CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE 1957 PRUNERIDGE AVEUNE RESIDENTIAL PROJECT

I. INTRODUCTION

The City of Santa Clara (City), as the Lead Agency under California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, has prepared the Final Environmental Impact Report for the 1957 Pruneridge Avenue Residential Project (State Clearinghouse No. 2023100200) (Final EIR or EIR"). The Final EIR is a project EIR pursuant to Section 15161 of the State Guidelines for implementation of the CEQA (CEQA Guidelines).[1] The Final EIR consists of the September 2023 Draft Environmental Impact Report (Draft EIR) and the January 2023 Final Environmental Impact Report. The EIR addresses the environmental effects associated with implementation of the project. The EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project. The EIR addresses the potential significant adverse environmental impacts associated with the project and identified feasible mitigation measures and alternatives that may be adopted to reduce or eliminate those impacts.

In determining to approve the 1957 Pruneridge Avenue Residential Project, which is described in more detail in Section II, the City Council certifies that the EIR reflects the City's own independent judgment and analysis under Public Resources Code Section 21082.1(a)-(c) and CEQA Guidelines Section 15090(a)(3). The City Council further makes and adopts the following findings of fact and adopts and incorporates into the project the mitigation measures identified in the EIR, all based on substantial evidence in the whole record of this proceeding ("administrative record"). Pursuant to CEQA Guidelines Section 15090(a), the EIR was presented to the City Council of the City of Santa Clara, and the City Council reviewed and considered the information contained in the EIR prior to making the findings provided in Sections IV to VIII, below. The conclusions presented in these findings are based upon the EIR and other evidence in the administrative record. The documents that constitute the administrative record on which the City Council's findings are based are located at the Planning Division office at City Hall, 1500 Warburton Avenue, Santa Clara, California. This information is presented in compliance with CEQA Guidelines Section 15091(e).

II. PROJECT DESCRIPTION

Project Location

The project site is located at 1957 Pruneridge Avenue in the City of Santa Clara (APN 303-03-025). The site has a General Plan Designation of Very Low Density Residential and is zoned Public, Quasi-Public, and Public Park or Recreation (B).

The 2.47-acre site is occupied by two existing buildings which made up the St. Marks Episcopal Church. One building is a church which features stained glass windows around the entire structure, a gabled tile roof, and stylized arches on each end of the building. The other structure is a one- to two-

[1] The State CEQA Guidelines are found in California Code of Regulations, Title 14, Section 15000 *et seq*.

story office and school building. The one-story portion of the building is a wooden sided and stucco building with stained glass windows on the east side of the structure and a shingle roof. The two-story portion of the building is a stucco sided building with a balcony facing to the south and tiled roof. Adjacent to this building is a small playground with a storage shed.

There is a small courtyard with landscaping connecting the two buildings and parking is provided in a surface lot surrounding the buildings on the west, east, and north sides. The project site contains 50 trees and features other low-lying landscaping throughout the project site.

The site is currently accessible from two driveways on Pruneridge Avenue, one on the west end of the site and one on the east end.

The buildings are vacant and do not currently have visitors or use city services.

Project Overview

The proposed project would remove all structures and landscaping from the project site and construct 22 two-story residential units at a density of 8.9 dwelling units per acre (du/ac). Each unit would include a two to three car garage. Additionally, the project site would include a landscaped paseo in the middle of the site that would provide access to the sidewalk on Pruneridge Avenue. Access to the project site would be provided by an ingress/egress driveway at the east end of the project site. The driveway would connect to a drive aisle which separates the units on the north and south sides of the project site.

Three of the residential units would be affordable units compliant with the City of Santa Clara Affordable Housing program.

The proposed project would include the planting of approximately 79, 24- to 36- inch box trees throughout the site and would feature drought tolerant, low water use landscaping in the common areas and yards of the residential units.

The proposed project would include a rezoning of the project site from Public, Quasi Public, or Recreation (B) to Planned Development (PD). The stained-glass windows of the church complex would be removed and protected for future use by the congregation that previously occupied the church.

Construction Details

The estimated construction period for the proposed project is seven months (approximately 157 construction days). The maximum depth of excavation for the proposed project would be approximately 7.5 feet and the project would require approximately 6,000 cubic yards of cut and 250 cubic yards of fill.

