the City hold potential for the presence of prehistoric archaeological resources, with the exception of current and former stream channels and areas with artificial fill. However, the General Plan EIR found that 2010-2035 General Plan includes a range of policies to ensure the protection of archaeological resources. The General Plan EIR found that existing federal, State, and local regulations address the provision of studies to identify archaeological and paleontological resources; application review for projects that would potentially involve land disturbance; provide a project-level standard condition of approval that addresses unanticipated archaeological and or paleontological discoveries; and requirements to develop specific mitigation measures if resources are encountered during any development activity. *Therefore, the General Plan EIR determined implementation of General Plan policies and existing programs would reduce the impact to archaeological resources to less than significant. However, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures:*

- Lawrence Station SP EIR – See Mitigation Measure CUL-2 and CUL-3.
- Tasman East SP EIR – See Mitigation Measures CUL-1.1, CUL-1.2, and CUL-1.3
- Patrick Henry Drive SP EIR – See Mitigation Measure 7-2.
- Freedom Circle FFA EIR – See Mitigation Measures 7-3 and 7-4.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to

archaeological resources. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(c) Human Remains. The General Plan EIR noted that implementation of the 2010-2035 General Plan would allow development and redevelopment, including grading, of sensitive areas, possibly disturbing human remains, including those outside of formal cemeteries. However, it was found that existing regulations, including the California Public Resources Code. Section 5097.98, would afford protection for human remains discovered during development activities. In addition, review and protection are afforded by CEQA for those projects subject to discretionary action, particularly for activities that could potentially disturb human remains. Further, it was noted that SB 18 requires consultation regarding Native American sites and artifacts, but the potential for project-level impacts to unidentified and unrecorded tribal cultural places remains moderate to high. As such, it was found that future excavation and grading activities could result in impacts to human remains. However, it was determined that Public Resources Code Section 5097.98 mandates the process to be followed in the event of a discovery of any human remains, and would mitigate all potential impacts. *Therefore, the General Plan EIR determined that implementation existing programs would reduce the impact to human remains to less than significant. However, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures:*

- Lawrence Station SP EIR – See Mitigation Measure CUL-5.
- Tasman East SP EIR – See Mitigation Measures CUL-1.1, CUL-1.2, and CUL-1.3.
- Patrick Henry Drive SP EIR – See Mitigation Measure 7-2.
- Freedom Circle FFA EIR – See Mitigation Measure 7-3.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to buried human remains. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

Cumulative Impacts

The General Plan EIR found that projects in the City and other cumulative projects in the area would implement mitigation that avoids or substantially lessens potentially significant impacts to cultural resources, as required by State law. These mitigation strategies would typically involve pre-construction identification surveys; significance evaluations; consultation with tribal descendant communities; culturally and legally appropriate treatment of human remains; archaeological construction monitoring; resource documentation; and data recovery for unavoidable impacts. These mitigation strategies would generally avoid or substantially lessen the severity of impacts to cultural resources. *Therefore, the General Plan EIR determined that the City's contribution to cumulative effects associated with cultural*

resources is less than cumulatively considerable and impacts would be less than significant. In addition, the subsequent Specific Plan EIRs for the Lawrence Station SP and the Tasman East SP determined that cumulative cultural resources impacts would be less than significant with incorporation of subsequent EIR mitigation measures.

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater impact on cultural resources than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative cultural resources impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to cultural resources impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Subsequent Specific Plan EIR mitigation measures, as referenced above and listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect on any historical resources, cultural resources, or buried human remains. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

Lawrence Station SP EIR: CUL-1, CUL-2, CUL -3, and CUL -5.

Tasman East SP EIR: CUL-1.1, CUL-1.2, and CUL-1.3.

Patrick Henry Dr. SP EIR: 7-1 and 7-2.

Freedom Circle FFA EIR: 7-1, 7-3, and 7-4.

4.8 – Energy

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Yes	Less than Significant Impact	No	No	No
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency??	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a-b) Energy Consumption. The General Plan EIR found that while the substantial new residential, commercial, and industrial development allowed under the 2010-2035 General Plan would result in increased overall consumption of energy compared to existing levels, new development would not consume energy in a manner that is wasteful, inefficient, or unnecessary. In addition, it was found that policies in the General Plan would serve to reduce growth in energy consumption to the extent feasible. It was also found that new construction would be required to meet Title 24 building energy efficiency standards, including the new CALGreen requirements. In addition, the General Plan EIR noted that the Climate Action Plan (discussed in Section *4.16 Climate Change* of the General Plan EIR) would focus on efforts to increase energy conservation and efficiency as a means of reducing greenhouse gas emissions. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan would result in less than significant impacts. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA also found that impacts would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in excessive energy use or conflict with state and local renewable energy or energy efficiency plans. Implementation of the proposed project would not result in a greater energy impact than was previously analyzed in the General Plan

EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that the geographic area for cumulative energy impacts is the State of California, which includes the areas serviced by electrical and natural gas utility providers. The General Plan EIR also noted that *Section 4.16 Climate Change* of the General Plan EIR provides Plan-level analysis that places the 2010-2035 General Plan's growth within the cumulative context for California's 2020 and 2050 climate change goals. As discussed in the Climate Change section of the General Plan EIR, the City is committed to the preparation and implementation of a Climate Action Plan to ensure the proposed General Plan would be consistent with the state's 2020 emissions targets, and would contribute a less than cumulatively considerable amount toward future GHG levels. Achieving 2020 emissions levels will necessarily entail increased energy conservation and efficiency, and utilization of renewable sources. In addition to Santa Clara, it was noted that the cities of San Jose and Sunnyvale were (at the time) each developing Climate Action Plans to address their respective 2020 emissions. In addition, all other projects constructed within Santa Clara, including projects under subsequent Specific Plans, are required to comply with the policies of the General Plan, plus existing local, state and federal regulations to prevent the inefficient use of energy. Finally, it was found that future development within the electrical and natural gas utility providers' service area would also be required to adhere to applicable local regulations, including the provisions of Title 24, designed to prevent the wasteful, inefficient, or unnecessary use of energy. *Therefore, the General Plan EIR determined that cumulative impacts to energy from development under the General Plan would be less than significant with compliance to relevant legislative regulations and General Plan policies. In addition, the subsequent EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that cumulative energy impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The City is currently implementing its 2022 Climate Action Plan to ensure consistency with the state's 2030 emissions targets. Achieving 2030 emissions levels would result in increased energy conservation and efficiency, and utilization of renewable sources. Implementation of the proposed project would not result in a greater energy impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative energy impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to energy impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Therefore, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation nor would it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise,

there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.9 – Geology and Soils

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Yes	Less than Significant Impact	No	No	No
ii) Strong seismic ground shaking?	Yes	Less than Significant Impact	No	No	No
iii) Seismic-related ground failure, including liquefaction?	Yes	Less than Significant Impact	No	No	No
iv) Landslides?	Yes	Less than Significant Impact	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	Yes	Less than Significant Impact	No	No	No
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and	Yes	Less than Significant with Mitigation Incorporated	No	No	No

potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?					
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial direct or indirect risks to life or property?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Yes	No Impact	No	No	No
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a.i) Fault Rupture. The General Plan EIR noted that the City does not contain any faults mapped as Alquist-Priolo Earthquake Fault zones. There are also no other faults that extend through the City. Because there are no known active earthquake faults within the limits of the City of Santa Clara, the risk for surface fault rupture is considered low within the City. *Therefore, the General Plan EIR determined that this impact would be less than significant. In addition, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant fault-related impacts. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(a.ii) Strong Seismic Ground Shaking. The General Plan EIR noted that because the City is in relatively close proximity to several major fault zones, the California Building Code, as adopted by the City of Santa Clara, requires that seismic design features be incorporated in construction and

redevelopment projects in Santa Clara. The primary purpose of the seismic design requirements of the building code is to avoid loss of life. *Therefore, the General Plan EIR determined that this impact would be less than significant with adherence to existing regulations. In addition, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to seismic ground shaking. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(a.iii) Seismic-Related Ground Failure/Liquefaction. The General Plan EIR noted that under the County of Santa Clara Hazard Mapping, most of Santa Clara is considered susceptible to liquefaction hazards (refer to Figure 4.5-3), and development and redevelopment allowed under the 2010-2035 General Plan would occur within these areas. In addition, it was noted that there are areas near creeks, such as along the Guadalupe River, where lateral spreading could occur. As such, it was found that future projects approved under the 2010-2035 General Plan within the liquefaction hazard area would be required under the Seismic Hazard Mapping Program and building code and City Code requirements to evaluate site-specific liquefaction and ground failure hazards and mitigate those hazards to an acceptable level. *Therefore, the General Plan EIR determined that this impact would be less than significant with adherence to existing regulations. In addition, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to seismic-related ground failure and liquefaction. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(a.iv) Landslides/Seismically-Induced Waves. The General Plan EIR noted that because the City is located on gently sloping and nearly flat valley floor topography, it is not subject to risk of landslides; and the landslide hazard mapping compiled by the County of Santa Clara shows the City is outside the landslide hazard zone. Therefore, it was determined that there are no areas within the City susceptible to landslides. The General Plan EIR also noted that because the City is not located within a tsunami inundation area, development and redevelopment anticipated under the General Plan would not be exposed to substantial risks associated with tsunamis. Locally, the General Plan EIR found that seiches due to seismic shaking could occur in shallow lakes, reservoirs, or percolation ponds in Santa Clara

and the surrounding area, and sloshing of water out of a lake or basin onto the surrounding area could result in water damage, erosion and some slope failure. However, it was found that there are no lakes or reservoirs within the City, but several ponds, including the City's two retention basins, (located near State Route 237 and the Union Pacific Railroad Line, and the Great America Parkway and San Tomas Aquino Creek). It was also found that Lexington Reservoir, which is located approximately nine miles from the City, could be susceptible to seiche. However, the potential for loss of life from this hazard is low. *Therefore, the General Plan EIR determined that this impact would be less than significant. In addition, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to landslides or seismically-induced waves. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(b) Soil Erosion. The General Plan EIR noted that grading and ground disturbance increases the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patterns. However, it was also noted that for future development over one acre in size, erosion hazards would be minimized through implementation of site-specific erosion measures in SWPPPs under the NPDES General Construction Permit and grading and excavation requirements in the City Code. Given that many future development projects would be on properties less than one acre, it was further noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing erosion control measures through the grading and building permit process. *Therefore, with the regulatory programs currently in place, the General Plan EIR determined that possible impacts of accelerated erosion during construction associated with development and redevelopment would be less than significant. In addition, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to soil erosion. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(c) Unstable Geologic Unit. The General Plan EIR found that development under the 2010-2035 General Plan would be required to incorporate the seismic design features of the California Building Code in construction and redevelopment projects in Santa Clara. *Therefore, the General Plan EIR*

determined that this impact would be less than significant. In addition, the subsequent Specific Plan EIR for the Tasman East SP determined that this impact would be less than significant. However, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that the following mitigation measures are required to reduce potentially significant impacts to less than significant:

- Patrick Henry Drive SP EIR – See Mitigation Measures 8-3 and 8-4.
- Freedom Circle FFA EIR – See Mitigation Measures 8-5 and 8-6.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to an unstable geologic unit or soils. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(d) Expansive Soils. The General Plan EIR noted that soil and geologic hazards of concern in the City of Santa Clara are primarily related to expansive soils, weak soils, and artificial fill and the City primarily consists of well-drained loamy soils formed on alluvial sediments. It was also noted that soils include loam and clay loam at the surface and in the very shallow subsurface, overlying gravelly sandy clay loam and fine sandy clay loam present at depth and such units are typically moderate to very highly expansive. It was further noted that in general, alluvial fan sediments become increasingly finer grained with greater distance from the mountains and because of this expansion potential is generally moderate in the southern city's alluvial fan and plain soils and high in the alluvial plain/valley floor soils of the northern city. The General Plan EIR also found that where expansive soils are present, foundations and pavements can be damaged when solids go through cycles of wetting and drying. Weak compressible soils are located at the City's northernmost edge and weak soils can compress, collapse, or spread laterally under the weight of buildings and fill. It was also noted that artificial fill has been placed under buildings throughout the City, and non-engineered fill can result in excessive settlement of structures, pavement, and utilities. It was found that because the City is located on gently sloping and nearly flat valley floor topography, it is not subject to risk of landslides; landslide hazard mapping compiled by the County of Santa Clara shows the City is outside the landslide hazard zone. Therefore, the General Plan EIR determined that there are no areas within the City susceptible to landslides. The General Plan EIR found that new development under the 2010-2035 General Plan would occur primarily as intensification of previously developed areas throughout the City and hazards associated with expansive soils, weak soils, and artificial fill would be reduced and managed consistent with city adopted regulations and policies, in combination with State building regulations. In addition, it was noted that the 2010-2035 General Plan includes updated hazards policies that address geologic and seismic hazards and provide program-level mitigation for geologic, soil and landslide hazards within the City. While the General Plan EIR determined that new development and redevelopment allowed under the 2010- 2035 General Plan could occur in areas with identified soil hazards, implementation of General Plan policies and existing regulations and programs would substantially reduce hazards to people and property. *Therefore, the General Plan EIR determined this impact would be less than significant. In addition, the subsequent Specific Plan EIR for the Tasman East SP determined that this impact would be less than significant. However, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle*

FFA determined that the following mitigation measures are required to reduce potentially significant impacts to less than significant:

- Patrick Henry Drive SP EIR – See Mitigation Measure 8-3.
- Freedom Circle FFA EIR – See Mitigation Measure 8-6.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to expansive soils. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(e) Septic Systems. The General Plan EIR did not analyze impacts related to septic systems. *However, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that no impact would occur because the Planning Area is served by a comprehensive, integrated wastewater collection, treatment, and disposal system.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to septic systems. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(f) Paleontological Resources. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan has the potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature. However, the General Plan EIR found that implementation of General Plan policies and existing programs would minimize this effect. *Therefore, the General Plan EIR determined that impacts would be less than significant. However, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that the following subsequent EIR mitigation measures would be required to reduce potentially significant impacts to less than significant:*

- Lawrence Station SP EIR – See Mitigation Measure CUL-4.
- Tasman East SP EIR – See Mitigation Measure CUL-2.1.
- Patrick Henry Drive SP EIR – See Mitigation Measure 8-4.
- Freedom Circle FFA EIR – See Mitigation Measures 8-7 and 8-8

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to paleontological resources. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

Cumulative Impacts

The General Plan EIR found that geologic conditions are highly localized and implementation of the 2010-2035 General Plan would generally not result in cumulative geologic impacts, unless growth under the Plan would exacerbate a regional cumulative geologic issue (e.g., fault zone, massive landslide) affecting an extensive area covering multiple jurisdictions. There are no such regional geologic features in Santa Clara. *Therefore, the General Plan EIR determined that the City's contribution to regional cumulative impacts related to geology and soils, would be less than significant. In addition, the subsequent Specific Plan EIR for the Tasman East SP determined that cumulatively considerable geology and soils impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater geology and soils impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative geology and soils impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to geology and soils impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Subsequent Specific Plan EIR mitigation measures, as referenced above and listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect related to geology and soils. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

Lawrence Station SP EIR: CUL-4.

Tasman East SP EIR: CUL-2.1.

Patrick Henry Dr. SP EIR: 8-6, 8-7, and 8-8.

Freedom Circle FFA EIR: 8-3, 8-4, 8-5, 8-6, 8-7, and 8-8.

4.10 – Greenhouse Gas Emissions

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Yes	Less Than Significant with Mitigation Incorporated	No	No	No
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Yes	Significant Unavoidable Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

a) Greenhouse Gas Emissions. The General Plan EIR determined that the City's projected 2020 GHG emissions, without further reduction via a Climate Action Plan, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to meet statewide 2020 goals as established by AB 32. It was also determined that citywide 2035 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals. However, achieving the substantial emissions reductions will require policy decisions at the federal and state level and new and substantially advanced technologies that cannot today be anticipated, and are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. *Therefore, given the uncertainties about the feasibility of achieving the substantial 2035 emissions reductions, the General Plan EIR determined that the City's contribution to climate change for the 2035 timeframe is significant and unavoidable. In addition, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, and the Patrick Henry Drive SP determined that this impact would be less than significant. However, the subsequent Specific Plan EIR for the Freedom Circle FFA determined that the following mitigation measures are required to reduce potentially substantial impacts to less than significant:*

- Freedom Circle FFA EIR – See Mitigation Measures 9-1A and 9-1B.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be

required to perform environmental review to ensure they do not result in significant impacts related to greenhouse gas emissions. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measure listed above.*

b) Conflict with Applicable Plan. The General Plan EIR determined that the City's projected 2035 GHG emissions would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by EO S-3-05. *Therefore, the General Plan EIR determined that this impact would be significant and unavoidable. However, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR found that citywide 2035 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals. However, it was found that achieving the substantial emissions reductions will require policy decisions at the federal and state level and new and substantially advanced technologies that cannot today be anticipated, and are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. *Therefore, given the uncertainties about the feasibility of achieving the substantial 2035 emissions reductions, the General Plan EIR determined that the City's contribution to climate change for the 2035 timeframe is conservatively determined to be cumulatively considerable. However, the subsequent Specific Plan EIR for the Tasman East SP determined that cumulative GHG emissions impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater greenhouse gas emissions impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative greenhouse gas emissions impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to greenhouse gas emissions impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Subsequent Specific Plan EIR mitigation measures, as referenced above and listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect related to greenhouse gas emissions. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

Freedom Circle FFA EIR: 9-1A and 9-1B.