Off-site Improvements

The project proposes the following off-site improvements and utility connections:

- Replace existing curb, gutter and sidewalk along project frontage (in kind).
- Two connections of new water main to existing water main in Pruneridge Avenue.
- Remove and replace existing fire hydrant on project frontage.
- Connect to existing 12-inch sanitary sewer main in Pruneridge Avenue and install new manhole.
- Connect to existing 24-inch storm drain main in Pruneridge Avenue and install new manhole.
- Remove existing utility poles and underground overhead wires along project frontage.

Project Objectives

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed development project. The applicant's objectives for the project are as follows:

1. Provide a project that meets the strategies and goals of the City of Santa Clara General Plan. Specifically, providing a low-density development, such as single family detached residential housing units, on the approximately 2.5-acre underutilized infill site at a maximum density of 10 units per acre.
2. Provide three new single family detached affordable residential housing units in accordance with the City of Santa Clara's Affordable Housing Program.
3. Support the principles of "Smart Growth "by providing new housing at key transportation nodes.
4. Create a high quality, well-designed, low-density development that is compatible with the existing neighborhood and community of predominantly single-family houses and promotes the safety and well-being of its residents and the surrounding community.
5. Create a development resulting in a net reduction in impervious surface area and collect and treat all stormwater runoff on-site.

III. ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation ("NOP") of an EIR for the 1957 Pruneridge Avenue Residential Project. The NOP was sent to state and local responsible and trustee agencies and federal agencies on May 8. 2023. The 30-day comment period concluded on June 7, 2023. The NOP provided a description of the project and identified probable environmental effects that could result from implementation of the project. The City also held a public scoping meeting on May 25, 2023, during the NOP comment period to discuss the project and solicit public input as to the scope and content of the EIR. The meeting was held over Zoom to allow for more public engagement.

The City prepared the Draft EIR for the 1957 Pruneridge Avenue Residential Project in compliance with the CEQA Guidelines. The Draft EIR was circulated for public review and comment for 45 days from November 17, 2023 through January 2, 2024. During this period, the Draft EIR was available to the public and local, state, and federal agencies for review and comment. Notice of the Availability and completion of the Draft EIR was sent directly to every agency, person, and organization that commented on the NOP, as well as to the Office of Planning and Research. Written comments from

public agencies, organizations, and individuals concerning the environmental review contained in the Draft EIR were sent to the City during the 45-day public review period on the Draft EIR.

Following the conclusion of the 45-day public review period on the Draft EIR, the City prepared a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR includes responses to comments received by the City on the Draft EIR and any necessary text revisions to the Draft EIR. These revisions do not require recirculation of the EIR because none of the revisions constitute "significant new information" pursuant to CEQA Guidelines Section 15088.5 in as much as these changes would not result in a new environmental impact and would not cause a substantial increase in the severity of an environmental impact; and the project sponsor would adopt the mitigation measures. The response to comments document was circulated on January 9, 2024.

On February 21, 2024, at a duly noticed public hearing, the Planning Commission recommended that the City Council certify the Final EIR.

IV. FINDINGS

These findings summarize the environmental determinations of the EIR about project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the EIR. Instead, these findings provide a summary description of and basis for each impact in the EIR, describe the applicable mitigation measures identified in the EIR, and state the City's findings and rationale on the significance of each impact with the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in the EIR, supporting the EIR's determinations regarding mitigation measures and the project's impacts.

In adopting the mitigation measures outlined below, the City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby referred to, adopted, and incorporated in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections V through VII, below, provide brief descriptions of the impacts the Final EIR identified as less than significant with adopted mitigation. Impacts associated with the demolition of the potentially historic church in the Final EIR were found to be Significant and Unavoidable. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

V. SIGNIFICANT ADVERSE IMPACTS IDENTIFIED IN THE FINAL EIR THAT ARE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY MITIGATION MEASURES ADOPTED AND INCORPORATED INTO THE PROJECT

The City Council, having reviewed and considered the information contained in the EIR, hereby finds, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), that the following potentially significant impacts will be reduced below a level of significance with implementation of the identified mitigation measures. These findings are based on Section 3.0 of the Draft EIR, the discussion and analysis of which are hereby incorporated in full by this reference.

Biological Resources

Impact BIO-1.1: Construction activities could disrupt nesting raptors, or other birds, resulting in abandonment of nests and loss of fertile eggs.

MM-BIO 1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1st through August 31st.

If it is not possible to schedule construction and tree removal between September 1 and January 31, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).

During this survey, the ornithologist shall inspect trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Findings BIO-1.1: Changes or alterations, which have been incorporated into the project, will reduce the severity of the significant biological resource impact. Specifically, implementation of MM BIO-1.1, set forth below, which is hereby adopted and incorporated into the project, would reduce biological resource impacts to a less than significant level by avoiding the nesting bird season or conducting bird surveys in trees close to construction activity to protect active nests.

Impact BIO-5.1: The proposed project would not comply with the City's tree protection policy on-site.

MM BIO-5.1: The project applicant will coordinate with the supervising planner to identify locations offsite for replacement trees in addition to the trees proposed as part of the landscaping on-site in accordance with General Plan Policy 5.3.1- P10 and Santa Clara City Code 12.35. This will require the planting of 21, 24-inch box trees off-site to fully offset the removal of trees on-site.

The project applicant will provide the supervising planner with appropriate documentation to confirm that all on- and off-site replacement trees have been planted prior to issuance of occupancy permits.

Findings BIO-5.1: Changes or alterations, which have been incorporated into the project, will reduce the severity of the significant biological resource impact. Specifically, implementation of MM BIO-5.1, set forth below, which is hereby adopted and incorporated into the project, would reduce biological resource impacts to a less than significant level by ensuring trees removed from the project site are replaced in accordance with City General Plan Policy 5.3.1-P10.

Cultural Resources

Impact CUL-1.1: The proposed project would require the demolition of the church building on-site which would result in a substantial adverse change to a locally eligible historical resource pursuant to CEQA Guidelines Section 15064.5.

MM CUL-1.1: Prior to issuance of any grading, demolition, or building permits the project applicant shall prepare and submit, for review and approval by the Director of Community Development or the Director's designee, a Historic Resources Mitigation Action Plan (Action Plan) demonstrating that the following steps, actions, and documents have been completed for the historic structure in accordance with the Action Plan timeline. The Action Plan shall include roles and responsibilities between the project applicant, City staff, and outside individuals, groups, firms, and consultants.

Documentation (HABS): The structure and associated features on the project site shall be documented in accordance with the guidelines established for the Level III Historic American Building Survey (HABS) consistent with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall consist of the following components:

A. Drawings – Prepare sketch floor plans of the buildings and site plan.
B. Photographs – 35 mm digital photographs meeting the digital photography specifications.
C. Written Data – a historical report with the history of the property, property description and historical significance.

A qualified architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs, research and written data.

The documentation shall be submitted to the Director of Community Development or the Director's designee and the City's Historic Preservation Officer for review and approval. After approval, the required documentation shall be filed with the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System.

MM CUL-1.2: Documentation (Digital Scans): Prior to issuance of any grading, demolition, or building permits, the structure and associated features on the project site shall be documented by a qualified architectural historian through a series of digital scans and video production. The architectural historian shall meet the Secretary of the Interior's Professional Qualification Standards. A plan of the proposed procedures for the digital scans shall be submitted to the City's Director of Community Development or the Director's designee prior to commencement of preparing the digital scans for review and approval. The digital scans must be submitted to the City and filed with the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System prior to the issuance of occupancy permits.

MM CUL-1.3: Relocation by the Project applicant and/or a Third Party: Prior to issuance of any demolition permits, the project applicant, or an interested third party, shall be required to advertise the availability of the church for relocation for a period of no less than 60 days. The advertisements must include notification in a newspaper of general circulation, on a website, and notice placed on the project site. The project applicant shall provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the City's Director of Community Development or the Director's designee that this condition has been met prior to the issuance of demolition permits.

If the project applicant or third party agrees to relocate the structure, the following measures must be followed:

1. The Director of Community Development or Director's designee must determine that the receiver site is feasible for the building based on the existing setting.