4.12 – Hazards and Hazardous Materials

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Yes	Less than Significant Impact	No	No	No

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Yes	Less than Significant Impact	No	No	No
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Yes	No Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a-c) Hazardous Materials Use/Potential for Accidental Releases. The General Plan EIR noted that the 2010-2035 General Plan allows for a greater mix of uses, including location of residential uses in proximity to businesses which could expose sensitive receptors to hazardous materials used, stored or disposed of as waste by industrial or in some cases, commercial, operations. It was also noted that hazardous materials presently stored and used in Santa Clara include flammable liquids, acids, and similar substances, and that some of these substances are routinely transported and kept in large enough amounts that improper handling or an accidental spill or leak could result in off-site consequences that could adversely impact nearby workers or the public. It was further noted that placement of additional sensitive receptors near facilities that could have an accidental release of a hazardous substance that would have off-site consequences, or conversely, location of a new industrial, commercial or institutional use that uses or stores toxic substances near sensitive receptors, including within ¼ mile of schools, could increase the risk of adverse health effects in the event of an accidental release. In addition to housing, it was found that new sensitive receptors such as schools and day care centers will be developed within the General Plan Focus Areas. As such, it was determined that new development and redevelopment allowed under the 2010- 2035 General Plan could place sensitive uses in proximity to industrial, commercial or institutional hazardous materials users, and an accidental release of hazardous materials that travels off-site could pose health or safety risks to these sensitive land uses. However, it was found that the 2010-2035 General Plan includes updated hazards policies that address proper hazardous materials use and storage and the proximity of sensitive uses to substantial hazards from accidental release of hazardous materials and provide program-level mitigation for risks associated with the use, storage, and disposal of hazardous materials within the City. *Therefore, the General Plan EIR determined that implementation of General Plan policies for adequate mitigation or separation buffers between uses and existing regulations and programs would substantially reduce hazards to people and the environment to less than significant. Similarly, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that impacts would be less than significant. However, the subsequent Specific Plan EIR for the Lawrence Station SP determined that the following mitigation measures are required to reduce potentially substantial impacts to less than significant:*

- Lawrence Station SP EIR – See Mitigation Measure HAZ-1, HAZ-2, and HAZ-3.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be

required to perform environmental review to ensure they do not result in significant impacts related to the routine transport, use, or disposal of hazardous materials. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(d) Hazardous Materials per Government Code Section 65962.5. The General Plan EIR found that the presence of hazardous materials on future development and redevelopment sites could result in hazardous materials exposure of construction workers during site preparation, demolition, and/or construction of new structures. Contaminated airborne dust could also migrate off-site during demolition or construction activities and affect adjacent land uses if improperly controlled. It was further found that within Santa Clara a variety of chemical compounds associated with fuels, oil, flammable liquids, metals, pesticides or other hazardous substances originating from historical and/or current land uses may be found in soils that will be disturbed by future development or redevelopment. It was also noted that releases of hazardous materials, such as volatile organic compounds and metals, into the environment could affect future residents or users through direct contact or, in the case of volatile organic compounds, inhalation of soil vapors. The General Plan EIR noted that contaminated groundwater, where encountered during site redevelopment activities, could also result in potential health risks to construction workers or the public, and if excavations extend to the groundwater table, dewatering could be required and extracted contaminated groundwater would require on-site management and/or treatment. Additionally, it was found that potentially hazardous environmental conditions from reported hazardous materials spills and releases are found in virtually all of the Focus Areas of the City. While a number of these reports represent cases considered closed by Responsible Agencies such as the Regional Water Quality Control Board, where there are changes in land uses or excavation into contaminated areas, a reevaluation of potential hazards and soil or groundwater management may be warranted. It was also found that development and redevelopment allowed under the 2010-2035 General Plan could occur on or near contaminated properties located throughout the city, and localized contamination of soil, soil vapor and ground water could adversely impact human health or the environment if not appropriately addressed and/or mitigated.

The General Plan EIR went on to note that remodel and repair activity, and demolition work in residential and commercial structures that disturbs asbestos-containing building materials may cause the release of asbestos fibers into the air, resulting in health impacts to workers, building occupants and the general public. It was also noted there is no known health threat if asbestos-containing materials are in generally good condition and are left undisturbed, and friable asbestos-containing material (i.e., material that can be crumbled, crushed or reduced to powder by hand pressure when dry) and non-friable asbestos-containing material that will be made friable during renovation or demolition are subject to regulation. As such, it was found that the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines require the removal of potentially friable asbestos-containing material prior to building demolition or renovation that may disturb these materials. In addition, the General Plan EIR found that demolition and renovation of buildings also have the potential to release lead particles to the air, resulting in health impacts to workers, building occupants and the general public. As such, it was determined that applicable OSHA regulations must be followed; these include requirements for worker training, air monitoring and dust control, among others, and any debris or soil containing lead must be disposed appropriately. Finally, the General Plan EIR found that new development and redevelopment allowed under the 2010- 2035 General Plan could occur in areas with soil or groundwater contamination or involve demolition of buildings containing hazardous building materials. *Therefore, the General Plan EIR determined that this impact would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and Freedom Circle FFA determined that this impact would be less than significant. However, the subsequent Specific Plan EIRs for the Lawrence Station SP and the*

Tasman East SP determined that the following mitigation is required to reduce potential impacts from hazardous materials to less than significant:

- Lawrence Station SP EIR – See Mitigation Measure HAZ-2 and HAZ-3.
- Tasman East SP EIR – See Mitigation Measures HAZ-1.1, HAZ-1.2, HAZ-1.3, HAZ-1.4, HAZ-1.5, and HAZ-1.6.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to Government Code Section 65962. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(e) Airport Land Use Plan. The General Plan EIR found that new development and redevelopment allowed under the 2010- 2035 General Plan could occur in localized areas with identified building height and safety restrictions for Mineta San Jose International Airport. However, the General Plan EIR determined that implementation of General Plan policies and existing regulations and programs would substantially reduce aviation hazards to people and property. *Therefore, the General Plan EIR determined that impacts would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would either not occur or would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in conflicts with airport land use plans. In addition, the Zoning code addresses potential height conflicts with airport uses by limiting heights in industrial districts to the maximum allowed under the FAA's part 77 surfaces. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(f) Emergency Plans. The General Plan EIR noted that the City of Santa Clara Hazardous Materials Division responds to emergency calls related to hazardous materials within the City, and the City also participates in the ABAG Local Hazards Plan and also has adopted a City of Santa Clara Emergency Plan (2008). The General Plan EIR also noted that the City does not maintain formal evacuation routes, as the most appropriate routes away from an area that may have been affected by a major disaster would be determined by the location and type of incident. It was determined that it may be necessary to restrict travel on certain roadways within the redevelopment and development areas under the 2010-2035 General Plan to facilitate construction activities such as demolition, material hauling, construction, staging, and modifications to existing infrastructure, and such restrictions could include lane closures,

lane narrowing, and detours, which would be temporary but could continue for extended periods of time. As such, it was found that lane restrictions, closures, and/or detours could cause an increase in traffic volumes on adjacent roadways, which could affect emergency response routes. However, the General Plan EIR determined that redevelopment and development under the 2010- 2035 General Plan would include preparation a Traffic Management Plan, which would demonstrate where construction activities could interfere with emergency response routes and other traffic. With this information, the City is able to adequately plan around potential blocks in emergency right-of-way and would have the right to deny or halt construction activities if they would result in an adverse impact on public safety. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing regulations and programs, would substantially reduce the impairment of emergency response plans to less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP and the Tasman East SP determined that this impact would either not occur or would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in conflicts with emergency response or evacuation plans. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(g) Wildfire Risks. The General Plan EIR noted that the California Department of Forestry and Fire Hazard Protection is responsible for the identification of very high fire hazard severity zones and transmission of these maps to local government agencies, and found that there are no wildfire hazards in the City of Santa Clara. *Therefore, the General Plan EIR determined there would be no project impacts related to wildland fires.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in risks related to wildfire. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that hazardous materials and other public health and safety issues are generally site-specific or affect localized areas and would not be significantly affected by other development in northern Santa Clara County. *Therefore, the General Plan EIR determined that the City's contribution to regional cumulative impacts related to hazards and hazardous materials would be less than significant. Similarly, the subsequent Specific Plan EIR for the Tasman East SP determined that cumulative hazards and hazardous materials impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater hazards and hazardous materials impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative hazards and hazardous materials impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to hazards and hazardous materials impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Subsequent Specific Plan EIR mitigation measures, as referenced above and listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect related to hazards and hazardous materials. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

Lawrence Station SP EIR: HAZ-1, HAZ-2, and HAZ-3.

Tasman East SP EIR: HAZ-1.1, HAZ-1.2, HAZ-1.3, HAZ-1.4, HAZ-1.5, and HAZ-1.6.

4.13 – Hydrology and Water Quality

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water supply?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Yes	Less than Significant Impact	No	No	No
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:					
i) result in substantial erosion or siltation on- or off-site;	Yes	Less than Significant Impact	No	No	No
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	Yes	Less than Significant with Mitigation Incorporated	No	No	No
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of	Yes	Less than Significant Impact	No	No	No

polluted runoff; or					
iv) impede or redirect flood flows?	Yes	Less than Significant Impact	No	No	No
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Yes	Less than Significant Impact	No	No	No
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Violate Water Quality Standards or Degrade the Water Supply. The General Plan EIR found that ground-disturbing activities related to construction under the 2010-2035 General Plan could result in accelerated erosion on work sites including increased input of fine sediments into the City's storm drains and ultimately into area creeks and the Bay. It was also found that construction would use various hazardous substances such as vehicle fuels and lubricants, paving media, paints, solvents, etc.; accidental release or discharge of any of these substances could adversely affect water quality, endanger aquatic life, and/or result in violation of water quality standards. The General Plan EIR noted that all construction on sites of one acre or larger is required to manage discharge of storm water runoff under the Clean Water Act, through the preparation and implementation of a SWPPP. It was also noted that for future development over one acre in size, erosion hazards would be minimized through implementation of site-specific erosion measures in SWPPPs under the NPDES General Construction Permit and grading and excavation requirements in the City Code. However, given that many future development projects would be on properties less than one acre in size, it was noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing erosion control measures through the grading and building permit process. Additionally, it was noted that the City is committed to ensuring that construction-related grading complies with the erosion and sediment control BMPs set forth in the California Storm Water Quality Association's (CASQA) Storm Water Best Management Practice Handbook for Construction and with the erosion and sediment control plan recommendations of the ABAG Manual of Standards for Erosion and Sediment Control Measures. *With regulatory programs currently place, the General Plan EIR determined that the possible impacts of accelerated erosion during construction associated with development and redevelopment would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that with implementation of existing regulations this impact would either not occur or be less than significant.*

The General Plan EIR noted that new impervious surfaces can increase the delivery of polluted runoff to area storm drains and ultimately to San Francisco Bay, and this is especially true during the "first flush" at the beginning of the storm season, when urban pollutants that have accumulated during the dry season are washed from paved surfaces. However, the General Plan EIR also noted that the City adheres to the terms of the NPDES permitting, which requires all developments that create one acre or more of impervious surface to incorporate design measures to reduce pollutant discharge to the maximum extent practicable, including site design measures, source controls, and storm water treatment measures that municipalities are to require of developments to ensure water quality. Given

that many future development projects would be on properties less than one acre, requirements under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing control measures after development is complete. With regulatory programs currently in place, the General Plan EIR determined that the possible impacts of accelerated runoff and decrease in water quality after construction is complete for the development and redevelopment would be less than significant. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing programs would minimize water quality hazards to be less than significant. Similarly, the subsequent Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that with implementation of existing regulations this impact would either not occur or be less than significant. However, the subsequent Specific Plan EIR for the Lawrence Station SP determined that the following mitigation measure is required to reduce this impact to less than significant:*

- Lawrence Station SP EIR – See Mitigation Measure HYD-1.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts water quality or supply impacts. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measure listed above.*

(b) Groundwater Supplies. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would have the potential to add new areas of impervious (paved or hardscaped) surface to the City, potentially decreasing infiltration and local recharge of shallow groundwater. However, it was also found that only a very small portion of the City (about 26 acres at the City's southwest corner) is within the recharge area for the potable water aquifer, and this area is developed as residential. It was further found that some regional commercial development was planned for this area, but it would be infill and redevelopment in areas that have previously been developed. As such, the net addition of impervious surface area was expected to be small, and would be further reduced by the minimization of paved and impervious surfaces and the promotion of measures to facilitate infiltration in conformance with the requirements under section C.3 of the NPDES Permit. *Therefore, given the City's existing developed and extensively hardscaped character, limited overall influence on potable aquifer recharge, and the 2010-2035 General Plan commitment to minimize hardscape and promote infiltration, the General Plan EIR determined that impacts related to interference with groundwater recharge would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that impacts would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to

groundwater supplies. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(c.i-c.iv) Alter Drainage Patterns. The General Plan EIR noted that development often requires grading that alters natural drainage patterns. It was also noted that in the City, as in other densely developed Bay Area communities, natural drainage patterns have already been substantially modified to accommodate existing development. It was further noted that additional infill and redevelopment under the 2010-2035 General Plan could entail further modification, and both the City's industrial and commercial areas are expected to change from lower to higher intensity development. The General Plan EIR found that new development within the Planning Area would result in some potential for increased erosion and siltation both on- and off-site because grading and ground disturbance associated with development in these areas could increase the potential for accelerated erosion by changing natural drainage patterns. As such, the General Plan EIR found that for all future development and redevelopment on sites that are one acre or greater in size, erosion hazards would be minimized through implementation of site-specific erosion measures in SWPPPs under the NPDES General Construction Permit and grading and excavation requirements in the City Code. It was further found that future development projects on properties of less than one acre would be subject to requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code, and the primary means of enforcing erosion control measures are through the grading and building permit process. Finally, it was found that the City also implements the "Guidelines and Standards for Lands Near Streams" in the City's entitlement and permitting functions, where applicable. *Therefore, with regulatory programs currently in place, the General Plan EIR determined that possible impacts of accelerated erosion during construction associated with development and redevelopment would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

The General Plan EIR went on to note that development proposed under the 2010-2035 General Plan would occur adjacent to water courses throughout the City, which has the potential to alter the course of the drainage pattern near the stream or river and increase flooding. It was also noted that extensive site modifications would have some potential to increase local site runoff and/or contribute to localized flooding, particularly where high density and mixed uses generally increases the percentage of impermeable surfaces. However, the General Plan EIR found that these hazards would be minimized through implementation of site-specific measures in SWPPPs under the NPDES General Construction Permit and by grading and excavation requirements in the City Code. Given that many future development projects would be on properties less than one acre, it was noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing control measures through the grading and building permit process. *Therefore, with regulatory protections in place, the General Plan EIR determined that impacts related to increases in surface runoff would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

The General Plan EIR noted that although the City is largely built out, development under the 2010-2035 General Plan would add quantities of impervious surface (including both buildings and pavement), potentially decreasing infiltration and increasing runoff. However, it was noted that for future development over one acre in size, storm water runoff would be minimized through implementation of site-specific measures in SWPPPs under the NPDES General Construction Permit and grading and excavation requirements in the City Code. In addition, given that many future development projects

would be on properties less than one acre, it was noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing control measures through the grading and building permit process. The General Plan EIR further noted that the City Code and building code include provisions for postconstruction effective management of storm water runoff. *Therefore, with regulatory programs currently in place, the General Plan EIR determined that potential impacts of additional runoff to the storm water drainage system associated with development and redevelopment would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant. However, the subsequent Specific Plan EIR for the Tasman East SP determined that the following mitigation measure is required to reduce potential impacts from on- or off-site flooding to less than significant:*

- Tasman East SP EIR – See Mitigation Measures HYD-1.1.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to altered drainage patters. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(d) Other Water-Related Risks or Pollution. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would have the potential to expose people or structures to increased risk of loss, injury, or death related to flooding, mudflow, debris flow, sea level rise, tsunami, or seiche. *However, the General Plan EIR determined that implementation of General Plan policies and existing programs would reduce impacts to less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to other water-related risks and pollution. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(e) Conflict with Water Quality or Groundwater Management Plans. The General Plan EIR did not analyze impacts related to conflicts with water quality or groundwater management plans. *However, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in conflicts with water quality or water management plans. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that new development in the City and surrounding jurisdictions sharing the same watersheds (Guadalupe River, Calabazas Creek, and San Thomas Aquino Creek) may alter local drainage and runoff characteristics. It was also noted that storm water drainage systems are generally provided by local governments for areas within their jurisdictions, and are not provided on a regional basis. Therefore, the General Plan EIR determined that the City's contribution to cumulative regional impacts associated with storm water drainage systems would be less than significant. In terms of water quality, the General Plan EIR found that increased cumulative urbanization would be expected to increase vehicle traffic and related releases of automobile-related pollutants, including petroleum hydrocarbons, metals, and sediment, drain from roads into surface waters and which could have a cumulative impact to local watersheds. As such, it was noted that development in Santa Clara and adjacent cities would be required to comply with applicable NPDES permits, as discussed in *Section 4.4, Hydrology and Water Quality*, which would require that projects implement Best Management Practices (BMPs) to treat storm water runoff, prior to its discharge, to the maximum extent practicable. *Therefore, the General Plan EIR determined that compliance with applicable NPDES permits, as the permits are amended over the course of the General Plan's 25 year planning horizon, would reduce cumulative hydrology and water quality impacts to a less than significant level. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that cumulative hydrology and water quality impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater hydrology and water quality impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative hazards and hazardous materials impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to hydrology and water quality impacts. However, future development projects would be subject to environmental review pursuant to CEQA

upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Subsequent Specific Plan EIR mitigation measures, as referenced above and listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect related to hydrology and water quality. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

Lawrence Station SP EIR: HYD-1.

Tasman East SP EIR: HYD-1.1.

4.14 – Land Use and Planning

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Physically divide an established community?	Yes	Less than Significant Impact	No	No	No
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Divide an Established Community. The General Plan EIR found that changes in land use that would occur upon the implementation of General Plan would not result in the physical division of an established community. The General Plan EIR noted that the land use policies of the 2010-2035 General Plan contain programs that encourage the preservation or enhancement of the existing, primarily residential community through infill development, open space opportunities, and development of compatible uses that will enhance the existing character of Santa Clara. The General Plan EIR also noted that the Land Use Element has specific policies for compatibility that would reduce the amount of conflict between differing land uses. *Therefore, the General Plan EIR determined that this impact would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects that would physically divide an established community. All future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in the physical division of an established community. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(b) Conflict with Applicable Plans. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan has the potential to conflict with a responsible agency's applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. However, it was determined that implementation of General Plan policies and existing programs would minimize this effect. *Therefore, the General Plan EIR determined that project impacts would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR did not analyze cumulative impacts related to land use and planning. *However, the subsequent Specific Plan EIR for the Lawrence Station SP determined that cumulative land use and planning impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. Implementation of the proposed project would not result in a greater land use and planning impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative land use and planning impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to land use and planning impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The proposed project would not have a substantial adverse effect related to land use and planning. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions

to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.15 – Mineral Resources

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Yes	No Impact	No	No	No
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Yes	No Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a-b) Known Mineral Resources/Loss of Mineral Resources. The General Plan EIR found that the City is located in an area zoned MRZ-1 for aggregate materials by the State of California. MRZ-1 zones are areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. The General Plan EIR found that there are no significant mineral resources present in the City boundaries. In addition, it was found that there are no exploitable oil or gas resources within the City, and new development and redevelopment under the 2010-2035 General Plan would not affect locally important mineral resources as there are none present in the City. *Therefore, the General Plan EIR determined that there would be no impact. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that no impact to mineral resources would occur.*

There are no known significant mineral resources in the City and there are no exploitable oil or gas resources within the City. *Therefore, the proposed Zoning Code Update and General Plan Amendments would not result in the loss of availability of a known or locally important mineral resource.*

Cumulative Impacts

The General Plan EIR did not analyze cumulative impacts related to the loss of known mineral resources or mineral resources recovery sites. *However, the General Plan EIR found that the Planning Area is not known to support significant mineral resources of any type, and no mineral resources are currently being extracted in the City.*

The proposed Zoning Code Update and General Plan Amendments do not include approval of any development projects. There are no known minerals or minerals recovery sites in the City. *Therefore, the proposed project would not result in cumulative mineral resources impacts.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in the loss of known mineral resources or mineral resources recovery sites. The proposed project does not include approval of any development projects. Future development under the updated Zoning Code and amended General Plan would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR. *As such, no subsequent environmental analysis and no new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.16 – Noise

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Yes	Significant and Unavoidable Impact	No	No	No
b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Yes	Less than Significant Impact	No	No	No

<u>Proposed Project in Relation to the General Plan EIR and Subsequent Amendments</u>

(a) Substantial Increase in Noise Levels.