2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study that establishes the baseline condition of the church prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Director of Community Development or the Director's designee prior to the structure being moved.

3. To protect the building during relocation, the project applicant shall engage a building mover who has experience moving similar historic structures. A

structural engineer shall also be engaged to determine how the building needs to be reinforced/stabilized before the move.

4. Once moved, the building shall be repaired and rehabilitated, as needed, by the project applicant or third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be retained in a manner that preserves the integrity of the building for the long-term preservation and reuse.

Upon completion of the repairs, a qualified architectural historian shall document and confirm that work to the structure was completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and character-defining features were preserved. The project applicant shall submit a memo report supplement to the Action Plan to the City's Director of Community Development or the Director's designee documenting the relocation, repair, and reuse prior to issuance of any occupancy permits for the proposed project.

MM CUL-1.4: Salvage: If the project applicant and/or a third party cannot agree to relocate the structure within the specified time, the structure shall be made available for salvage to companies facilitating the reuse of historic building materials prior to the issuance of any demolition permits. The time frame available for salvage shall be established by the City's Director of Community Development or the Director's designee in accordance with the Action Plan. The project applicant must provide evidence to the City's Director of Community Development or the Director's designee and Director of Community Development, or Director's designee, that this condition has been met prior to the issuance of any demolition permits.

Findings CUL-1.1: Changes or alterations, which have been incorporated into the project, will reduce the severity of the significant cultural resource impact. Specifically, implementation of MM CUL-1.1 through -1.4, set forth below, which are hereby adopted and incorporated into the project, would avoid and/or reduce significant impacts to the church building, however the impact would remain significant and unavoidable because of the demolition of the historic structure.

Impact CUL-2.1: Construction of the proposed project would result in excavation in an area which has moderate sensitivity for archeological resources, and could disturb unrecorded archaeological resources.

MM CUL-2.1: Prior to commencement of any ground-disturbing activity on-site, the project applicant shall retain a registered professional archaeologist to be present during all ground-disturbing activity associated with the project. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of the existing structure or site improvements within the development area shown on the project plans. A registered professional archaeologist shall be given five days'

written notice prior to the start of any ground-disturbing activity. The project applicant shall document receipt of notification in writing.

MM CUL-2.2: 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. The archaeologist, in consultation with the project applicant, shall make the necessary plans for treatment of the find(s) if the resource is eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). Construction within a radius determined by the archaeologist shall not recommence until the assessment is complete.

a. Any treatment other than preservation in place must be approved by the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in resource.

b. The culturally affiliated tribe(s) who consulted on the project, or if no consultation occurred the tribe identified by the Native American Heritage Commission (NAHC), shall determine the disposition of any tribal cultural resources (TCR) artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be subject to approval by the culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant.

c. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site.

d. The registered professional archaeologist shall file State of California Department of Parks and Recreation (DPR) Series 523 forms for the cultural easement/TCR reburial location (if used) with the California Historical Resources Information System (CHRIS) Center in accordance with the guidelines established by the California Office of Historic Preservation. The DPR Series 523 forms shall establish a permanent record of the cultural easement location and any TCRs discovered on the project site for future site

identification and protection. The registered professional archeologist shall also file a Sacred Lands File record with the NAHC on behalf of the culturally affiliated tribe.

Findings CUL-2.1: Changes or alterations, which have been incorporated into the project, will reduce the severity of the significant cultural resource impact. Specifically, implementation of MM CUL-2.1 and MM CUL-2.2, set forth below, which are hereby adopted and incorporated into the project, would avoid and/or reduce significant impacts to unknown buried archaeological resources to a less than significant level by completing a presence/absence exploration and/or monitoring excavation activities and identifying the procedures necessary to protect resources if found.

Impact CUL-3.1: The proposed project could result in the disturbance of human remains during excavation of the project site.

MM CUL-3.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American 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.

Findings CUL-3.1: Changes or alterations, which have been incorporated into the project, will reduce the severity of the significant cultural resource impact. Specifically, implementation of MM CUL-3.1, set forth below, which is hereby adopted and incorporated into the project, would avoid and/or reduce significant impacts to unknown buried human remains to a less than significant level by following procedures necessary to identify and protect resources if found.

Geology and Soils

Impact GEO-1.1: Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake or other geologic events.

MM GEO-1.1: Consistent with General Plan Policy 5.10.5-P6 and General Plan Policy 5.10.5-P7, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a geotechnical report to the City. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process. The building shall meet the requirements of applicable Building and Fire Codes, including the current California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including liquefaction and shrink swell

capacity of soils, and the project shall be designed to reduce the risk to life or property in compliance with the Building Code.

Findings GEO-1.1: Changes or alterations, which have been incorporated into the project, will reduce the severity of the significant geological hazards impact. Specifically, implementation of MM GEO-1.1, set forth below, which is hereby adopted and incorporated into the project, would reduce geologic hazards impacts to a less than significant level by ensuring that the proposed project complies with the Santa Clara Building Division review process and California Building Code.

VI. GROWTH INDUCING IMPACTS

An EIR is required to discuss growth inducing impacts, which consist of the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. (CEQA Guidelines Section 15126.2(d); Pub. Resources Code Section 21100(b)(5).)

Direct growth inducement would result, for example, if a project involves the construction of substantial new housing that would support an increased population in a community or establishes substantial new permanent employment opportunities. This additional population could, in turn, increase demands for public utilities, public services, roads, and other infrastructure. Indirect growth inducement would result if a project stimulates economic activity that results in physical development or removes an obstacle to growth and development (e.g., increasing infrastructure capacity that would enable new or additional development). CEQA Guidelines Section 15126.2(d) cautions that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

These findings are based on the discussion of growth inducing impacts in Section 4.0 of the Draft EIR, the discussion and analysis of which is hereby incorporated in full by this reference.

The project proposes to demolish the existing church and administrative building on-site and develop 22 residential units. As discussed in Section 3.19 Utilities and Service Systems of the Draft EIR, expansion of the existing utility infrastructure is not proposed or required because the existing utilities would have capacity for the new development which could occur under the proposed project. In addition, the site is an infill location within Santa Clara and would not require new public streets to be constructed to access the site (a new private street is proposed on-site to serve the development). For these reasons, the project would not foster or stimulate substantial economic growth or population growth, or the construction of additional housing in the surrounding environment which is not already planned.

VII. SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines Section 15126(c) requires that an EIR also address significant and irreversible environmental changes that may occur as a result of project implementation. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project and the irretrievable commitment of resources.

These findings are based on the discussion of significant and irreversible environmental changes in Section 5.0 of the Draft EIR, the discussion and analysis of which is hereby incorporated in full by this reference.

Use of Nonrenewable Resources; Commitment of Future Generations to Similar Use

The City of Santa Clara encourages the use of building materials that include recycled materials and makes information available on those building materials to developers. The new buildings would be built to current codes, including the Reach Code, which require insulation and design to minimize wasteful energy consumption. The proposed development project would be constructed in compliance with CALGreen requirements and the City's policies and ordinances controlling wasteful energy use. Moreover, as explained in Section 3.6 of the EIR, the project is consistent with the City's General Plan policies regarding energy use, which foster development that reduces the use, irretrievable commitment and consumption of nonrenewable resources in transportation, buildings and urban services (utilities).

VIII. ALTERNATIVES

CEQA requires that an EIR identify alternatives to a project as it is proposed. Section 15126.6 of the CEQA Guidelines specifies that the EIR should identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The EIR considered alternatives of design, scope, or location, which would substantially lessen the project's significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives" or are more expensive. While CEQA does not require that alternatives must be capable of meeting all of the project objectives, an alternative's ability to meet most of the objectives is considered relevant to its consideration.

The Project Objectives

The applicant's objectives for the project are as follows:

1. Provide a project that meets the strategies and goals of the City of Santa Clara General Plan. Specifically, providing a low-density development, such as single family detached residential housing units, on the approximately 2.5-acre underutilized infill site at a maximum density of 10 units per acre.
2. Provide three new single family detached affordable residential housing units in accordance with the City of Santa Clara's Affordable Housing Program.
3. Support the principles of "Smart Growth "by providing new housing at key transportation nodes.
4. Create a high quality, well-designed, low-density development that is compatible with the existing neighborhood and community of predominantly single-family houses and promotes the safety and well-being of its residents and the surrounding community.
5. Create a development resulting in a net reduction in impervious surface area and collect and treat all stormwater runoff on-site.