<u>Temporary/Construction Noise</u>
The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would cause a temporary or periodic increase in construction noise exposure above ambient levels. However, it was determined that implementation of Mitigation Measure 4.14-3 would reduce potential construction noise impacts to less than significant. *Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA also determined that construction-related impacts would be less than significant with incorporation of the following mitigation measures:*

- Lawrence Station SP EIR – See Mitigation Measure NOI-3.

- Tasman East SP EIR – See Mitigation Measures NV-2.1 and NV-2.2.
- Patrick Henry Drive SP EIR – See Mitigation Measure 13-1.
- Freedom Circle FFA EIR – See Mitigation Measures 13-1 and 13-2.

Operational Noise

The General Plan EIR also found that new development and redevelopment under the 2010-2035 General Plan would result in increased traffic noise, and the increases would be substantial for residential land uses along Tasman Drive between Lafayette Street and the easternmost city limits. As such, the General Plan EIR incorporated Mitigation Measure 4.14-2 to reduce traffic noise impacts. *Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that impacts would be less than significant with incorporation of the following mitigation measures:*

- Lawrence Station SP EIR – See Mitigation Measures NOI-1 and NOI-2.
- Patrick Henry Drive SP EIR – See Mitigation Measure 13-3.
- Freedom Circle FFA EIR – See Mitigation Measures 13-5 and 13-6.

However, the subsequent Specific Plan EIR for the Patrick Henry Drive SP determined that increases in traffic noise levels from SP development would be significant and unavoidable and no feasible mitigation available to reduce this impact to less than significant.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to and no greater than those evaluated in the General Plan EIR and subsequent EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in substantial temporary or permanent increases in ambient noise levels. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Nevertheless, similar to the General Plan EIR and subsequent Specific Plan EIRs, even with incorporation of the mitigation measures listed above, implementation of the proposed project would also result in the generation of a substantial permanent increase in ambient noise levels and result in a significant and unavoidable impact.*

(b) Excessive Vibration. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan could expose people to excessive ground vibration levels exceeding FTA guidelines. However, the General Plan EIR determined that implementation of Mitigation Measure 4.14-1 along with General Plan policies would minimize vibration impacts. As such, the General Plan EIR included incorporation of Mitigation Measures 4.10-1. Further, the General Plan EIR determined that the City would require individual development projects to undergo project-specific environmental review. If project-level significant vibration impacts are identified, site-specific mitigation measures will be required under CEQA. *Therefore, the General Plan EIR determined that vibration impacts would be less than significant with mitigation incorporated. Similarly, the Specific Plan EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that impact vibration impacts would be less than significant with incorporation of the following mitigation measures:*

- Tasman East SP EIR – See Mitigation Measures NV-1.1, NV-1.2, NV-1.3, NV-1.4, and NV-1.5.
- Patrick Henry Drive SP EIR – See Mitigation Measure 13-2.
- Freedom Circle FFA EIR – See Mitigation Measures 13-3 and 13-4.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to paleontological resources. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(c) Airport/Airstrip Noise. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would exceed Santa Clara County Airport Land Use Commission (ALUC) noise thresholds, which could expose individuals living and working within the plan area to excessive aircraft noise. However, it was found that compliance with the local airport land use plan and the City's acceptable noise level standards as well as implementation of General Plan policies would effectively reduce potential program-level aircraft noise impacts. The City will require that individual development projects undergo project-specific environmental review. If significant project-level aircraft noise impacts are identified, specific mitigation measures will be required under CEQA. *Therefore, the General Plan EIR determined there would be a less than significant impact. Similarly, the Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that airport-related noise impacts would either not occur or would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to excessive noise from airports. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that noise impacts are generally experienced locally as opposed to regionally. It was also noted that future increases in noise from buildout of the Mineta International Airport Master Plan, the BART to Silicon Valley extension project, and the High-Speed Rail project would all contribute to future noise conditions that would affect specific areas of Santa Clara. However, it was found that the future development allowed under the General Plan would not contribute to the railway or airport-related noise. It was further found that residents could be exposed to ongoing construction noise if multiple projects are clustered in an area and are constructed simultaneously or in sequence over a period of years, and increased traffic from build-out of the General Plan would contribute to a significant increase in traffic noise levels on roadway segments throughout the region, beyond accepted thresholds in various communities. *Therefore, the General Plan EIR determined that*

this impact, and the City's contribution to it with build-out of the General Plan, would be significant and unavoidable. The EIR further found that there was no feasible mitigation available to reduce cumulative impacts to levels of insignificance.

The Planning Area is completely urbanized and cumulative impacts related to noise were analyzed in the General Plan EIR and were determined to be significant and unavoidable. The proposed Zoning Code Update and General Plan Amendments do not include approval of any development projects, and all future development projects under the updated Zoning Code and Amended General Plan would be required to perform environmental review pursuant to CEQA. Similar to what was determined in the General Plan EIR and subsequent Specific Plan EIRs, the proposed project would contribute to a significant permanent increase in ambient noise levels. All future development projects under the proposed Zoning Code Update and General Plan Amendments would be required to implement General Plan EIR Mitigation Measures 4.14-1, 4.14-2, and 4.14-3 as well as subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, implementation of the proposed project would also contribute to cumulative noise impacts, even with incorporation of mitigation, and would result in a significant and unavoidable cumulative impact.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to noise impacts. However, all future development would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR Mitigation Measures 4.14-1, 4.14-2, and 4.14-3, as described below, as well as the subsequent Specific Plan EIR mitigations measures described above, would also be applicable to the development associated with implementation of the proposed changes. The proposed Zoning Code Update and General Plan Amendments would not result in more severe noise impacts than were analyzed in the General Plan EIR and subsequent Specific Plan EIRs. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR. Likewise, there is no new information of substantial importance requiring new analysis or verification. *As such, no subsequent environmental analysis and no new mitigation are required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

General Plan EIR: 4.14-1, 4.14-2 and 4.14-3.

Lawrence Station SP EIR: NOI-1, NOI-2, and NOI-3.

Tasman East SP EIR: NV-1.1, NV-1.2, NV-1.3, NV-1.4, NV-1.5, NV-2.1, and NV-2.2.

Patrick Henry Dr. SP EIR: 13-1, 13-2, and 13-3.

Freedom Circle FFA EIR: 13-1, 13-2, 13-3, 13-4, 13-5, and 13-6.

4.18 – Population and Housing

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Yes	Significant and Unavoidable Impact	No	No	No
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Induce Population Growth. The General Plan EIR found that while over the long-term the 2010-2035 General Plan accommodates the population growth forecast by ABAG Projections 2007, and accommodates in the near-term (2014) the RHNA goal set by ABAG, the General Plan is nonetheless 'job-rich'. This means that it provides for more employment than housing and will lead to insufficient housing opportunities for all future Santa Clara workers. This is reflected in the jobs per employed resident ratio discussed above. Therefore, the General Plan EIR found that the 2010-2035 General Plan job growth (25,040 new jobs), would require substantial residential development elsewhere in the region to provide adequate housing opportunities for future workers. Based on planned job growth, roughly 3,500 housing units would need to be built elsewhere in the region to house Santa Clara workers who would have to reside outside of the City due to inadequate housing opportunities within the City. The General Plan EIR determined this to be a significant impact due to the secondary effects related to increased VMT resulting from commuting due to a shortage of residential opportunities in closer proximity to Santa Clara employment areas. These secondary effects are discussed in detail in the *Transportation*, *Air Quality*, and *Climate Change* sections, respectively, of the General Plan EIR. *Since implementation of the 2010-2035 General Plan would induce substantial population growth at other locations, the General Plan EIR determined that the impact would be significant and unavoidable and no feasible mitigation measures are available.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General

Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to and no greater than those evaluated in the General Plan EIR and subsequent EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in any additional unplanned population growth. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would also induce substantial unplanned population growth and result in a significant and unavoidable impact.*

(b) Displace Housing. The General Plan EIR found that the 2010-2035 General Plan would retain all existing housing units and could accommodate the population growth as forecast in ABAG's Projections 2007. The General Plan EIR also found that the 2010-2035 General Plan would accommodate employment growth in ways (i.e., intensification of currently planned employment lands) that would not displace existing housing or people, nor would the construction of planned infrastructure or public facilities necessary to serve future growth require the displacement of existing housing units or people. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan would have no impact in terms of housing or population displacement. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA, determined that this impact would either not occur or be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in the displacement of substantial numbers of existing people or housing. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in a less than significant impact.*

Cumulative Impacts

The General Plan EIR noted that the cumulative scenario includes new population and employment growth planned by the cities of Santa Clara, San Jose, Cupertino, and Sunnyvale, and all cumulative population and employment growth would occur within the cities' existing urban growth boundaries, with no expansion of urban services to rural undeveloped areas. While some new development would occur through development of the relatively few remaining vacant infill parcels found in each city, the cumulative trend would continue to predominantly be redevelopment of existing low-intensity, underutilized parcels with new urban uses. In addition, it was found that most new housing accommodated within the cumulative jurisdictions would be in a medium- or high-density attached or mixed-use format. It was further found that new job growth would largely occur on previously developed parcels in intensified forms (i.e., more employees per acre compared to existing development patterns, often with structured parking). Given the interconnected nature of the cities and the regional transportation network, most workers would travel to jobs in a city different from where they live. In essence, the cumulative projects would accommodate two new jobs for every new employed resident, exacerbating Santa Clara County's existing jobs-housing imbalance (1.2 in 2005 according to ABAG Projections 2007). The General Plan EIR found that the environmental consequences would primarily be increased regional traffic congestion and air pollution from vehicles as workers unable to live near

their employment commute long distances from outlying areas with affordable housing, continuing a pervasive trend over the past several decades as job growth has outpaced housing growth in Santa Clara County. Considering both 'in process' growth and new growth caused by the 2010-2035 General Plan, the City of Santa Clara would contribute to this cumulative imbalance in 2035 by adding 39,490 residents (yielding 23,694 employed residents) and 46,180 jobs, for a jobs per employed resident ratio of 1.95, (46,180 jobs divided by 23,694 employed residents). *Therefore, the General Plan EIR determined that this is a cumulatively considerable contribution to a significant cumulative impact that cannot be mitigated and is adverse and unavoidable.*

The Planning Area is completely urbanized and cumulative impacts related to population and housing were analyzed in the General Plan EIR and were determined to be significant and unavoidable. The proposed Zoning Code Update and General Plan Amendments do not include approval of any development projects, and all future development projects under the updated Zoning Code and Amended General Plan would be required to perform environmental review pursuant to CEQA. Similar to what was determined in the General Plan EIR and subsequent Specific Plan EIRs, the proposed project would contribute to a significant impact related to unplanned population growth. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, implementation of the proposed project would also contribute to cumulative population growth, and would result in a significant and unavoidable cumulative impact.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to population growth impacts. However, all future development would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The proposed Zoning Code Update and General Plan Amendments would not result in more severe population and housing impacts than were analyzed in the General Plan EIR and subsequent Specific Plan EIRs. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR. Likewise, there is no new information of substantial importance requiring new analysis or verification. *As such, no subsequent environmental analysis and no new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.15 – Public Services

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

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Fire protection?	Yes	Less than Significant Impact	No	No	No
b) Police protection?	Yes	Less than Significant Impact	No	No	No
c) Schools?	Yes	Less than Significant Impact	No	No	No
d) Parks?	Yes	Less than Significant Impact	No	No	No
e) Other public facilities?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Fire protection. The General Plan EIR found that new growth under the 2010-2035 General Plan would result in new population and residential and commercial development in Santa Clara, which would increase demand for fire and emergency medical protection services. However, it was found that existing facilities would have the capacity to absorb additional fire personnel without expanding the existing stations. Therefore, it was found that there would be no construction activities associated with the provision of new fire and life safety services and no associated construction-related effects. Additional fire personnel would be housed in the existing facilities; however, there would be no need for expansion of the facilities. In addition, the General Plan EIR noted that the 2010-2035 General Plan includes updated policies that address fire protection and public safety. *Therefore, the General Plan EIR determined that there would be no construction activities associated with the provision of new fire and police services and no associated construction-related effects and project impacts on fire protection services would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence*

Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to fire protection. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(b) Police protection. The General Plan EIR found that implementation of the 2010-2035 General Plan would increase the need for police services, and the additional officers would be housed in the existing facilities. The General Plan EIR found that refurbishment of the facilities would consist of reconfiguration of space and regular upgrade of furniture and equipment, but there would be no need for expansion of the facilities. Therefore, there would be no construction activities associated with the provision of new police services and no associated construction-related effects. The General Plan EIR also found that the 2010-2035 General Plan includes updated policies that address police protection and public safety. *Therefore, the General Plan EIR determined that impacts on police protection services would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to police protection. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(c) Schools. The General Plan EIR found that the increase in population associated with new development and redevelopment allowed under the 2010-2035 General Plan would increase the demand for school and community facilities services. The General Plan EIR further found that new development projected under the 2010-2035 General Plan would fall primarily within the jurisdiction of SCUSD, and approximately 12,500 households are expected to be added to the SCUSD area, which would result in approximately 2,000 additional students. The General Plan EIR found that SCUSD has four closed school sites that could be used to serve new development. Alternatively, it was noted SCUSD may choose to modify school catchment areas or add modular classrooms to accommodate new students. It was also noted that SCUSD was also anticipating the construction of new school facilities in north San José as a result of an agreement with that city and future housing developers, and these new facilities in San José would add more capacity for new students and can reduce the number of students now in Santa Clara facilities. The General Plan EIR further noted that the Campbell Union

(K-8) and Campbell Union High (9-12) school districts, which overlap, would realize approximately 500 additional households as a result of implementation of the 2010-2035 General Plan, generating approximately 38 new K-8 and 42 new 9-12 grade students. The Campbell K-8 and Campbell 9-12 districts were anticipated to be able to accommodate the relatively modest gain in students from the City by modifying school catchment areas, busing and adding modular classrooms. The General Plan EIR found that the 2010-2035 General Plan includes updated policies that address schools and community facilities, and policies and existing regulations and programs are designed to ensure that future development of new facilities within the City would not have an adverse physical effect on the existing environment. *Therefore, the General Plan EIR determined that impacts to schools would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to schools. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(d) Parks. Potential impacts to parks and recreation facilities are discussed in section 4.16, below. The General Plan EIR found that the increase in the population associated with new development and redevelopment allowed under the 2010-2035 General Plan would increase the demand on existing parks, open space and recreation facilities. However, it was determined that the General Plan policies and existing regulations and programs were designed to ensure that increased demand associated with an increase in population would not significantly accelerate the deterioration of existing facilities. *As such, it was determined that the General Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and impacts to parks would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to parks. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(e) Other Public Facilities. The General Plan EIR noted that additional library facilities may be needed to meet the demand from the addition of approximately 33,000 new residents anticipated as a result of

the 2010-2035 General Plan. Given that the large Central Park Library facility is located in the southern portion of the City, it is relatively close to, and could serve, anticipated new development along El Camino Real, Homestead Road, Kiely Boulevard and Stevens Creek Boulevard. However, it was found that new library facilities may be needed to serve the anticipated development in the northern portion of the City. The General Plan EIR found that new growth as a result of implementation of the 2010-2035 General Plan would increase the demand for arts, cultural and community facilities; however, it was found that this future demand would not exceed the existing service capacity or generate the need for additional facilities particularly when the City can optimize the use of streets or other existing neighborhood amenities for community events. The General Plan EIR determined that General Plan policies and existing regulations and programs would ensure that future development of new facilities within the City would not have an adverse physical effect on the existing environment. *Therefore, the General Plan EIR determined that impacts to other public facilities would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to other public facilities such as libraries. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that public services are generally provided by local governments for areas within their jurisdictions and are not provided on a regional basis. It was also noted that law enforcement and fire protection and emergency services are provided by local governments or fire protection districts for areas within their jurisdiction, supplemented by mutual aid agreements between agencies to pool resources. Public schools are provided by school districts to residential areas within their jurisdictions. While districts may cross city jurisdictional boundaries, school services are still provided at the local, rather than regional, level. As with the other public services, libraries are also generally provided by local governments for areas within their jurisdiction, and services are not provided on a regional basis. Social services are generally provided by counties, and not on a regional basis. Neighborhood parks and recreational services are generally provided by local governments for areas within their jurisdiction. The General Plan EIR determined that the 2010-2035 General Plan would not substantially impact the use of the other jurisdiction's libraries, parks and recreation facilities in the region, although Santa Clara residents are also residents of Santa Clara County and would continue to take advantage of County parks, trails, and other recreational facilities, funded in part by Santa Clara resident taxes. *Therefore, the General Plan EIR determined that the cumulative regional impacts of the 2010-2035 General Plan associated with law enforcement, fire and emergency, schools, library, social, and neighborhood parks and recreation services would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that cumulative impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. Implementation of the proposed project would not result in a greater public services impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative public services impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to public services impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The proposed project would not have a substantial adverse effect related to public services. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.16 – Recreation

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Yes	Less than Significant Impact	No	No	No
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Increased Park Use/ Substantial Physical Deterioration. The General Plan EIR found that the increase in the population associated with new development and redevelopment allowed under the 2010-2035 General Plan would increase the demand on existing parks, open space and recreation facilities. However, it was determined that the General Plan policies and existing regulations and programs were designed to ensure that increased demand associated with an increase in population would not significantly accelerate the deterioration of existing facilities. *Therefore, the General Plan EIR determined that impacts to recreation facilities would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to deterioration of recreation facilities. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As*

such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.

(b) Include or Require Recreational Facilities. The General Plan EIR found that new development and redevelopment allowed under the 2010-2035 General Plan would require additional parkland and recreation facilities in the City. However, the General Plan EIR determined that the General Plan policies and existing regulations and programs were designed to ensure that future development of parkland within the City would not have an adverse physical effect on the existing environment. *Therefore, the General Plan EIR determined that impacts to recreation facilities would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to construction or expansion of recreation facilities. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR did not analyze cumulative recreation impacts. *However, the subsequent Specific Plan EIRs for the Lawrence Station SP and the Tasman East SP determined that cumulative impacts would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed and would not approve any development projects. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. Implementation of the proposed project would not result in a greater recreation impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative recreation impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to recreation impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The proposed project would not have a substantial adverse effect related to recreation facilities. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new

information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.17 – Transportation

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Conflict with a program plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities?	Yes	Significant and Unavoidable	No	No	No
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Yes	Less than Significant	No	No	No
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Yes	Less than Significant Impact	No	No	No
d) Result in inadequate emergency access?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Circulation Plan Consistency. The General Plan EIR found that despite the 2010-2035 General Plan's overall land use-transportation efficiency, future development would nonetheless generate substantial additional traffic volumes that would cause congestion along certain roadway segments within the City's jurisdiction, adjoining cities and freeway segments for which, in most cases, no feasible mitigation (i.e., ability to add new travel lanes) exists. Operating levels of city roadway segments would degrade below city Level of Service standards. *Therefore, the General Plan EIR determined that the impact would be significant and unavoidable with respect to Level of Service/congestion.*

The General Plan EIR also found that implementation of the 2010- 2035 General Plan would result in the degrading of the operating levels of County Congestion Management Program (CMP) roadway

segments beyond the then current County CMP Levels of Service standard. *As such, this was determined to be a significant and unavoidable impact for which there is no feasible mitigation.*

The General Plan EIR also found that the increased motor vehicle traffic and increased congestion from the 2010 - 2035 General Plan would result in increased transit travel times on transit corridors which was considered a significant impact. The Findings of Fact also referenced General Plan Policy 5.8.3-P3 as a means to address this potential impact:

> "Support transit priority for designated Bus Rapid Transit, or similar transit service, through traffic signal priority, bus queue jump lanes, exclusive transit lanes and other appropriate techniques."