CEQA, the CEQA Guidelines, and applicable case law have determined that feasibility can be based on a wide range of factors and influences. Section 15126.6(f)(1) of the CEQA Guidelines advises that such factors can include, but are not limited to, the suitability of an alternate site, economic viability, availability of infrastructure, consistency with planning documents or regulatory limitations, jurisdictional boundaries or whether the project proposed can "reasonably acquire, control or otherwise have access to the alternative site."

The City Council, having reviewed and considered the information contained in the EIR, hereby finds that the alternatives described below are not feasible. The City finds that there are specific economic, legal, social, technological or other considerations, including consideration for the provision of employment opportunities for highly trained workers, and important matters of public policy that render these alternatives infeasible.

As explained above, "feasible" is defined in CEQA Guidelines Section 15364 to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." According to CEQA Guidelines Section 15091(a)(3), the City may reject an alternative to the project if the City finds that it would be infeasible to implement that alternative because of "[s]pecific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers." An agency also may reject an alternative that does not meet the public policy goals of the agency. In *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 947, the City of Rialto approved a project while rejecting as infeasible a reduced-density alternative that stripped out the portions of the project that would have created a synergistic mix of retail and restaurant tenants. Additionally, in *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039, the appellate court upheld the City of Sacramento's findings that additional preservation of open space would be infeasible because it would "at the very least [slow] 'the progress of necessary development such that the public's health and welfare is harmed through the lack of economic growth and productivity and a shortage of housing supply."[2]

These findings are based on the discussion of alternatives in Section 7.0 of the Draft EIR and Section 5.0 of the Final EIR, the discussion and analysis of which are hereby incorporated in full by this reference.

Alternatives Considered but Rejected

Location Alternative

One alternative proposed for the project was a alternative location. In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location”. The alternative location would need to be of similar size to the project site, with a low density General Plan designation and controlled by the project applicant. Sites of similar size that could be redeveloped are present in the City of Santa Clara, however, the project applicant does

[2] Similarly, courts have upheld an agency's infeasibility finding on a policy-based rationale in the following cases: *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 936, and *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1270.

not have control of alternative sites of similar size in the City. Sites with the General Plan designation for low density housing are sites which would be adjacent to existing residences. As such, air quality and noise construction-related impacts would be comparable to the proposed project. Furthermore, due to the known cultural sensitivity of the City, ground disturbance on any site would have the potential to uncover unrecorded subsurface resources. Lastly, impacts to nesting birds and loss of tress could occur on any site which has trees or where there are trees nearby.

Relocation of the proposed project would protect the existing church structure on the project site in the near-term and would prevent impacts to this historic resource.[3] Although this is the case, changing the location of the project could still result in the change in significance of a historic resource since many of the buildings throughout Santa Clara are over 50 years in age and another suitable location may also have a historic building on it.

For these reasons, most of the impacts associated with the proposed project would not be reduced through relocation of the proposed project. Additionally, the project applicant does not control other parcels within the City suitable for the project and an alternative location to the project was considered but rejected as infeasible.

Preservation Alternative

A preservation alternative which would relocate the on-site, locally historic, church structure was considered for the proposed project. Although the building was determined to be structurally stable for relocation, the size of the structure limited the locations that would be suitable for relocation. Furthermore, the church structure would be required to be preserved consistent with the Secretary of the Interior's Standards and adaptively reused at the location it is relocated. The location would also have to be comparable in setting to the existing project site. Based on a preliminary review of available sites in the City, there are very few underutilized or vacant sites in the City of Santa Clara because most of the City is built out, especially in residential neighborhoods on a major roadway such as Pruneridge Avenue. Therefore, it is unlikely that relocating the church building would be feasible and the preservation alternative was not considered further.

No Project - No Development Alternative

The CEQA Guidelines specifically require consideration of a "No Project" Alternative. The purpose of including a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. CEQA Guidelines Section 15126.6 specifically advises that the No Project Alternative is "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services," and emphasizes that an EIR should take a practical approach, and not "…create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment."