However, the General Plan EIR determined that there are no feasible mitigation measures to reduce this impact because the feasibility of transit-only lanes would be evaluated in more detailed studies and the effect of these policies is not fully known, including potential secondary impact. Therefore, the impact was considered significant and unavoidable.

The Tasman East Specific Plan also includes the following mitigation measures to address traffic congestion, that, in some cases reduce localized impacts to some road, to less than significant, but overall, still resulted in significant and unavoidable impacts:

- Tasman East SP EIR – See Mitigation Measures TRANS-1.1:9, TRANS-1.2:10, TRANS-1.3:11, TRANS-1.4:37, TRANS-3.1:1, TRANS-3.2:9, TRANS-3.3:10, TRANS-3.4:37 and TRANS-4.1.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to and no greater than those evaluated in the General Plan EIR and subsequent EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in conflicts with a program plan, ordinance or policy addressing the circulation system. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, even with incorporation of the mitigation measures listed above, implementation of the proposed project would result in a significant unavoidable impact.*

(b) CEQA Guidelines Section 15064.3(b). Although the CEQA Guidelines did not, as it now does, require the analysis of Vehicle Miles Travelled (VMT) when the General Plan EIR was certified, potential VMT impacts were evaluated in the EIR. The EIR noted that the total VMT generated under the 2010-2035 General Plan for the City of Santa Clara was estimated to be 3.74 million vehicle-miles per day (or a net increase of 552,227 vehicle miles compared to existing conditions). It was also found that the resulting average VMT per service population (residents and jobs) would be 12.2 vehicle miles per day under the 2010-2035 General Plan, which represents a reduction of approximately 15.3 percent per service population compared to existing conditions at the time. The General Plan EIR further noted that this reflects that the general plan Focus Areas would include development of new complementary land uses that are in close proximity to each other, provide more opportunities for shorter trips that encourage walking and bicycling, and utilize higher densities of development that support enhanced transit service. At a citywide performance level, the General Plan EIR found that the 2010-2035 General Plan more efficiently links land uses and the transportation system network in that VMT and VT per service population are dropping compared to existing conditions, VMT growth is less than population growth,

non-auto travel mode shares increase, and trip length is virtually unchanged. The General Plan EIR found that all of these indicators suggest the 2010-2035 General Plan is an efficient, well-balanced plan from a land use-transportation standpoint compared to existing conditions. *Similarly, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that VMT impacts would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant VMT impacts. Future development projects are subject to the City's VMT policy, which implements CEQA Guidelines Section 15064. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(c) Design Hazards. The General Plan EIR did not directly analyze potential impacts from design features hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Nevertheless, the General Plan EIR did not identify any existing or potential design hazards that could occur as the result of implementation of the General Plan. In addition, the General Plan EIR noted that potential roadway and circulation design hazards more typically occur with site specific development proposal instead of plan/programs like a general plan. Finally, it was noted that when development proposal applications are submitted to the City they are reviewed for potential design and circulation hazards and are subject to city regulations and standards related to project access and roadway design. *In addition, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that impacts related to design hazards would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to a design hazard. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the subsequent Specific Plan EIRs. *As such, similar to the subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

(d) Emergency Access. The General Plan EIR did not specifically analyze impacts related to inadequate emergency access. However, the General Plan EIR found that increased motor vehicle traffic and increased congestion associated with implementation of the General Plan could result in increased emergency response times, and increased vehicle traffic associated with the 2010-2035 General Plan could result in increased traffic congestion as described under Impacts 4.12-1 through 4.12-5. This congestion, anticipated mainly during the morning and evening commute periods, would result in decreased travel speeds and increased emergency vehicle response times on key routes in the City. To mitigate the impact of the 2010-2035 General Plan on emergency vehicle response times, the General Plan included a prerequisite policy 5.1.1-P5, which requires the City to evaluate appropriate

measures to maintain emergency response time standards prior to the implementation of Phase III of the 2010-2035 General Plan. *In addition, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP, and the Freedom Circle FFA determined that impacts related to emergency access would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to emergency access. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR determined that under cumulative conditions, which assumes build-out of all planned growth in the region, including the City's Draft General Plan, regional roadways and highways would experience levels of service in excess of those identified by responsible agencies, for which no feasible mitigation exists. *These cumulative impacts, and the City's contribution to them under the General Plan, were determined to be significant and unavoidable. Similarly, the subsequent Specific Plan EIR for the Lawrence Station SP determined that cumulative transportation impacts would be significant and unavoidable even with incorporation of the following mitigation measures:*

- Lawrence Station SP EIR – See Mitigation Measures CUM-TR-1, CUM-TR-2, CUM-TR-4, and CUM-TR-5.
- Tasman East SP EIR – See Mitigation Measures C-TRANS-3.1, C-TRANS-3.2, and C-TRANS-3.3.

The Planning Area is completely urbanized and cumulative impacts related to air quality were analyzed in the General Plan EIR and were determined to be less than significant. Similar to what was determined in the General Plan EIR and subsequent Specific Plan EIRs, the proposed project would result in a significant and unavoidable cumulative transportation impact. The proposed Zoning Code Update and General Plan Amendments would be required to implement General Plan EIR Mitigation Measure 4.12-1 as well as subsequent Specific Plan EIR mitigation measures incorporated by reference. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, implementation of the proposed project would also contribute to cumulative transportation impacts, even with incorporation of mitigation, and would result in a significant and unavoidable cumulative impact.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to transportation impacts. However, all

future development would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR Mitigation Measure 4.12-1, as well as the subsequent Specific Plan EIR mitigations measures listed below, would also be applicable to the development associated with implementation of the proposed changes. The proposed Zoning Code Update and General Plan Amendments would not result in more severe transportation impacts than were analyzed in the General Plan EIR and subsequent Specific Plan EIRs. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR. Likewise, there is no new information of substantial importance requiring new analysis or verification. *As such, no subsequent environmental analysis and no new mitigation are required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

General Plan EIR: 4.12-1.

Lawrence Station SP EIR: CUM-TR-1, CUM-TR-2, CUM-TR-4, and CUM-TR-5.

Tasman East SP EIR: TRANS-1.1(9), TRANS-1.2(10), TRANS-1.3(11), TRANS-1.4(37), TRANS-3.1(1), TRANS-3.2(9), TRANS-3.3(10), TRANS-3.4(37), TRANS-4.1, C-TRANS-3.1, C-TRANS-3.2, and C-TRANS-3.3.

4.18 – Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a Cultural Native American tribe, and that is:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Listed or eligible for listing in the California Register of Historical resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Listed or Eligible Historical Resources. The General Plan EIR did not specifically evaluate impacts to Tribal cultural resources because it was not required by CEQA until the passage of Assembly Bill 52 (AB 52) in 2014, which requires consultation between lead agencies and Tribal representatives for projects within Tribal territory. However, the General Plan EIR found that implementation of General Plan policies and programs, including application of the California Historic Building Code and the City's Combining Historic Districts, the City's design review process, and referral of projects involving historic resources to the Historical and Landmarks Commission, would serve to minimize historic resources impacts. *The General Plan EIR further determined implementation of General Plan policies and existing*

programs would reduce the impact to cultural resources to less than significant. Similarly, the subsequent Specific Plan EIR for the Tasman East SP determined that impacts to Tribal Cultural Resources would be less than significant. However, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that the following mitigation measures would be required to reduce impacts to less than significant:

- Patrick Henry Drive SP EIR – See Mitigation Measure 7-2.
- Freedom Circle FFA EIR – See Mitigation Measures 7-3 and 7-4.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to listed or eligible historic resources. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the subsequent Specific Plan EIRs, impacts from the proposed project related to tribal cultural resources listed or eligible for listing in the California Register of Historical resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) would be less than significant.*

(b) Significant Tribal Resources. The General Plan EIR did not specifically evaluate impacts to Tribal cultural resources because it was not required by CEQA until the passage of Assembly Bill 52 (AB 52) in 2014, which requires consultation between lead agencies and Tribal representatives for projects within Tribal territory. The General Plan EIR found that the potential for project-level impacts to unidentified and unrecorded tribal cultural places remains moderate to high. It was also found that future excavation and grading activities could result in impacts to human remains. However, the General Plan EIR found that 2010-2035 General Plan includes a range of policies to ensure the protection of cultural resources and thus, impacts to cultural resources were found to be less than significant. *Therefore, the General Plan EIR determined impacts to cultural resources would be less than significant.Tthe subsequent Specific Plan EIR for the Tasman East SP determined that impacts to Tribal Cultural Resources would be less than significant. However, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that the following mitigation measures would be required to reduce impacts to less than significant:*

- Patrick Henry Drive SP EIR – See Mitigation Measure 7-2.
- Freedom Circle FFA EIR – See Mitigation Measures 7-3 and 7-4.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts to a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the subsequent

Specific Plan EIRs. In addition, all future discretionary proposals will be subject to the current requirements of AB 52 and SB 18. *As such, similar to the subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

Cumulative Impacts

The General Plan EIR did not specifically evaluate cumulative impacts related to Tribal cultural resources because it was not required by CEQA until the passage of Assembly Bill 52 (AB 52) in 2014, which requires consultation between lead agencies and Tribal representatives for projects within Tribal territory. However, the General Plan EIR found that Projects in the City and other cumulative projects would implement mitigation that avoids or substantially lessens potentially significant impacts to cultural resources, as required by State law. These mitigation strategies would typically involve pre-construction identification surveys; significance evaluations; consultation with tribal descendant communities; culturally and legally appropriate treatment of human remains; archaeological construction monitoring; resource documentation; and data recovery for unavoidable impacts. These mitigation strategies would generally avoid or substantially lessen the severity of impacts to Tribal Cultural Resources. *Therefore, the General Plan EIR determined that the City's contribution to cumulative impacts associated with cultural resources is less than cumulatively considerable. Similarly, the subsequent Specific Plan EIR for the Tasman East SP determined that cumulative impacts to Tribal Cultural Resources would be less than significant.*

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed and would not approve any development projects. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater impact on cultural resources than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Therefore, the cumulative tribal cultural resources impact from the proposed project would be less than significant.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to tribal cultural resources impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. Subsequent Specific Plan EIR mitigation measures, as referenced above and listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect on any listed or eligible historical resources or significant tribal resources. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

Patrick Henry Dr. SP EIR: 7-2.

Freedom Circle FFA EIR: 7-3 and 7-4.

4.19 – Utilities and Service Systems

Would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's Projected demand in addition to the provider's existing commitments?	Yes	Less than Significant Impact	No	No	No
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Yes	Significant Unavoidable	No	No	No
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Utility Infrastructure. The General Plan EIR not specifically analyze impacts related to relocation or construction of storm water drainage, electric power, natural gas, or telecommunications facilities. *However, the General Plan EIR found that impacts related to water and wastewater treatment facilities would be less than significant. Similarly, the Specific Plan EIRs for the Lawrence Station SP and the Tasman East SP determined that this impact would be less than significant. However, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that impacts related to water supply infrastructure would be less than significant with incorporation of the following mitigation measures:*

- Patrick Henry Drive SP EIR – See Mitigation Measure 18-1.
- Freedom Circle FFA EIR – See Mitigation Measure 18-1 and 18-5.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to new or expanded utility infrastructure. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(b) Sufficient Water Supplies. The General Plan EIR noted that new development under the 2010-2035 General Plan would increase water demand within the City. However, it was also noted that the City's Water Utility had determined that there would be sufficient water supplies to provide service to the City for the 2010-2035 General Plan under normal and single critical dry year scenarios. In the event of a multiple dry year event and the loss of supply from SFPUC, the General Plan EIR found that there is a projected shortfall of 0.6 percent or 193 afy in the year 2035, and the City plans to meet future demand growth by pumping additional groundwater, relying on more recycled water, and increased conservation. Future pumping by the City of Santa Clara, in combination with the multiple other users of the Santa Clara Sub-Basin, would not be expected to contribute to cumulative groundwater pumping impacts, i.e., withdrawals above the basin's safe yield, given the Water District's reasonably foreseeable recharge and groundwater management programs. However, should the District's recharge program be affected by reduced availability of imported water, there is the potential for future cumulative groundwater basin demand to exceed the aquifer's safe yield. These impacts were considered potentially significant by the General Plan EIR. *Similarly, the subsequent Specific Plan EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA determined that impacts related to water supply infrastructure would be less than significant with incorporation of the following mitigation measures:*

- Patrick Henry Drive SP EIR – See Mitigation Measure 18-1.
- Freedom Circle FFA EIR – See Mitigation Measure 18-1 and 18-5.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to

implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to water supplies. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(c) Wastewater Treatment Capacity. The General Plan EIR found that future projected wastewater flows would increase but remain within the City's allocation of San Jose/Santa Clara Water Pollution Control Plant (WPCP) treatment capacity. It was also found that sanitary sewer conveyance capacity would need to be increased at select locations throughout the City to serve the increased wastewater flows from new development. The General Plan EIR noted that it is a city requirement that new industrial, commercial, and major residential development be reviewed to determine projected wastewater load and available sewer capacity before zoning approval or permits are approved and, to the extent that additional sewer collection system improvements may be identified as necessary to serve the development, such improvements will become the responsibility of the project applicants. *Therefore, the General Plan EIR determined that impacts to wastewater services would be less than significant. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that this impact would be less than significant.*

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to wastewater treatment capacity. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *As such, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less than significant impacts with incorporation of the mitigation measures listed above.*

(d, e) Solid Waste Infrastructure/Regulations. The General Plan EIR noted that new development allowed under the General Plan would generate solid waste that can be accommodated under the existing landfill disposal contract through 2024. However, it was also noted that the City has no specific plan for disposing of solid waste beyond 2024, including waste generated by existing uses, but will undertake a process to identify a solution prior to 2024. Since no solution to this issue was identified when the EIR was certified this issue was considered significant. The City further determined that there were no feasible measures to reduce this impact and determined that the impact was significant and unavoidable. Both the EIR and the findings adopting the EIR indicated that an expansion of the Newby Island landfill was being evaluated and that the City also owns property outside its jurisdiction that could potentially provide this service. In addition, Prerequisite Policy 5.1.1-P22 requires the re-evaluation of landfill capacity. This assessment could also examine the City's progress on attaining recycling goals in order to evaluate whether there is a continuing long-term need for solid waste capacity. *Therefore, the General Plan EIR determined that this impact would be significant and unavoidable. Similarly, the subsequent Specific Plan EIR for the Lawrence Station SP determined that impacts would be significant and unavoidable even with incorporation of the following mitigation measure:*

- Lawrence Station SP EIR – See Mitigation Measure UTIL-1.

Since the proposed Zoning Code Update and General Plan Amendments do not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the proposed project would be similar to the General Plan EIR and subsequent Specific Plan EIRs. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review to ensure they do not result in significant impacts related to solid waste infrastructure and regulations. Implementation of the proposed project would not result in a greater impact than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Nevertheless, similar to the General Plan EIR and subsequent Specific Plan EIRs, implementation of the proposed project would result in less significant and unavoidable impacts, even with incorporation of the mitigation measures listed above.*

Cumulative Impacts

The General Plan EIR determined that potential impacts to water supply were determined to be less than significant with mitigation and potential impacts to solid waste capacity were determined to be significant, adverse and unavoidable. Similarly, the subsequent Specific Plan EIRs for the Lawrence Station SP and the Tasman East SP determined that cumulative solid waste impacts would be significant and unavoidable and no feasible mitigation is available.

The Planning Area is completely urbanized and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. The proposed Zoning Code Update and General Plan Amendments would not result in greater growth capacity than was previously analyzed. The proposed changes do not include approval of any development projects, and all future development projects under the updated Zoning Code and amended General Plan would be required to perform environmental review pursuant to CEQA. The proposed project would be required to implement General Plan EIR and subsequent Specific Plan EIR mitigation measures incorporated by reference. Implementation of the proposed project would not result in a greater utilities and services systems impacts than was previously analyzed in the General Plan EIR and subsequent Specific Plan EIRs. *Nevertheless, consistent with the General Plan EIR and subsequent Specific Plan EIRs, the cumulative utilities and service systems impact from the proposed project would be significant and unavoidable.*

Conclusion

The proposed Zoning Code Update and General Plan Amendments would not result in increased development density or capacity. Future development under the updated Zoning Code and amended General Plan would have the effect of contributing incrementally to utilities and service system impacts. However, future development projects would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR and subsequent Specific Plan EIR mitigation measures, as referenced above and listed below, would also be applicable to development that would occur under the updated Zoning Code and amended General Plan. With incorporation of subsequent Specific Plan EIR mitigation measures, the proposed project would not have a substantial adverse effect related to utilities and service systems. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed project would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major

revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

General Plan EIR: 4.7-1

Lawrence Station SP EIR: UTIL-1.

Patrick Henry Dr. SP EIR: 18-1.

Freedom Circle FFA EIR: 18-1 and 18-5.

4.20 – Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Yes	No Impact	No	No	No
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	Yes	No Impact	No	No	No
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities), that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Yes	No Impact	No	No	No
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Yes	No Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

Please note that none of the impacts in this section were evaluated in the General Plan EIR because this impact area was added to the Appendix G of the CEQA Guidelines in 2019 and thus post-dates the EIR. In addition, the Wildfire section of Appendix G applies only to areas within or near State responsibility areas or lands classified as Very High Fire Hazard Severity Zones and these conditions do not apply to the City of Santa Clara. The General Plan EIR also indicates that there are no wildfire hazards in the City of Santa Clara (See Page 409).

(a) Impairment of Emergency Plans. The General Plan EIR did not examine this potential impact. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara. In addition, the subsequent specific plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that that no wildfire impacts would occur.*

The City of Santa Clara is almost completely urbanized and there are very few undeveloped parcels in the Planning Area. There are no lands within the City designated as Very High Fire Hazard Severity Zones. The proposed project will not result in any changes to general plan land use designations or Circulation Element improvements that could increase potential impacts beyond those analyzed in the General Plan EIR. *Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.*

(b) Pollutant Concentrations from Wildfire. The General Plan EIR did not examine this potential impact. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara. In addition, the subsequent specific plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that that no wildfire impacts would occur.*

The City of Santa Clara is almost completely urbanized and there are very few undeveloped parcels in the Planning Area. The City is predominantly flat with no areas with steep slopes or wildland interface areas. There are no lands within the City designated as Very High Fire Hazard Severity Zones. *Therefore, the proposed project would not expose persons to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire and impacts would be less than significant.*

(c) Installation or Maintenance of Associated Infrastructure. The General Plan EIR did not examine this potential impact. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara and the City is not within or near a Very High Fire Hazard Severity Zone. In addition, the subsequent specific plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that that no wildfire impacts would occur.*

The City has been largely built out and the necessary infrastructure is in place to support future development under the updated Zoning Code and amended General Plan. Future project roadways would connect to the existing roadway system in the area and utility connections would be made for sewer and electric services. No wildlands exist in the vicinity of the project site, and there are no areas of the City designated as Very High Fire Hazard Severity Zones. The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. *Therefore, impacts related to installation or maintenance of associated infrastructure would not occur.*

(d) Post-Fire Slope Instability or Drainage Changes. The General Plan EIR did not examine this potential impact. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara*. *In addition, the subsequent specific plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that that no wildfire impacts would occur.*

The City is not located within or near a Very High Fire Hazard Severity Zone and is relatively flat. Because no wildlands exist in the vicinity of the City, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Development of the proposed project would comply with the California Uniform Building Code for grading and drainage. *Therefore, impacts related to post-fire slope instability or drainage changes would be less than significant.*

Cumulative Impacts

The General Plan EIR did not examine potential cumulative wildfire impacts. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara and the City is not within or near a Very High Fire Hazard Zone. In addition, the subsequent specific plan EIRs for the Lawrence Station SP, the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA determined that that no wildfire impacts would occur.*

The City of Santa Clara is almost completely urbanized and there are no lands designated as being in or within a Very High Fire Hazard Severity Zone. Implementation of the proposed Zoning Code Update and General Plan Amendments would not result in wildfire impacts. *Therefore, no cumulative wildfire impacts would occur as a result of the proposed project.*

Conclusion

No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Zoning Code Update and General Plan Amendments would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Zoning Code Update and General Plan Amendments do not propose substantial changes that require major revisions to the General Plan EIR or subsequent Specific Plan EIRs. *As such, no further analysis or new mitigation is required.*

Applicable General Plan EIR / Subsequent Specific Plan EIR Mitigation Measures

There are no applicable General Plan EIR or subsequent Specific Plan EIR mitigation measures.

4.21 – Mandatory Findings of Significance

	Effect Examined in General Plan EIR and Subsequent EIRs?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Yes	Significant and Unavoidable Impact	No	No	No
b) Does the project have impacts that are individually limited, but cumulatively considerable?	Yes	Significant and Unavoidable Impact	No	No	No
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Yes	Significant and Unavoidable Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Significant Biological or Cultural Impacts. The results of the preceding analysis indicate that the proposed Zoning Code Update and General Plan Amendments will have less than significant impacts to sensitive biological, archaeological, and paleontological resources with incorporation of mitigation measures. However, the results of the preceding analysis indicate that, similar to the General Plan EIR and subsequent Specific Plan EIRs, the proposed project would have a significant and unavoidable impact on historical resources even after incorporation of mitigation measures. Impacts to scenic vistas, scenic resources, and visual character will be less than significant with incorporation of mitigation measures. The project would not authorize any development plan, would not authorize redevelopment of any existing sites, would not authorize construction of new infrastructure, would not change existing city land use policy regarding locations or intensities of development, and would not result in any effects

that would degrade the quality of the environment beyond such impacts already analyzed in the General Plan EIR and subsequent Specific Plan EIR's. *Therefore, the City finds that impacts related to degradation of the environment significant and unavoidable even with incorporation of mitigation measures.*

(b) Cumulative Impacts. Cumulative effects resulting from full implementation of city land use policies were evaluated in the General Plan EIR and subsequent Specific Plan EIRs. The proposed Zoning Code Update and General Plan Amendments would not change any of these policies and do not propose any specific development or redevelopment project that could contribute to short-term or long-term cumulative impacts that were not addressed sufficiently in the General Plan EIR and subsequent Specific Plan EIR's. The proposed Zoning Code Update and General Plan Amendments do not include any changes to land use designations and thus is consistent with what was analyzed in the General Plan EIR and subsequent Specific Plan EIRs. The project would not result in more significant cumulative impacts than were analyzed in the General Plan EIR and subsequent Specific Plan EIRs. Therefore, the City hereby finds that the proposed project's individual contribution to potentially significant cumulative impacts is not considerable and no additional mitigation is required.

(c) Substantial Adverse Effects on Human Beings. As supported by the preceding environmental evaluation, the proposed Zoning Code Update and General Plan Amendments would not result in substantial adverse effects on human beings above and beyond these effects analyzed in the General Plan EIR and subsequent Specific Plan EIRs. It has been determined through analysis supported by substantial evidence that the proposed project could have adverse impacts on people and/or the environment as evaluated in the 20 preceding environmental topics. *Therefore, the City hereby finds that direct and indirect impacts on human beings will be significant and unavoidable even with incorporation of mitigation measures.*

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5 Applicable GP / Subsequent SP EIR Mitigation Measures

The following **General Plan EIR** mitigation measures are applicable to the proposed project:

AIR QUALITY

MM 4.10-1: Policy 5.1.1-P25 should be added to the Prerequisite section as follows:

> Policy 5.1.1-P25: Prior to the implementation of Phase III, the City will include a Community Risk Reduction Plan (CRRP) for acceptable TAC concentrations consistent with the BAAQMD CEQA Guidelines, including risk and exposure reduction targets, measures to reduce emissions, monitoring procedures, and a public participation process.

Policy 5.10.5-P34 should be added to the Safety section as follows:

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

MM 4.10-2: Policy 5.10.5-P35 should be added to the Safety section as follows:

> Policy 5.10.5-P35: Establish minimum buffers between odor sources and new residential or other uses with sensitive receptors, consistent with the BAAQMD guidelines, unless a project-specific study demonstrates that these risks can be reduced to acceptable levels.

BIOLOGICAL RESOURCES

MM 4.9-1: **Congdon's Tarplant Program Mitigation:** On parcels with ruderal grasslands, surveys will be conducted prior to future development to document the presence/absence of Congdon's tarplant. In the event the species is present, the project design will incorporate an adequate buffer, as determined by a qualified biologist, to ensure the Congdon's tarplant is not threatened by development.

MM 4.9-2: **Burrowing Owl Program Mitigation:** Future development on parcels with ruderal grasslands will include the following standard measures to reduce potential WBO impacts to a less than significant level:

1. Determine Burrowing Owl Presence

a. Breeding Season Surveys

Standardized surveys are necessary to determine presence (or presumed absence) of burrowing owls for the purposes of inventory, monitoring, avoidance of take, and determining appropriate mitigation. In California the breeding season begins as early as February 1 and continues through August 31. The California Burrowing Owl Consortium

(Consortium) survey protocol specifies a multi-phase approach, which is recommended in order to adequately evaluate burrowing owl use of an area and to inform the CEQA process. The Department recommends that the Consortium survey protocol for breeding season surveys be adhered to (4 survey visits spread evenly (roughly every 3 weeks) during the peak of the breeding season, from April 15-July 15) The habitat assessment, intensive burrow surveys and burrowing owl surveys should include the area within 150 meters of the project boundaries (approximately 500 feet).

b. Non-Breeding Season Surveys (Including Winter)

Surveys during the non-breeding season (September 1- January 31) are recommended by the Department but are not generally required because burrowing owls are much more difficult to detect during the non-breeding season, and the number or type of surveys that would be needed to detect presence then has not been studied or quantified. Negative results during any nonbreeding season surveys are not conclusive proof that owls do not use the site. Because of this complication, the DFG recommends breeding season surveys as the first step, but project applicants should consult with the Department if burrowing owls have been documented on the project site during the non-breeding season.

2. Avoid Impacts (destruction, disturbance) to Individual Owls

a. Pre-Construction Surveys for Owl Presence

Pre-construction surveys (usually initiated during the non-breeding season) are necessary for assessing owl presence at a site within a short time period before site modification is scheduled to begin. Pre-construction surveys are supplemental to the existing breeding season survey protocol (4 survey visits spread evenly during the peak of the breeding season, from April 15- July 15). Initial pre-construction surveys should be conducted no more than 30 days prior to ground-disturbing activities (for example, disking, clearing, grubbing, grading). Generally, at a minimum, 4 survey visits on at least 4 separate days will be necessary, The time lapse between surveys and site disturbance should be as short as possible and will be determined by DFG based on specific project conditions but generally should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area. Biologists conducting pre-construction surveys should expend enough effort, based on the above criteria, to assure with a high degree of certainty that take of owls will not occur once site modification and grading activities begin. The report should be submitted to the DFG for review.

b. Buffer Zones Around Occupied Burrows (Year-Round)

Buffer zones to protect burrowing owls from direct disturbance should be implemented pursuant to the Consortium Guidelines and the Department's Staff Report (1995). Generally, the buffers recommended in these reports for protecting burrowing owls from disturbance is 75 meters (250 feet) from occupied burrows during the breeding season and 50 meters (160 feet) from occupied burrows during the non-breeding season. Consultation with the Department may result in site-specific buffer specifications, on a case-by-case basis.

c. Passive Relocation

If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season to prevent injury or mortality of individual owls. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Relocation of owls during the non-breeding season will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately prior to the initiation of grading. Furthermore, should the Valley HCP, once adopted, include a regional WBO mitigation program that would be available to future projects in Santa Clara, future projects may have a feasible option to mitigate for their individual impacts to loss of WBO foraging and/or nesting habitat by participating in the Valley HCP's program.

NOISE

MM 4.14-1: Use the Federal Transit Administration vibration impact criteria, as described above under the Regulatory Setting, to evaluate the land use compatibility of sensitive uses proposed along the railroad/light-rail corridor using the best available information (e.g., High Speed Rail Program EIR) or site-specific measurements and analyses (assuming active railroad operations). Developers of sensitive uses shall demonstrate that potential impacts of existing or potential vibration have been minimized to the maximum feasible extent.

MM 4.14-2: Case studies have shown that the replacement of dense grade asphalt (standard type) with open-grade or rubberized asphalt can reduce traffic noise levels along local roadways by 2 to 3 dBA CNEL. A possible noise reduction of 2 dBA would be expected using conservative engineering assumptions, and future traffic noise increases could be mitigated to a less than significant level by repaving roadways with "quieter pavements." To be a permanent mitigation, subsequent repaving would also have to use "quieter" pavements. Existing residential receivers located along Tasman Drive between Lafayette Street and the easternmost city limits either front the roadway (private outdoor use areas are located behind the homes) or have outdoor use areas adjacent to the roadway that may or may not be shielded by fences or noise barriers. In situations where private outdoor use areas are located adjacent to the roadway, new or larger noise barriers could be constructed to provide the additional necessary noise attenuation in private use areas. Typically, increasing the height of an existing barrier results in approximately one dBA of attenuation per one foot of additional barrier height. The design of such noise barriers would require additional analysis. Traffic calming could also be implemented to reduce noise levels expected with the project. Each five mph reduction in average speed provides approximately one dBA of noise reduction on an average basis (Leq/CNEL). Traffic calming measures that regulate speed improve the noise environment by smoothing out noise levels. Residences could also be provided with sound insulation treatments if further study finds that interior noise levels within the affected residential units would exceed 45 dBA CNEL as a result of the projected increase in traffic noise. Treatments to the homes may include the replacement of existing windows and doors with sound-rated windows and doors and the provision of a suitable form of forced-air mechanical ventilation to allow the occupants the option of

controlling noise by closing the windows. The specific treatments for each affected residential unit would be identified on a case-by-case basis.

MM 4.14-3: Develop construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical: Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists; Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; Locate staging areas and construction material areas as far away as possible from adjacent land uses; Prohibit all unnecessary idling of internal combustion engines; Notify all adjacent land uses of the construction schedule in writing; Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

TRANSPORTATION

MM 4.12-1: **Adopt Prerequisite Policy 5.1.1-P5.** Prior to the implementation of Phase II and III of the 2010-2035 General Plan, evaluate appropriate measures to maintain emergency response time standards.

UTILITIES AND SERVICE SYSTEMS

MM 4.7-1: To prevent a cumulatively considerable contribution to a potential future overdraft of the Santa Clara Sub-Basin, the City shall update the forecast groundwater pumping supply quantities every five years with each UWMP to align water supply availability with the water demand associated with each General Plan Phase. Future Santa Clara UWMPs will be coordinated with the Water District and implement alternative sources (i.e., recycled water and increased conservation) if cumulative groundwater pumping, based on all water retailers UWMPs, would exceed the Santa Clara Sub-Basin safe yield. With implementation of this program mitigation measure, potential future impacts associated with supplying future development envisioned by the General Plan would be reduced to a less than significant level.

The following subsequent **Lawrence Station Specific Plan EIR** mitigation measures are incorporated by reference and are applicable to the proposed project:

AIR QUALITY

MM AQ-1: Implement BAAQMD-recommended Measures to Control Particulate Matter Emissions during Construction for all projects allowed by the LSAP, including future development. Measures to reduce diesel particulate matter and PM from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
- Properly tune and maintain equipment for low emissions.

MM AQ-2: Implement the following additional control measures for the SummerHill Homes site and the future development area to further reduce NOx and PM associated with Impact AQ-1:

- All diesel-powered off-road equipment larger than 50 horsepower and operating on the SummerHill Homes site and the future development area for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent and the latest CARB equipment standards at a minimum. Note that the construction contractor could use other measures to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust emission control devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce construction risk impacts to less than significant.

MM AQ-3: Development projects at the study area shall include the following measures to minimize long-term TAC and annual PM2.5 exposure for new project occupants:

- Design the site to limit exposure from sources of TACs and PM2.5 emissions. The final layout shall locate operable windows and air intakes as far as possible from Central Expressway and Lawrence Expressway. Any modifications to the site design shall incorporate buffers between residences and the roadway.
- To the greatest degree possible, plant vegetation along the study area boundaries near Central Expressway and Lawrence Expressway and around outdoor use areas. This barrier would include trees and shrubs that provide a dense vegetative barrier.
- Install air filtration at units that have predicted PM2.5 concentrations above 0.3 micrograms per cubic meter (µg/m3). Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following minimal design standards:
  - A MERV13 or higher rating (or MERV16 where specified below);
  - At least one air exchange(s) per hour of fresh outside filtered air;
  - At least four air exchange(s) per hour recirculation; and
  - Alternately, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air-quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below significance thresholds.
- As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM2.5 exposures are predicted. Subsequent studies could be conducted by an air quality expert approved by the City to identify the ongoing need for the filtered ventilation systems as future information becomes available.
- Ensure that the lease agreement and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.
- Require that, prior to building occupancy, an authorized air pollutant consultant or HVAC engineer verify the installation of all necessary measures to reduce toxic air contaminant (TAC) exposure.
- The type of MERV-rated filtration required to be installed as part of the ventilation system in the residential buildings shall be as follows:
  - MERV13 filtration shall be utilized for areas where the annual PM2.5 concentrations are 0.4 µg/m3 or greater for unmitigated concentrations.
  - MERV16 filtration shall be utilized for areas where the annual PM2.5 concentrations are 0.8 µg/m3 or greater for unmitigated concentrations.

MM AQ-4: Implement additional control measures to reduce NOx. All diesel-powered off-road equipment larger than 50 horsepower and operating on site for more than two days shall, at a minimum meet U.S. EPA NOx emissions standards for Tier 4 engines or equivalent and the latest CARB equipment standards at a minimum.

MM AQ-5: Require the use of low volatile organic compound (VOC) paint for construction of SummerHill Homes. The SummerHill Homes construction contractor shall require the use of low VOC paint based on the following specifications: 50 g/L VOC for all interior coatings and 50 g/L VOC for all exterior coatings.

MM AQ-6: Require a project-level construction assessment of the future development area. Construction criteria pollutant quantification will be required on a project-level basis once those details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions. Reduction in emissions can be accomplished by the following measures:

- Construction equipment selection;
- Use of alternative fuels, engine retrofits, and added exhaust devices;
- Low-VOC paints;
- Modify construction schedule; and
- Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

MM AQ-7: Require the Use of Low VOC Paint for Operational Architectural Coatings of the Phase 1 buildings. Santa Clara shall require the use of low VOC paint for all operational architectural coatings (maintenance coatings) based on the following specifications: 50 g/L VOC for all interior coatings and 50 g/L VOC for all exterior coatings.

BIOLOGICAL RESOURCES

MM BIO-1a: To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Wildlife Code will be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

MM BIO-1b: If construction activities occur within the nesting season (February 1 through August 31), then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. These surveys would be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ivy, and buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Wildlife Code will be disturbed during project implementation.

MM BIO-1c: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation), planned for removal, will be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the Project due to the presence of active nests in these substrates.

MM BIO-2: The following measures will be implemented to minimize impacts on roosting bats:

- Within 30 days prior to demolition of any building, a qualified biologist will conduct a survey for evidence of bat use. If evidence is observed, or if potential roost sites are

present in areas where evidence of bat use might not be detectable, an evening survey and/or nocturnal acoustic survey will be conducted to determine if the bat colony is active and to identify the specific location of the bat colony.

- If a maternity roost of any bat species is present, the bat biologist will determine the extent of a construction-free buffer (typically 100 feet) around the active roost that will be maintained. This buffer will be maintained from April 1 until the young are flying, typically after August 31.
- If a nonbreeding bat roost (i.e., a non-maternity roost, or a roost occupied between September 1 and March 31) is found in a structure that must be physically disturbed, a avoid injury or mortality during demolition. For projects within the future buildout area within the LSAP, impacts to roosting bats are also expected to be considered less than significant under CEQA with incorporation of the mitigation measure described above.

MM BIO-3a: During detailed design of project activities, trees over which the City claims jurisdiction will be avoided to the extent feasible. If it is determined during detailed design of the project that impacts on some trees can be avoided, a construction phase Tree Preservation Plan shall be prepared by a certified arborist prior to initiation of construction. The Tree Preservation Plan will describe how trees that are not proposed for removal will be protected. The construction-phase Tree Preservation Plan shall include the following tree protection measures:

- A standard Tree Protection Zone (TPZ) will be established. The TPZ will surround individual trees or groups of trees, to ensure that the tree trunk, canopy, and root system of each tree is protected from damage during construction activities.
- Protect tree root systems from damage caused by (a) runoff or spillage of noxious materials and (b) ponding, eroding, or excessive wetting caused by dewatering operations through use of the following measures during excavation and grading:

  Excavation: Trenching will not occur within the TPZ.
  Excavation under, or around, tree roots will be done by hand and to a depth of 3 feet.
  Grading: Existing grades will be maintained within TPZs. Where existing grade is 2 inches or less below elevation of finish grade, backfill with topsoil or native site soil will be applied.

- 6-inch average thickness wood bark mulch will be placed inside TPZs.
- Fencing will be installed along edges of TPZs before building material or equipment is brought on site and construction operations begin. Maintain fence will remain in place until construction operations are complete and equipment has been removed from site.
- Temporary irrigation will be provided to all trees in TPZs using a temporary on-grade drip or bubbler irrigation system sufficient to wet the soil within tree protection zones to a depth of 30 inches per bi-weekly irrigation event.

MM BIO-3b:

- To the extent that the construction-phase tree protection measures, described above under Mitigation Measure BIO-3a, are not feasible, the project applicant will comply with the standards of the Protected Tree Removal Permit, which requires mitigation

for the removal of protected trees. A certified arborist will review the development areas after all construction has been completed.