[3] Moving the proposed project to another location would not guarantee the retention the church structure in perpetuity.

The No Project – No Development Alternative would retain the existing church complex on-site as is. If the project site were to remain as is, there would be no significant impacts. This alternative would not meet any of the project objectives. In addition, the City would lose the opportunity to redevelop an underutilized site in a central location near services and transit to meet the City's Regional Housing Allocation Needs targets for the production of housing and the City's strategies and goals of the General Plan.

The project site has a zoning designation of Public, Quasi Public, or Recreation (B), which is intended to serve the needs of the general population. It is possible that in the future an alternative development proposal, such as an alternative public use or recreational buildings, may be presented for the project site. Any such project would be inconsistent with the General Plan land use designation. Construction of any new public use would have similar impacts related to construction. Any future development proposals for the site would require review and approval by the City of Santa Clara.

This alternative would not result in a residential development consistent with the project objectives and would be inconsistent with the General Plan designation. Any future development on-site would also have similar construction and operational impacts. Additionally, the redevelopment of the site with non-residential development would result in the City losing the opportunity for new housing to meet Regional Housing Allocation needs.

Reduced Development Alternative – Retain Historic Resources On-site

Impacts associated with the proposed development project would primarily result from construction of the project. While all construction-related impacts have been mitigated to less than significant, a reduced density alternative would lessen and/or avoid one of more of the construction related impacts and would avoid the demolition of the church structure.

The Reduced Development Alternative would reduce the number of residential units proposed on-site to allow for the church building to be retained in its existing location. This proposal would provide a maximum of 14 dwelling units to allow for proper circulation and access to unit driveways. The retained church would be available for adaptive reuse and would need to be retrofitted on the interior and structurally to ensure it is seismically safe for occupation. Any modifications to the building would need to meet the Secretary of the Interior's Standards for rehabilitation of a historic building and the building would need to be maintained for the life of the project.

This alternative would reduce the project impacts associated with historic resources to a less than significant level because it would not require demolition of the church. The impacts associated with biology, geology and soils, and subsurface cultural resources would remain the same because these are all associated with the project site location.

Reduction of the number of units on-site would reduce the amount of housing provided by the proposed project. However, this would still meet the project objective to provide low density development with a maximum density of 10 units per acre. These units would still include affordable residential housing in conformance with the City of Santa Clara's Affordable housing program. The proposed project would still be able to reduce impervious surfaces on-site and would provide "Smart

Growth" consistent with the character of the surrounding community. Based on this information the Reduced Development Alternative would meet all project objectives and would reduce the impact on historical resources.

Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative to the proposed project is the No Project - No Development Alternative because all of the project's significant environmental impacts would be avoided. However, Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." In addition to the No Project -No Development Alternative, the Reduced Development – Retain Historic Resources On-site Alternative would avoid or result in lesser impacts than the proposed project.

IX STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires decision makers to balance, as applicable, the economic, legal, social, technological and/or other benefits of a project against its significant and unavoidable environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological and/or other benefits of the project outweigh the significant and unavoidable impacts, those impacts may be considered "acceptable" (CEQA Guidelines Section 15093(a)). When significant impacts are not avoided or lessened, CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)).

The City finds that all feasible mitigation measures identified in the Final EIR within the purview of the City will be implemented with the project, and that the remaining significant and unavoidable impacts are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological and/or other benefits based upon the facts set forth in the above Findings, the Final EIR and the administrative record, as follows, each of which outweighs the project's remaining significant and unavoidable impacts:

- The project will promote the orderly and beneficial development of an underutilized property and visually improve the Project Site and surrounding neighborhood with physical and financial investment in the construction of a modern and visually aesthetic residential development with on-site parking, site improvements, landscaping, and streetscape
- The project will provide residential development consistent with the General Plan designation for the Project Site and create high quality, for-sale homeownership opportunities with minimal impact on surround in proximity to transit corridors and commercial services.
- The project with contribute to the City's housing stock with minimal impact to the surrounding neighborhood and provide a suitable affordable housing component that addresses the City's lower income housing needs.