- All trees, proposed for removal, that fall under the jurisdiction of the City shall be replaced at a 2:1 ratio, unless otherwise specified by the Protected Tree Removal Permit. The replacement trees will be standard 24-inch box size trees or larger. Replanting shall occur in appropriate habitat in the City limits within 6 months of tree removal.

CULTURAL RESOURCES

MM CUL-1: Projects within the LSAP that would require demolition of buildings older than 50 years would be subject to the following measures:

- Evaluation: Any buildings within the study area that are or will reach 50 years of age prior to demolition will be evaluated for significance (CRHR eligibility) in accordance with the criteria in 36 CEQA Section 15064.5▪ Recordation: Appropriate Department of Parks and Recreation forms (DPR 523) will be prepared and submitted by the project applicant.

MM CUL-2: According to CEQA Section 15126.4 avoidance of historical resources is the preferred mitigation. If avoidance is not feasible, an appropriate plan (archaeological monitoring plan or testing plan) should be prepared to mitigate adverse effects to the site. The plan should be limited to the area of adverse effect.

Before construction, True Life Companies and future development, shall obtain the services of a qualified archaeological consultant to analyze specific project impacts and ground disturbance in order to prepare an appropriate archaeological monitoring plan (AMP) or archaeological testing plan (ATP) to ensure there are no adverse impacts to CA-SCL-134, and to address the possibility that project construction may impact previously unknown buried archaeological resources.

Archaeological testing, monitoring, and any resulting data recovery shall be conducted by a professional archaeologist in compliance with CEQA Guideline Section §15064.5. In addition, the professional archaeologist should consider the results of Native American consultation and provide for a Native American monitor when applicable during future monitoring or testing.

MM CUL-3: In accordance with CEQA Guideline §15064.5 (f), should any previously unknown historic-period resources, including but not limited to glass, metal, ceramics, wood, privies, trash deposits or similar debris, be discovered in any of the four project sponsor areas during grading, trenching, or other on-site excavation(s), earthwork within 25 feet of these materials shall be stopped until a qualified professional archaeologist has an opportunity to evaluate the potential significance of the find and suggest appropriate mitigation(s), as determined necessary to protect the resource.

Should any previously unknown prehistoric resources be discovered during grading, trenching, or other on-site excavation(s), earthwork within 25 feet of these materials shall be stopped until a qualified professional archaeologist and the Native American contacts are consulted. The Native American contacts should include those consulted during preparation of the CRAR. The qualified professional archaeologist and Native American contacts would have an opportunity to evaluate the potential significance of the find and

suggest the appropriate steps to protect the resource. Such prehistoric resource could include charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, or pockets of dark, friable soils. These may include some or all of the following:

(A) According to CEQA Section 15126.4, avoidance is the preferred mitigation. Since CEQA provisions regarding the preservation of historic resources direct that adverse effects to historic resources shall be avoided, if feasible, the resource shall be protected from damaging effects through avoidance.
(B) Avoidance can include, but is not limited to, the following options:

1. Planning construction to avoid the historic site.
2. Incorporation of sites within parks, green space, or other open space.
3. Capping the historic site with a layer of chemically stable soil before construction. Capping the historic site would include installation of a water permeable protective barrier that is covered with a 3-ft.-thick layer of chemically stable soil before constructing non-intrusive facilities on the site. Excavation for landscaping, irrigation or any other purpose shall be limited to the soil layer above the water permeable protective barrier. If the soil layer cannot accommodate all planned underground utilities, a thicker soil layer may be used to cover the site.
4. Deeding the site into a permanent conservation easement.

(C) If avoidance of any previously undiscovered archaeological site is not feasible, data recovery shall be conducted in accordance with an approved Archaeological Data Recovery Plan (ADRP) to mitigate adverse effects to the significance of the site – the area of data recovery being limited to the area of adverse effect. A professional, qualified archaeologist shall conduct data recovery in compliance with CEQA Guideline Section §15064.5. Once the site has been properly tested, subject to data recovery, or preserved to the satisfaction of the professional archaeologist in compliance with CEQA Guideline §15064.5, the site can be further developed.

MM CUL-5: Section 7050.5(b) of the California Health and Safety code shall be implemented in the event that human remains, or possible human remains, are located within the study area during project-related construction excavation. Section 7050.5(b) states:

> In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the project.

The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance to project proponents as to the ultimate disposition of any Native American remains.

GEOLOGY AND SOILS

MM CUL-4: A discovery of a paleontological specimen during any phase of the LSAP buildout shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.

HAZARDS AND HAZARDOUS MATERIALS

MM HAZ-1: Some components encountered as part of building demolition may contain hazardous materials. Materials that may result in possible risk to human health and the environment when improperly managed include lamps, thermostats, and light switches containing mercury; batteries from exit signs, emergency lights, and smoke alarms; lighting ballasts which contain polychlorinated biphenyl (PCB); and lead pipes or roof vent flashings. Universal wastes, lubrication fluids, and equipment containing chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) shall be removed before structural demolition begins. Demolition waste such as fluorescent lamps, PCB ballasts, lead acid batteries, mercury thermostats, and lead flashings have special case-by-case requirements for generation, storage, transportation, and disposal. Before disposing of any demolition waste, the project developer and the demolition contractor shall determine if the waste is hazardous and shall ensure proper disposal of waste materials

MM HAZ-2: Project applicants within the area of known contamination related to the National Semiconductor superfund site must perform groundwater and vapor testing and, if needed, remediation to ensure that the site poses to risk to construction workers, future residents, or the environment. After demolition of the existing structures and removal of asphalt, the groundwater and vapor sampling will be conducted to evaluate the concentrations of contaminants underlying the site.

If contaminated groundwater or vapor is detected that exceeds safe thresholds for permanent residential development, a Site Management Plan (SMP) approved by the Regional Water Quality Control Board (RWQCB) will be prepared by an environmental professional to establish management practices for controlling and handling identified hazardous materials. The project applicant shall comply with the provisions of the SMP. The project applicant's environmental professional shall assist in the implementation of the SMP and shall perform full-time observation services during demolition, excavation, grading and trenching activities. In addition to these requirements, the following protocols shall be established:

If the vapor sampling determines that hazardous vapors exceed recommended levels for permanent residential uses, the project applicant will prepare and submit a vapor mitigation plan (VMP) for approval by the RWQCB and the EPA (United States Environmental Protection Agency). The VMP will include an evaluation of risks to construction workers and future residents, and shall include discussion of site-specific measures to reduce this risk to acceptable levels. In addition, the project developer shall provide financial assurances of adequate funds for long-term operation and maintenance of the VMP, if required.

Prior to the start of any construction activity that involves below ground work (e.g., grading, foundation construction, excavation, or utility trenching), a copy of the SMP shall be provided to the contractors for their review, along with any other relevant information regarding risk abatement. Each contractor shall provide such information to its subcontractors.

If groundwater monitoring wells, extraction wells, or conveyance piping are located on-site, measures shall be implemented to protect these features during construction. The RWQCB shall be notified in writing of construction activities in these areas and, at a minimum, these areas shall be marked and cordoned off. Upon completion of construction activities, wells and associated infrastructure shall be inspected by a qualified environmental professional to determine if they have been damaged. If these onsite features require decommissioning, the project developer shall obtain the written approval by the RWQCB and other necessary permits. The RWQCB's written approval shall be submitted to the City.

During project demolition, an environmental professional shall be present to observe soil conditions, monitor vapors with a hand held meter, and determine if additional soil sampling should be performed. Daily Field Reports (DFRs) shall be prepared by the Environmental Professional documenting: 1) the day's activities; 2) vapor monitoring; 3) soil and groundwater sampling and associated analytical testing; 4) the installation of the vapor barrier system; and, 5) variances with the SMP. Photographs shall be taken to help document information entered in the DFR. When a photograph is taken, the following information shall be written in the daily field report: 1) time, date, location, and, if appropriate, weather conditions; 2) description of the subject photographed; and 3) name of person taking the photograph.

Perimeter air monitoring shall be conducted at the site during any activity that significantly disturbs site soil (e.g., grading, foundation construction, excavation, or utility trenching) to document the effectiveness of dust control measures. If dewatering is required, the means and methods to extract, treat and dispose groundwater also shall be presented to the RWQCB for their written approval. This written approval shall be submitted to the City.

Appropriate measures shall be implemented to reduce soil vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at specified intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below ground water shall be installed with water-tight fittings to reduce the potential for ground water to migrate into the conduits.

Upon completion of construction activities, the environmental professional shall prepare a report documenting compliance with the SMP; it shall contain a summary of: 1) vapor monitoring; 2) groundwater monitoring; 3) the installation of the vapor barrier system; and 4) variances to the SMP. This report shall be submitted to the RWQCB and EPA. Written approval of the completion report by the RWQCB shall be provided to the City.

The project applicants shall record a new Covenant and Environmental Restriction on Property (Deed Restriction) in accordance with the requirements of California Civil Code Section 1471. The new deed restriction will prohibit extraction of groundwater for purposes other than monitoring and remediation and will require that activities that

disturb the soil beneath the site, such as grading, excavation or removal, shall be in accordance with the SMP.

MM HAZ-3: The following steps shall be implemented to reduce the risk of adverse public health impacts or environmental hazards resulting from soil and groundwater contaminants within the study area.

Reporting Requirements

Prior to issuance of demolition, grading, or building permits, project applicants shall submit a Phase I Environmental Site Assessment (ESA) to the City's Fire Prevention/Hazardous Materials Division. The reports shall make recommendations for the preparation of additional subsurface sampling (Phase II) and/or remedial action (Phase III), if appropriate, and should be signed by a Professional Geologist or Professional Engineer.

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- Consult with the appropriate local, state, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits, and sumps. ▪ Obtain and submit written evidence of approval for any remedial action if required by a local, state, or federal environmental regulatory agency.
- Submit a copy of all applicable documentation required by local, state, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

Best Management Practices During Construction

- Project applicants shall implement the following Best Management Practices (BMPs) regarding potential soil and groundwater contamination throughout demolition, grading, and construction activities.
- Soil removed from the site during project construction shall be stockpiled in a secure and safe manner. All contaminated soils determined to be hazardous must be adequately sampled prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with the requirements of applicable local, state and federal agencies, including the RWQCB, the Santa Clara County Department of Environmental Health (SCCDEH), and/or the City's Fire Prevention/Hazardous Materials Division.
- Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Santa Clara, SCCDEH, and/or the RWQCB. Engineering controls shall be utilized, which may include impermeable barriers to prohibit groundwater and vapor intrusion into

the proposed buildings (pursuant to the review and approval of the Fire Prevention/Hazardous Materials Division and/or SCCDEH).

- Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the Fire Prevention/Hazardous Materials Division, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the SCCDEH and RWQCB, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site.

HYDROLOGY AND WATER QUALITY

MM HYD-1: In the event groundwater is encountered during construction activities, onsite dewatering would be required. The discharge of any dewatered groundwater would comply with BMPs as described in the SWPPP, and if found to be contaminated would be handled as described in Mitigation Measure HAZ-2 and HAZ-3.

NOISE

MM NOI-1: Due to the number of variables inherent in the mechanical equipment needs of new buildings (number and type of units, locations, size, housing or enclosures, etc.), the impacts of mechanical equipment noise on adjacent noise-sensitive uses shall be assessed during the final stage of project design for Phase 1 development. Design planning shall take into account the noise criteria associated with such equipment and use site planning to locate equipment in less noise-sensitive areas, where feasible. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls.

An acoustical study shall be prepared during final project design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA daytime and 50 dBA nighttime noise limits. The study shall be submitted to the City of Santa Clara for review and approval prior to issuance of any building permits.

MM NOI-2: Future developers will evaluate noise impacts on surrounding sensitive land uses once project-specific information, such as type and size of the retail uses, loading zone locations, hours of operation, and frequency of deliveries, is available. Due to the close proximity of the proposed retail uses to the proposed residential uses, noise impacts could be reduced with the implementation of the following measures:

- Move loading zones inside (e.g., within parking structures), where possible, and as far from adjacent residential uses as possible.
- Implement a no idling policy at all retail locations that requires engines to be turned off after five minutes.
- Recess truck docks into the ground.
- Equip loading bay doors with rubberized gasket type seals to allow little loading noise to escape.

MM NOI-3: The project developer shall develop a construction noise control plan, including, but not limited to, the following available controls:

- Ensure that construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property are limited to the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 9:00 AM and 6:00 PM on Saturdays. No construction is permitted on Sundays or holidays.
- Ensure that excavating, grading and filling activities (including warming of equipment motors) within 300 feet of residentially zoned property are limited to the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 9:00 AM and 6:00 PM on Saturdays. No construction is permitted on Sundays or holidays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.
- Include a disclosure in the lease of the future tenants on the Westlake Urban and True Life Companies properties that provides information regarding the on-going construction activities at the SummerHill Homes development and future development sites.

TRANSPORTATION

MM CUM-TR-1: Project applicants shall add a southbound right-turn lane to Intersection #29: Great America Parkway/Tasman Drive based on their project’s fair share contribution. The City of Santa Clara shall determine the calculation of fair share accordingly during future design phases.

MM CUM-TR-2: Project applicants shall add a northbound and southbound left-turn lane and left-turn phasing adjustment (from split to protected) in the northbound and southbound direction to Intersection #36: Bowers Avenue/Monroe Street based on their project’s

fair share contribution. The City of Santa Clara shall determine the calculation of fair share accordingly during future design phases.

MM CUM-TR-4: Project applicants shall add a westbound right-turn lane to Intersection #30: Great America Parkway/Mission College Boulevard based on their project's fair share contribution. The City of Santa Clara shall determine the calculation of fair share accordingly during future design phases.

MM CUM-TR-5: Project applicants shall add a second eastbound left-turn lane to Intersection #35: Bowers Avenue/Kifer Road based on their project's fair share contribution. The City of Santa Clara shall determine the calculation of fair share accordingly during future design phases.

UTILITIES AND SERVICE SYSTEMS

MM UTIL-1: Future development allowed under the LSAP would be subject to project-level environmental review. Before the CEQA documentation for future development can be approved, the City must have a solid waste disposal location to fulfill the needs of development beyond 2024.

The following subsequent **Tasman East Specific Plan EIR** mitigation measures are incorporated by reference and are applicable to the proposed project:

AIR QUALITY

MM AQ-1.1: During any construction period ground disturbance, the applicant shall ensure that the project contractor implements the following BAAQMD BMPs:

- All exposed unpaved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the construction firm 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.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. generators).

MM AQ-1.2: Construction criteria pollutant and TAC quantification will be required on a project-level basis for individual development projects once those details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions. The analysis must be submitted for City review and approval, once complete. Health risks from construction TACs shall be reduced below 10 in one million excess cancer cases, a hazard index of 1.0, and PM2.5 emissions of 0.3 µg/m3. Criteria pollutant emissions shall not exceed BAAQMD construction criteria pollutant emissions thresholds. Reduction in emissions can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection for low emissions;
- Use of alternative fuels, engine retrofits, and added exhaust devices;
- Low-VOC paints;
- Modify construction schedule; and
- Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Site-specific construction schedules and equipment are not known at this time for the future development of the Specific Plan and, therefore, air pollutant emissions have not been quantified at the project-level. Implementation of Mitigation Measure AQ-1.1 would ensure that all construction projects employ the proper BAAQMD-Recommended Measures to Control Particulate Matter Emissions and Mitigation Measure AQ-1.2 would ensure that construction of future development areas under the TESP would be analyzed through project level review to quantify construction criteria pollutant emissions and identify the specific measures needed to reduce potential impacts so as not to exceed BAAQMD construction criteria pollutant emissions thresholds, as necessary. Therefore, with implementation of Mitigation Measure AQ-1.1 and AQ-1.2, the construction emissions impacts from individual development projects under the Tasman East Specific Plan would be reduced to a less than significant level.

MM AQ-2.1: Proposed residential development within the TESP shall implement TDM programs to reduce residential vehicle miles traveled as required by the City's Climate Action Plan. The TDM programs would be reviewed and approved by the Community Development Director prior to issuance of building permits. An annual TDM monitoring report shall be submitted to the Community Development Director to document each development is meeting the required TDM program reductions.

MM AQ-2.2: Proposed development within the TESP shall incorporate additional green building measures such as rooftop solar photovoltaic (PV) systems, rough-ins for electric vehicle charging, use of efficient lighting and irrigation, and recycled water, as feasible, to the satisfaction of the Community Development Director.

MM AQ-2.3: Developed parcels shall require within their CC&Rs and/or ground leases requirements for all future interior spaces to be repainted only with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet

the more stringent regulatory limits in South Coast AQMD Rule 1113; however, many manufacturers have reformulated to levels well below these limits. These are referred to as "Super-Compliant" Architectural Coatings.

However, this impact would remain significant and unavoidable given that implementation of a TDM program under the City's Climate Action Plan would not reduce significant operational ROG and NOx emissions below BAAQMD thresholds of 54 pounds per day. Mitigation measures including TDM programs and green building techniques would not reduce emissions of ROG and NOX to below the BAAQMD significance thresholds for criteria pollutants. The criteria pollutant emissions impacts of the Specific Plan, therefore, would remain significant and unavoidable.

BIOLOGICAL RESOURCES

MM BIO-1.1: Prior to any construction activity in natural habitat/substrate on the extreme eastern portion of the site (i.e., ruderal grassland, perennial freshwater wetland, or riparian habitat), a qualified biologist will examine the impact area for pond turtles and their nests 48 hours before proposed construction activities begin. If a western pond turtle is observed within the work area at any time before or during proposed construction activities, all activities will cease until such time that either (1) the pond turtle leaves the area or (2) the qualified biologist can capture and relocate the animal to suitable habitat away from construction activity.

MM BIO-2.1: Preconstruction surveys for burrowing owls will be conducted prior to the initiation of all construction activities within suitable burrowing owl roosting habitat (i.e., ruderal grassland habitat with burrows of California ground squirrels) in the Specific Plan area, or within 250 feet of this habitat. Preconstruction surveys will be completed in conformance with the CDFW's 2012 guidelines. An initial habitat assessment will be conducted by a qualified biologist to determine if suitable burrowing owl habitat is present. During the initial site visit, which will be conducted no less than 14 days prior to the onset of ground disturbing activities, a qualified biologist will survey the entire activity area and (to the extent that access allows) the areas within 250 feet of the site for suitable burrows that could be used by burrowing owls for nesting or roosting. If no suitable burrowing owl habitat (i.e., ruderal grasslands with burrows of California ground squirrels) is present, no additional surveys will be required. If suitable burrows are determined to be present within 250 feet of work areas, a qualified biologist will conduct at least one additional survey to investigate each burrow within the survey area for signs of owl use and to determine whether owls are present in areas where they could be affected by proposed activities. The final survey will be conducted within the 24-hour period prior to the initiation of construction activities in any given area.

MM BIO-2.2: If burrowing owls are present during the nonbreeding season (generally September 1 to January 31), a 160-foot buffer zone will be maintained around the occupied burrow(s), if feasible. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls. During the breeding season (generally February 1 to August 31), a 250-foot buffer, within which no newly initiated construction-related activities will be permissible, will be maintained between construction activities and occupied burrows. Owls present between February 1 and August 31 will be assumed to be nesting, and the 250-foot protected area will remain in effect until August 31. If monitoring evidence indicates that the owls are no longer nesting or the young owls are

foraging independently, the buffer may be reduced or the owls may be relocated prior to August 31, in consultation with the CDFW.

MM BIO-2.3: Any owls occupying the Specific Plan area or immediately adjacent areas are likely habituated to frequent human disturbances. As a result, they may exhibit a tolerance of greater levels of human disturbance than owls in more natural settings, and work within the standard 250-foot buffer during the nesting season may be able to proceed without disturbing the owls. Therefore, if nesting owls are determined to be present within the Specific Plan area or within 250 feet of this area, and construction activities cannot feasibly avoid disturbance of the area within 250 feet of the occupied burrow during the nesting season (i.e., February 1 through August 31) due to other seasonal constraints, a qualified biologist will be present during all activities within 250 feet of the nest to monitor the owls' behavior. If, in the opinion of the qualified biologist, the owls are unduly disturbed (i.e., disturbed to the point of harm or reduced reproductive success), all work within 250 feet of the occupied burrow will cease until the nest is determined to no longer be active by a qualified biologist.

MM BIO-2.4: In the unlikely event that construction will directly impact occupied burrows, a qualified biologist will passively evict owls from burrows during the nonbreeding season (September 1 to January 31). No burrowing owls will be evicted during the nesting season (February 1 through August 31) except with the CDFW's concurrence that evidence demonstrates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Eviction will occur through the use of one-way doors inserted into the occupied burrow and all burrows within impact areas that are within 250 feet of the occupied burrow (to prevent occupation of other burrows that will be impacted). One-way doors will be installed by a qualified biologist and left in place for at least 48 hours before they are removed. The burrows will then be back-filled to prevent reoccupation. Although relocation of owls may be necessary to avoid the direct injury or mortality of owls during construction, relocated owls may suffer predation, competition with other owls, or reduced health or reproductive success as a result of being relegated to more marginal habitat. However, the benefits of such relocation, in terms of avoiding direct injury or mortality, would outweigh any adverse effects.

MM BIO-3.1: Due to the potential for buildings in the Plan Area to result in high numbers of bird collisions, particularly if extensive glass facades are used, all new construction and building additions within the Plan Area will implement the following bird-safe building design considerations:

- Reduce the extent of glass on the facades of new buildings and additions to the extent feasible.
- Reduce or eliminate the visibility of landscaped areas behind glass.
- No more than 10 percent of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground, unless located within 300 feet of the top of bank of the Guadalupe River. Within such boundary this requirement would extend to the entirety of the structure. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches. Any remaining

untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.

- Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies with unbroken glazed segments 24 square feet and larger where feasible. If any such features are included in building designs, all glazing used in any such features will be 100 percent treated.
- Reduce glass at tops of buildings, especially when incorporating a green roof into the building design.
- If a green roof or green wall is incorporated into the building design, no more than 10 percent of the surface area of the building's combined facades within 12 vertical feet above and/or below the green roof or green wall shall have untreated glazing. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.
- Avoid the funneling of flight paths between buildings or trees towards a glazed building façade.
- Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions. For example, vegetation providing particularly valuable resources to birds (such as fruits) will be planted away from buildings with extensive glazing, and vegetation in general will be planted in such a way that it is not clearly reflected in windows. Water features would be located away from building exteriors to reduce the attraction of birds toward glazed facades.
- Minimize exterior lighting to the extent feasible, except as needed for safety. All exterior lights shall be directed toward facilities in the Plan Area (e.g., rather than directed upward or outward) and shielded to ensure that light is not directed outward toward the Guadalupe River or Ulistac Natural Area.
- Occupancy sensors or other switch control devices shall be installed on interior lights, with the exception of emergency lights or lights needed for safety purposes. On commercial buildings, these lights shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.

The City may waive or reduce any of the above-listed bird-safe design requirements based on analysis by a qualified biologist indicating that proposed construction will not pose a collision hazard to birds. Such a waiver will generally not be appropriate for façades adjacent to well-vegetated areas, but a waiver may be appropriate, for example, for façades that face developed areas lacking vegetation, water features, or other features that would be particularly attractive to birds.

Mitigation measure MM BIO-3.1 would incorporate bird-safe design elements into the future building designs and reduce this impact to the extent feasible. Given the potential for bird strikes to result from implementation of the Specific Plan this impact would be significant and unavoidable.

MM BIO-4.1: To the extent consistent with the normal and expected operations of commercial and/or residential uses under the Specific Plan, take appropriate measures to avoid use of unnecessary lighting at night, especially during the bird migration season (February through May and August through November). Such measures may include the installation of motion-sensor lighting, automatic light shutoff mechanisms, downward-facing exterior light fixtures, and others. Exterior lighting within the Specific Plan area will be shielded as needed to block illumination from shining upward, or outward into the Guadalupe River to the east or Ulistac Natural Area to the south. The intensity of exterior

lighting will be minimized, and no exterior uplighting will be used. Lighting plans for each development site shall be reviewed and approved by the Community Development Director prior to the issuance of building permits.

MM BIO-5.1: To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

MM BIO-5.2: If it is not possible to schedule construction activities between September 1 and January 31 then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests would be disturbed during Plan implementation. These surveys shall be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist would inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests.

MM BIO-5.3: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist would determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation under the Specific Plan. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.

MM BIO-5.4: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by projects covered under the Specific Plan may be removed prior to the start of the nesting season (e.g., prior to February 1). This would preclude the initiation of nests in this vegetation and prevent the potential delay of a project due to the presence of active nests in these substrates. Any vegetation removal shall occur consistent with required tree removal and grading permits, as applicable.

MM BIO-6.1: If avoidance of the wetlands is not proposed, to compensate for the permanent loss of wetlands, perennial marsh habitat shall be restored or created at a minimum ratio of 2:1 (compensation:impact) on an acreage basis, unless a higher ratio is required by a regulatory agency, in which case that higher ratio shall apply. This ratio is not higher due to the relatively low quality of the wetlands in the project area relative to more extensive, less fragmented wetlands elsewhere along the Guadalupe River, but is not lower due to the temporal loss of wetland functions and values that will result from the lag between impacts to the wetlands in the Plan area and maturation of the mitigation habitat. Compensation will be provided by creating or restoring wetland habitat so as to achieve the 2:1 ratio (or higher ratio, if required by a regulatory agency) somewhere in the Santa Clara Valley. Among other criteria, the mitigation site(s) must not currently be wetlands. A qualified biologist shall develop a “Wetland Mitigation and Monitoring Plan” describing the mitigation, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions):

- Summary of habitat impacts and proposed mitigation ratios
- Goal of the restoration to achieve no net loss of habitat functions and values

- Location of mitigation site(s) and description of existing site conditions (among other criteria, the site(s) must not currently be wetlands)
- Mitigation design:

  - Existing and proposed site hydrology
  - Grading plan if appropriate, including bank stabilization or other site stabilization features
  - Soil amendments and other site preparation elements as appropriate
  - Planting plan
  - Irrigation and maintenance plan
  - Remedial measures and adaptive management

- Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule). Success criteria will include quantifiable measurements of wetland vegetation type (e.g., dominance by natives) and extent appropriate for the restoration location, and provision of ecological functions and values equal to or exceeding those in the wetland habitat affected. At a minimum, success criteria will include following:

  - At Year 5 post-mitigation, at least 75 percent of the mitigation site will be dominated by native hydrophytic vegetation.

The Wetland Mitigation and Monitoring Plan must be approved by the City of Santa Clara prior to the wetland impacts, and it must be implemented within one year following impacts.

Alternatively, mitigation may be provided by restoring or creating at a minimum ratio of 2:1 (compensation:impact) on an acreage basis by either: (a) purchasing credits at a suitably located mitigation bank in the Santa Clara Valley approved by the City of Santa Clara; or (b) donating funds to a project undertaking enhancement or restoration of wetland or riparian habitats in the Santa Clara Valley, approved by the City of Santa Clara.

MM BIO-6.2: In compliance with the NPDES, the Specific Plan will comply with the SWRCB General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, which requires preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) that will include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. These controls will include methods to minimize indirect impacts as a result of construction activities that may compromise water quality in the Eastside Drainage Swale. Additional control measures identified in this SWPPP will mitigate the release of construction-related pollutants from the main site during the various construction phases. Unless otherwise authorized by the RWQCB and in compliance with the NPDES permit issued for the proposed activities, the following measures will be implemented during project implementation to avoid or minimize impacts on water quality:

- All permit conditions, legal requirements, and appropriate dredging and engineering practices shall be followed to avoid and minimize water quality impacts associated with project activities. Suitable erosion control, sediment control, source control, treatment control, material management, and stormwater management BMPs will be

implemented consistent with the latest edition of the California Stormwater Quality Association "Stormwater Best Management Practices Handbook," available at www.capmphandbooks.com.

- Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). Feasible measures shall be implemented to ensure that hazardous materials are properly handled and the quality of wetland and aquatic resources is protected by all reasonable means when removing vegetation and sediments from the channels.
- No fueling shall be done in areas along the Eastside Drainage Swale. For stationary equipment that must be fueled within 50 feet of the swale, containment shall be provided in such a manner that any accidental spill of fuel shall not be able to enter the water or contaminate sediments that may come in contact with water.
- A hazardous materials management/fuel spill containment plan will be developed and implemented by the construction contractor and given to all contractors and biological monitors. One copy of the hazardous materials management/fuel spill containment plan located will be on the work site at all times, and will provide construction managers, environmental compliance monitors, and regulatory agencies with a detailed description of hazardous materials management, spill prevention, and spill response/cleanup measures associated with the construction of the Plan elements. Elements of the materials management/fuel spill containment plan will include, but are not limited to the following:

  - A discussion of hazardous materials management, including delineation of hazardous material and hazardous waste storage area, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas;
  - Materials Safety Data Sheets for all chemicals used and stored on site;
  - An inventory list of emergency equipment;
  - Spill control and countermeasures including employee spill prevention/response training;
  - Notification and documentation procedures; and
  - A monthly reporting plan.

- Vehicles will be checked daily for oil or fuel leaks and will be washed only at an approved area. No washing of vehicles will occur outside of designated staging areas in uplands.
- The work site, areas adjacent to the site, and access areas will be maintained in an orderly condition, free and clear from debris and discarded materials. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust onto adjacent areas or wetlands or waterways. Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the Plan Area.
- Stockpiled materials will be covered by plastic sheeting, tarps, or similar material that can be secured during wind and rain. A sediment fence or berm will be installed around stockpiled material to prevent runoff from transporting sediment into the Eastside Drainage Swale.
- Silt fencing will be erected along the limits of disturbance between the Plan area and the Eastside Drainage Swale.
- As to any portion of the drainage swale that is not culverted, for construction activities occurring within 50 feet of aquatic habitat in the drainage swale, protective measures

shall be put in place to ensure that impacts on the swale are avoided and minimized. The following measures shall be implemented during construction:

- Orange construction barrier fencing shall be installed around the boundaries of portions of the drainage swale that are to be avoided prior to the initiation of construction activities.
- The fenced area will be designated as an Environmentally Sensitive Area and will be clearly identified in the construction specifications.
- The fencing shall be maintained throughout the grading and construction period.
- Grading, construction activities, traffic, equipment, or materials shall be prohibited in fenced wetland areas.

MM BIO-7.1: If avoidance is not proposed, to compensate for the permanent loss of mixed riparian woodland, riparian woodland habitat will be restored or created at a minimum ratio of 2:1 (compensation:impact) on an acreage basis, based on canopy area. This ratio is not higher due to the relatively low quality of the riparian woodland in the Plan Area relative to more extensive, less fragmented riparian woodland elsewhere along the Guadalupe River, but is not lower due to the temporal loss of riparian functions and values that will result from the lag between impacts to the woodland in the Plan Area and maturation of the mitigation habitat.

Compensation will be provided by planting riparian habitat so as to achieve the 2:1 ratio somewhere in the Santa Clara Valley, preferably along the Guadalupe River but along another stream if appropriate. Among other criteria, the mitigation site(s) must not currently be riparian. Mitigation habitat may be hydrologically isolated from the stream in question as long as it is located within 300 feet of the stream, is not separated from the stream by development other than a trail or levee, and is dominated by native riparian trees. Although some portions of the Ulistac Natural Area are more than 300 feet from the Guadalupe River, mitigation anywhere within the Natural Area would satisfy this measure. A qualified biologist shall develop a “Riparian Habitat Mitigation and Monitoring Plan” describing the mitigation, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions):

- Summary of habitat impacts and proposed mitigation ratios
- Goal of the restoration to achieve no net loss of habitat functions and values
- Location of mitigation site(s) and description of existing site conditions
- Mitigation design:

  - Existing and proposed site hydrology
  - Grading plan if appropriate, including bank stabilization or other site stabilization features
  - Soil amendments and other site preparation elements as appropriate
  - Planting plan
  - Irrigation and maintenance plan
  - Remedial measures and adaptive management

- Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule). Success criteria will include quantifiable measurements of riparian vegetation type (e.g., dominance by natives) and extent appropriate for the riparian restoration location, and provision of

ecological functions and values equal to or exceeding those in the riparian habitat affected. At a minimum, success criteria will include following:

- At Year 10 post-planting, canopy closure at the mitigation site will be at least 60 percent of the canopy closure at a nearby reference site (i.e., a site supporting the same habitat type as that being established at the mitigation site).

- The Riparian Habitat Mitigation and Monitoring Plan must be approved by the City of Santa Clara prior to the impact on mixed riparian woodland, and it must be implemented within one year following impacts.

Alternatively, mitigation may be provided by restoring or creating at a minimum ratio of 2:1 (compensation:impact) on an acreage basis by either: (a) purchasing credits at a suitably located mitigation bank in the Santa Clara Valley approved by the City of Santa Clara; or (b) donating funds to a project undertaking enhancement or restoration of wetland or riparian habitats in the Santa Clara Valley, approved by the City of Santa Clara.

MM BIO-8.1: If encroachment into the riparian buffer with incompatible uses (defined as hardscape or other impermeable surfaces, non-native landscape plantings, and paved permeable surfaces such as permeable pavers) is proposed, no buildings shall be constructed closer to the buffer baseline than are currently present (i.e., in one location, a corner of a building is within approximately 95 feet of the buffer baseline, and that limited area can include a building), unless mitigation is provided in accordance with MM BIO-8.2. In addition, no new buildings or structures, impervious surface, or non-native landscaping shall occur closer to the buffer baseline than is currently present (i.e. 75 feet). Compatible uses within these areas are public trails, native landscaping, and unpaved permeable surfaces (e.g. open ground).

MM BIO-8.2: If any encroachment into the riparian buffer is proposed, compensatory mitigation shall be provided to offset the impacts on the ecological functions and values of the riparian corridor. Such compensatory mitigation will be provided in one of two ways:

- At a minimum ratio of 1:1 (compensation:impact), on an acreage basis excluding wetlands and mixed riparian woodland, existing development (e.g., buildings or hardscape) along the Guadalupe River, either on-site or off-site (e.g., at Ulistac Natural Area), will be removed, and the developed area restored to native habitats and dedicated to natural habitat (rather than active human uses such as urban park). For example, if a portion of the Plan Area were subject to riparian buffer encroachment, but a commensurate acreage of existing developed areas adjoining the Guadalupe River levee in other parts of the Plan Area were restored to native habitat, that would compensate for the riparian buffer encroachment impact.
- At a minimum ratio of 2:1 (compensation:impact) on an acreage basis, riparian woodland habitat will be restored or created as described in Mitigation Measure BIO-6.1 above to provide ecological functions and values that offset those lost due to riparian buffer encroachment.

MM BIO-9.1: During construction under the proposed Specific Plan, all seeds and straw materials used on-site shall be weed-free rice straw (or similar material acceptable to the City), and all gravel and fill material will be certified weed free to the satisfaction of the City and any deviation from this shall be approved by the Public Works Director.

MM BIO-9.2: During construction of projects under the proposed Specific Plan, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering the proposed project footprint. Vehicles will be cleaned at existing construction yards or legally operating car washes.

MM BIO-9.3: Following construction of projects under the proposed Specific Plan, a standard erosion control seed mix (acceptable to the Public Works Director) from a local source would be planted within the temporary impact zones on any disturbed ground that would not be under hardscape, landscaped, or maintained in order to minimize the potential for the germination of the majority of seeds from non-native, invasive plant species.

MM BIO-10.1: Projects proposing or required to retain trees on-site shall implement precautionary measures during site construction to limit adverse environmental effects on ordinance-protected trees that are to be retained. A tree protection plan shall be prepared by a qualified arborist that, at a minimum, requires installation of an open material (e.g., chain link) fence six feet in height around the drip line and maintenance of the existing grade level around a tree and out to its drip line.

MM BIO-10.2: Project proponents under the Specific Plan will comply with the City Code and submit permit applications for removal of all trees covered by the City's tree ordinance. Any street trees or heritage trees to be removed would require replacement on-site or off-site at a minimum 2:1 ratio per General Plan Policy 5.3.1-P10. To the extent feasible, the replacement trees will be planted on-site and the project proponent will comply with all other tree removal requirements imposed by the City.

<u>CULTURAL RESOURCES</u>

MM CUL-1.1: A qualified archaeologist shall monitor the demolition of the building foundations and any other below surface disturbances, such as but not limited to, grading, excavation, roadway improvements, potholing for utilities, utility removal, and addressing storm drain issues. After demolition activities and surface improvements are removed for projects involving excavation, and prior to other construction activities, conduct mechanical presence/absence exploration to a depth ranging from 6.5 to 10 feet below ground surface. Presence/absence efforts shall be conducted by a qualified local archaeologist. If any cultural resources are identified, all activity in the vicinity of such resources shall stop until a research design and treatment plan shall be prepared to address those types of resources encountered and such plan is approved by the City. Any cultural resources identified shall be evaluated to determine if these resources would qualify for the NRHP or CRHR. If no resources are found during presence/absence testing, the implementation of mitigation measures, MM CUL-1.2 and MM CUL-1.3, would ensure any resources discovered during construction are adequately protected.

MM CUL-1.2: In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Preservation in place is the preferred treatment of an archeological resource. When preservation in place of an archeological resource is not feasible, data recovery, in accord with a data recovery plan prepared and adopted by the City, is the appropriate mitigation. Construction and

potential impacts to the area within a radius determined by the archaeologist shall not recommence until the assessment is complete.

MM CUL-1.3: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

GEOLOGY AND SOILS

MM CUL-2.1: Projects involving excavations 25 feet or greater below ground surface would require monitoring by a qualified paleontologist. In the event paleontological resources are discovered all work shall be halted within 50 feet of the find and a Paleontological Resource Mitigation Plan shall be prepared by a qualified paleontologist to address assessment and recovery of the resource. A final report documenting any found resources, their recovery, and disposition shall be prepared in consultation with the Community Development Director and filed with the City and local repository.

HAZARDS AND HAZARDOUS MATERIALS

MM HAZ-1.1: Prior to the start of any demolition or construction activity, a property-specific Phase I ESA shall be completed in accordance with ASTM Standard Designation E 1527-13 (or most recent version) to identify Recognized Environmental Conditions, evaluate the property history, and establish if the property is likely to have been impacted by chemical releases. Soil, soil vapor and/or groundwater quality studies shall subsequently be conducted, if warranted based on the findings on the property-specific Phase I ESAs to evaluate if mitigation measures are needed to protect the health and safety of site occupants. All site mitigation measures identified in the property-specific Phase I and II ESAs shall be completed under the oversight of an appropriate regulatory agency, such as the DEH, DTSC, or RWQCB. Any required cleanup/remediation of the site during development activities shall meet all applicable federal, state and local laws, regulations, and requirements. The project applicant shall provide the appropriate oversight agency's written approval of the site mitigation measures to the City of Santa Clara prior to the issuance of a demolition and/or grading permit.

MM HAZ-1.2: At properties where VOCs are identified as contaminants of concern (COC), the potential for vapor intrusion shall be evaluated. A Vapor Intrusion Investigation Work Plan shall be submitted to the overseeing regulatory agency for review and approval. The plan shall include soil vapor sampling for VOCs in areas of concern. The soil vapor sampling shall be conducted in conformance with DTSC's July 2015 advisory titled Active Soil Gas Investigations. A minimum of two soil vapor sampling events (with soil vapor concentrations less than the most conservative residential or commercial screening levels – as appropriate) is required to document that mitigation measures are not required; additional sampling events may be required by the overseeing regulatory agency.

MM HAZ-1.3: The need for vapor intrusion mitigation measures will be dependent upon the planned building design and the results of the Vapor Intrusion Investigation. Prior to redevelopment of the site, a report assessing the potential for vapor intrusion shall be submitted to and approved by the overseeing regulatory agency. The assessment shall be conducted in general conformance with DTSC's Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance) dated October 2011.

MM HAZ-1.4: Prior to the start of any construction activity on properties with known contaminants of concern (COC) exceeding the lower of the then-current DTSC, the RWQCB or Environmental Protection Agency (EPA) residential screening levels, the project proponent shall submit the following plans to the overseeing regulatory agency for review and approval:

- *Corrective Action Plan*. An appropriate corrective action plan (e.g. remedial action plan, removal action workplace, etc.) shall be prepared that reflects the results of the above investigations. Site cleanup levels presented in the plan shall be based on a target cancer risk of 0.00001 or, for non-carcinogens, a target hazard quotient (THQ) of 1.0. The lower of the then-current DTSC, RWQCB, or EPA residential screening levels shall be used to interpret the TR and THQ levels or, alternatively, a site-specific human health risk assessment shall be prepared and approved by the overseeing regulatory agency. Higher cleanup goals may be acceptable, if approved in writing by the oversight agency. The project applicant shall provide an oversight agency's written approval of the corrective action plan to the City of Santa Clara, prior to issuance of a demolition and/or grading permit. Leaving contaminated soil (above residential screening levels and, for metals, above background concentrations) in-place or re-using contaminated soil shall require the oversight agency's written approval. At a minimum, if contaminated soil is left in-place, a deed restriction or land use covenant shall detail the location of the soil. This document shall include a surveyed map of the location of the impacted soil and shall restrict future excavation in the impacted area unless approved in writing by an oversight agency.
- *Air Monitoring Plan.* This plan shall assess the potential for exposure of construction workers and neighboring occupants adjoining the property to COCs during construction activities; this plan shall specify measures to be implemented if COC concentrations exceed threshold values.
- *Vapor Intrusion Mitigation Plan and Associated Documents.* If the Vapor Instruction Investigation identifies the need for mitigation measures, a Vapor Intrusion Mitigation Plan shall be prepared that describes the measures to be a result of vapor intrusion. The Vapor Intrusion Mitigation Plan will require the project applicant to design the proposed occupied spaces with appropriate structural and engineering features to reduce risk of vapor intrusion into buildings. At a minimum, this design shall include: 1) passive sub-slab ventilation with a spray applied vapor barrier (And with the ability to convert the system from passive to active ventilation), 2) monitoring to ensure the long-term effectiveness of the remedy, and 3) the implementation of institutional controls. Other designs would be acceptable is approved in writing by the overseeing regulatory agency. The Vapor Intrusion Mitigation Plan shall be submitted for agency review and approval. DTSC's October 2011 Vapor Intrusion Mitigation Advisory provides useful guidance in selecting, designing, and implementing appropriate response actions for sites where a potential vapor intrusion risk has been identified. A completed report shall be submitted to the overseeing regulatory agency upon completion of construction of the mitigation system. The report shall document

installation of the vapor control measures identified in the Vapor Intrusion Mitigation Plan and present final as-built design drawings. A Long-Term Operations, Maintenance, and Monitoring Plan (OMMP) also shall be submitted for agency approval that presents the actions to be taken following construction to maintain and monitor the vapor intrusion mitigation system, and a contingency plan should the vapor mitigation system fail. A financial assurance mechanism shall additionally be established (i.e. proof that adequate funds are available for long-term maintenance and monitoring of the vapor intrusion mitigation system) and described in the OMMP.

MM HAZ-1.5: A Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be developed to establish appropriate management practices for handling and monitoring of impacted soil, soil vapor, and groundwater that potentially may be encountered during construction activities. The SMP shall be prepared by an Environmental Professional and be submitted to the overseeing regulatory agency (e.g. RWQCB, DTSC and/or DEH) for review and approval prior to commencing construction activities. The SMP also shall be provided to the City of Santa Clara. Prior to the start of any construction activity that involves below ground work (i.e. mass grading, foundation construction, excavating or utility trenching), information regarding site risk management procedures, including copies of the HSP and SMP, shall be provided to the contractors for their review, and each contractor shall provide such information to its subcontractors. The SMP and HSP measures shall be incorporated into the project design documents:

- Site control procedures to control the flow of personnel, vehicles and materials in and out of the site;
- Measures to minimize dust generation, stormwater runoff and tracking of soil off-site;
- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or groundwater are present or suspected. Worker training requirements, health and safety measures and material handling procedures shall be described;
- Perimeter air monitoring for dust during any activity that significantly disturbs impacted site soil (i.e. mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures;
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities;
- Protocols to characterize/profile soil suspected of being contaminated so appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with impacted groundwater shall be assumed contaminated. All soil excavated and transported from this site shall be appropriately disposed of at a permitted facility;
- Stockpiling protocols for “clean” and “impacted” soil;
- Decontamination procedures to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer;
- Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted. The DTSC’s Clean Fill Advisory (October 2001 or latest version) provides useful guidance on evaluating imported fill;
- Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors. Mitigation protocols shall be developed and implemented in the event elevated VOC vapors are released during excavation activities that may pose

a risk to construction worker health and/or risk to the health of occupants of neighboring properties;

- Protocols to evaluate if the residual contaminants will adversely impact the integrity of below ground utility lines and/or structures (i.e. the potential for corrosion due to subsurface contamination)
- Measures to reduce soil vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at specified intervals on-site and at all locations where the utility trenches (within impacted soil or groundwater) extend off-site. In addition, utility conduits that are placed below groundwater shall be installed with water-tight fittings to reduce the potential for groundwater to migrate into the conduits.
- Measures to help reduce the potential for the downward migration of contaminated groundwater if deep foundation systems are proposed. These measures shall be identified in the geotechnical investigation report and implemented as part of the development plans.

MM HAZ-1.6: The project applicant's environmental professional shall assist in the implementation of the SMP and shall, at a minimum, perform part-time observation services during demolition, excavation, grading and trenching activities. Upon completion of construction activities, the environmental professional shall prepare a report documenting compliance with the SMP; this report shall be submitted to the oversight regulatory agency and the City of Santa Clara.

HYDROLOGY AND WATER QUALITY

MM HYD-1.1: A catch basin shall be installed on Lafayette Street or at a suitable location approved by the City Engineer that connects to the existing storm drain system on Calle Del Mundo. This new catch basin would provide an alternate path for flow that would otherwise have entered the development area prior to placement of project fill. The design of the new catch basin and new storm drain shall be subject to approval of the City. The new catch basin and new storm drain shall be complete and connected to the existing storm drain system on Calle Del Mundo must be made concurrent with redevelopment of the site in the northwest corner of the Plan Area.

NOISE

MM NV-1.1: Comply with construction hours ordinance to limit hours of exposure. The City Code limits construction activities within 300 feet of residentially zoned property to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.

MM NV-1.2: Minimize or avoid using vibratory rollers and tampers near sensitive areas, such as shared property lines with residential land uses. Whenever possible, use cast-in-drilled-holes piles for projects requiring deep foundations to reduce construction vibration.

MM NV-1.3: When vibration-sensitive structures are within 18 feet of a project development site or within 86 feet of a project proposing pile-driving, survey condition of existing structures and, when necessary due to the structure type and resulting vibration due to the construction activities proposed, perform site-specific vibration studies to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures, notify the Community Development Director

of any damage caused by vibration, and offer to repair or compensate for any such damage caused by vibration within a time period established by the Community Development Director upon receiving notice pursuant to this measure. The results of the vibration monitoring shall be summarized and submitted in a report to the Community Development Director prior to issuance of an occupancy permit.

MM NV-1.4: Construction management plans for construction projects that have the potential to exceed the 0.3 in/sec. PPV threshold, particularly those involving pile driving, shall include predefined vibration reduction measures, notification requirements for properties within 200 feet of scheduled construction activities, and contact information for on-site coordination and complaints. The construction management plan shall be submitted to the City for approval prior to issuance of a demolition or grading permit.

MM NV-1.5: Include a disclosure in the lease of future tenants within the Tasman East Specific Plan properties that provides information regarding the on-going construction activities within the area.

MM NV-2.1: Develop and adhere to a construction noise control plan to be submitted to the City for review and approval prior to issuance of a demolition and/or grading permit, including, but not limited to, the following available controls:

- Ensure that construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.
- Ensure that excavating, grading and filling activities (including warming of equipment motors) within 300 feet of residentially zoned property are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers can reduce construction noise levels by five dBA.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were unresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.
- Include a disclosure in the lease of future tenants within the Tasman East Specific Plan properties that provides information regarding the on-going construction activities within the area.

MM NV-2.2: If pile driving occurs, the following best management practices shall be included in the construction noise control plan:

- Schedule pile driving during a period when school is not in session.
- During pile driving, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- During pile driving activities, install "acoustical blankets" to provide shielding for receptors located within 100 feet of the site, or use a noise attenuating shroud on the pile driving hammer.

<u>TRANSPORTATION</u>

MM TRANS-1.1(9): Tasman Drive and Centennial Drive (City of Santa Clara) – Add a third eastbound through lane.

MM TRANS-1.2(10): Lafayette Street and Great America Way (City of Santa Clara) – Signalize this intersection prior to occupancy of planned development comprising 30 percent of the project trip generation.

MM TRANS-1.3(11): Lafayette Street and Calle Del Mundo (City of Santa Clara) – Signalize this intersection prior to occupancy of planned development comprising 70 percent of the project trip generation.

MM TRANS-1.4(37): Montague Expressway and Mission College Boulevard (County of Santa Clara) – This intersection is located in the City of Santa Clara and under the jurisdiction of Santa Clara County. The VTP 2040 project would add a third southbound left-turn lane to the intersection. The project shall make a fair-share contribution towards the additional turn lane.

MM TRANS-3.1(1): Great America Parkway and Westbound 237 Ramps (City of San José/CMP) – Restripe he southbound approach to one through/right-lane and one right-lane, which would not require right-of-way and/or narrowing of the median and would improve intersection operations to an acceptable LOS.

MM TRANS-3.2(9): Tasman Drive and Centennial Drive (City of Santa Clara) – Add a third eastbound and a third westbound through lane.

MM TRANS-3.3(10): Lafayette Street/ Great America Parkway and 11. Lafayette Street/Calle Del Mundo – Signalize intersections prior to occupancy of development comprising 30 percent and 70 percent, respectively, of the project trip generation.

MM TRANS-3.4(37): Montague Expressway and Mission College Boulevard (County of Santa Clara) – The VTP 2040 project would add a third southbound left-turn lane to the intersection. The project shall make a fair-share contribution towards the additional turn lane. In order to fully mitigate the project's impact, a second northbound left turn lane would be needed but right-of-way constraints make this mitigation infeasible. Additionally, an interchange is identified at this intersection as a Tier 2 priority per the Comprehensive County Expressway Planning Study.

MM TRANS-4.1: Sidewalk improvements to Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing would reduce the safety hazard impacts to pedestrians to a less than significant level. Construction of a sidewalk on this segment of Tasman Drive is a required mitigation for Phase 1 of the City Place project. In the event the new residential buildings within the Plan Area fronting Tasman Drive are constructed prior to City Place Phase 1, such development shall construct the necessary improvements prior to occupancy of the building and would be reimbursed by City Place. Sidewalk improvements to Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing, as needed to address pedestrian safety hazards, shall be in place prior to occupancy of any new residential buildings within the Plan Area fronting Tasman Drive.

MM C-TRANS-3.1(12): Lafayette Street and Calle De Luna – Reconfiguring the westbound approach to one left-turn lane and one right-turn lane would fully mitigate the impact to an acceptable LOS D and would not require additional right-of-way.

MM C-TRANS-3.2(13): Lafayette Street and Calle De Primavera - Reconfigure the westbound approach to two left-turn lanes and one right-turn lane.

MM C-TRANS-3.3(21): Tasman Drive and Calle Del Sol - Reconfigure the southbound approach to two left-turn lanes and one right-turn lane would fully mitigate the impact.

The following subsequent **Patrick Henry Drive Specific Plan EIR** mitigation measures are incorporated by reference and are applicable to the proposed project:

<u>AIR QUALITY</u>

MM 5-2A: **Implement BAAQMD Basic Construction Mitigation Measures.** The City shall require new development projects occurring under implementation of the Patrick Henry Drive Specific 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.

MM 5-2B: **Require a Project-level Construction Assessment for New Development Proposed Under Implementation of the Patrick Henry Drive Specific 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 Patrick Henry Drive Specific 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).

MM 5-2C: **Use Low- and Super Compliant VOC Architectural Coatings.** The City shall require the use of Low- and Super-Compliant VOC Architectural Coatings in maintaining buildings in the Patrick Henry Drive Specific Plan Area 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 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.

MM 5-2D: **Implement TDM Program.** Proposed residential, retail, commercial, and office land uses within the Patrick Henry Drive Specific Plan Area shall prepare and implement Transportation Demand Management (TDM) programs consistent with the requirements outlined Section 7.3 of the Patrick Henry Drive Specific Plan. Projects shall 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.).

MM 5-3A: Implement Mitigation Measure 5-2B.

BIOLOGICAL RESOURCES

MM 6-2: In order to keep current the biological resource evaluation prepared for the Patrick Henry Drive Specific Plan EIR, upon receiving applications for site-specific projects within the Specific 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.

MM 6-3: Before any project work within the Specific Plan Area, 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.

MM 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 Specific Plan 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.

CULTURAL RESOURCES

MM 7-1: For any individual project within the Patrick Henry Drive Specific Plan 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 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.1 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 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 Specific Plan Area.

MM 7-2: During the City's standard project-specific review process for all future, discretionary, public improvement and private development projects in the Patrick Henry Drive Specific Plan 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 Specific 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 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.

<u>GEOLOGY AND SOILS</u>

MM 8-3: 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 shall address design- and construction-level details regarding engineering issues and solutions such as the type of building foundation, the extent of subsurface excavation, the details of retaining structures, and any need for subsurface water extraction.

MM 8-4: For all public improvement and private development projects in the Patrick Henry Drive Specific Plan 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.

NOISE

MM 13-1: **Reduce Construction Noise Levels**. To reduce potential noise levels from Specific 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; B) The owner/occupants of commercial buildings (including Mission College) within 200 feet of construction work areas or within 400 feet of construction work areas if pile driving equipment will be used; and C) Mission College when construction work areas are within 500 feet of College athletic fields.

2) Notify Calaveras Creek Trail Users of Construction Activities. Prior to the start of construction activities within 500 feet of Calaveras 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; 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 250 feet of a commercial building (including Mission College), a physical noise barrier capable of achieving a minimum 10 dB reduction in construction noise levels shall be installed and maintained around the site perimeter to the maximum extent feasible given site constraints and access requirements. Potential barrier options capable of achieving a 10 dB reduction in construction noise levels could include, but are not limited to: i) A six-foot-high 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) 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 a 10 dBA reduction in construction noise levels 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 (including Mission College), 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 Patrick Henry Drive Specific Plan 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 Leq 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 building (including Mission College) and exceed the ambient noise environment by at least 5 dBA Leq for more than one year. Such measures may include, but are 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, sublease, and/or other contractual real-estate transaction associated with the subject property.

MM 13-2: **Reduce Construction Vibration Levels.** To reduce potential vibration-related structural damage and other excessive vibration levels from Specific 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 Patrick Henry Drive Specific Plan Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1.

2) Restrict Work Hours. See Patrick Henry Drive Specific Plan Draft EIR Mitigation Measure 13-1, Section 2.

3) Prohibit Vibratory Equipment if Feasible. 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) 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 sub-bullet 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 Patrick Henry Drive Specific Plan Draft EIR Table 13-6) and Caltrans' strongly perceptible vibration detection threshold (PPV of 0.1 in/sec, see Patrick Henry Drive Specific Plan Draft EIR Table 13-7).

MM 13-3: **Control Fixed and Other On-site Noise-Generating Sources and Activities.** To ensure on-site, operations-related equipment and activities associated with the Specific 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.

TRIBAL CULTURAL RESOURCES

MM 7-2: During the City's standard project-specific review process for all future, discretionary, public improvement and private development projects in the Patrick Henry Drive Specific Plan 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 Specific 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 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.

UTILITIES AND SERVICE SYSTEMS

MM 18-1: Consistent with SB 221 and SB 610, no tentative map, Architectural/Design Review, or development agreement for a proposed, individual project shall be approved until the City of Santa Clara Water & Sewer Utilities Department confirms 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 Specific Plan.

The following subsequent **Freedom Circle Future Focus Area EIR** mitigation measures are incorporated by reference and are applicable to the proposed project:

AESTHETICS

MM 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.

AIR QUALITY

MM 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.

MM 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).

MM 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.

MM 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.).

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

MM 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.

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

<u>BIOLOGICAL RESOURCES</u>

MM 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.

MM 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 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.

MM 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 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 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 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.

CULTURAL RESOURCES

MM 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 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 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.

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 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 onsite, 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 Plan Area.

MM 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 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 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
- 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.

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.

MM 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 t 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).

GEOLOGY AND SOILS

MM 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.

MM 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 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.

MM 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:

- 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.

MM 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 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.

<u>GREENHOUSE GASES</u>

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

MM 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, as determined by the City.

<u>NOISE</u>

MM 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 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 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 Leq 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.

MM 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).

MM 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).

MM 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.

MM 13-5: **Control Fixed and Other Onsite 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.

MM 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 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.

TRIBAL CULTURAL RESOURCES

MM 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 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 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
- 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.

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.

MM 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 t 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).

UTILITIES AND SERVICE SYSTEMS

MM 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.

MM 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.

6 References

6.1 – List of Preparers

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6.2 – Persons and Organizations Consulted

None.

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