FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE PATRICK HENRY DRIVE SPECIFIC PLAN PROJECT

City of Santa Clara Project No. PLN2019-14257

(EIR, Specific Plan, General Plan Amendment, and Zoning Amendment)

SCH # 2019120515

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

FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2019120515) FOR THE PATRICK HENRY DRIVE SPECIFIC PLAN PROJECT (CITY PROJECT NUMBER PLN2019-14257)

I. INTRODUCTION

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

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

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

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

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

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or project alternatives identified in the final EIR.

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

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

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

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

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

CEQA Guidelines section 15093 further provides as follows:

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

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

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to section 15091.

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

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

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

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." CEQA Guidelines §§ 15093, 15043(b); see also Pub. Resources Code § 21081(b). The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a

balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." *Goleta II*, *supra*, 52 Cal.3d at p. 576. The EIR (as defined below) for the Project (as defined below) concluded the Project would create significant and unavoidable impacts; thus, a Statement of Overriding Considerations is required.

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

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

Having received, reviewed, and considered the Draft Environmental Impact Report ("Draft EIR") and the Final Environmental Impact Report ("Final EIR" and, together with the Draft EIR, the "EIR") for the Patrick Henry Drive Specific Plan (the "Project"), State Clearinghouse ("SCH") No. 2019120515, as well as other information in the record of proceedings on this matter, the City of Santa Clara City Council, in its capacity as the decision-making body of the CEQA Lead Agency hereby finds, determines, and declares the following Findings and Facts, in accordance with Section 21081 of the Public Resources Code.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the County for the development of the Project. These actions include the approval of the following for the Patrick Henry Drive Specific Plan Project:

- Environmental Impact report (SCH No. 2019120515)
- Patrick Henry Drive Specific Plan
- General Plan Amendment
- Zoning Amendment

A. Document Format

These Findings have been organized into the following sections:

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

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

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

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

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

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

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

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

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

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

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

B. Custodian and Location of Records

The Patrick Henry Drive Specific Plan Environmental Impact Report consists of:

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

2. Final Environmental Impact Report (Final EIR) dated December, 2021.

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

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

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

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

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

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

II. PROJECT SUMMARY

A. Project Location

The Patrick Henry Drive Specific Plan covers approximately 73.59 acres and currently contains predominantly commercial uses such as research and development (R&D) and light industrial (electronics and computer software development). Other commercial uses include offices (professional services, architects, legal, and personnel/employment support) and a restaurant. In addition, there is a church in the southern part of the Plan Area.

The Patrick Henry Drive Specific Plan Area, much like the surrounding neighborhood, is characterized by several "superblocks" with ample surface parking, significant setbacks, and significant separation between buildings. The Plan Area is relatively flat and developed with buildings ranging in height from one and two stories, in the south and west, to four- and five-story buildings, in the east. The building stock was developed primarily in the 1970s and 1980s. The Plan Area is generally underutilized, and some buildings are vacant. There are no residential land uses, public parks, or historic structures located on-site. Private automobiles predominate the suburban streetscape environment that is defined by limited pedestrian and bicycle accessibility. Visible infrastructure on-site includes local streets and utilities, such as streetlights, as well as the Hetch Hetchy right-of-way that runs along the Plan Area's northern border. Due to the large-lot industrial development pattern and limited number of roadways within the Plan Area, linkages and connectivity across the Plan Area are limited.

The proposed Patrick Henry Drive Specific Plan, which has been under development since 2018, enables the redevelopment of an approximately 76 acre industrial area (62 acres net) bounded by Mission College to the south, Great America Parkway to the East, the Hetch-Hetchy right-of-way to the north, and Calabasas Creek to the west. With its close proximity to the Tasman light rail line, the proposed Patrick Henry Drive Specific Plan includes a land use framework to develop the area into a transit-oriented neighborhood with up to 12,000 residential units and up to 310,000 square feet of non-residential uses. A second scenario would be the same as the first but would substitute office for high-density residential along the east edge of the Plan Area, amounting to an approximate total of 10,300 net new residential units, 785,000 net new square feet of office, and 310,000 net new square feet of other nonresidential uses.

The Patrick Henry Drive Area is identified as a Future Focus Area in Phase III of the City's General Plan (2023-2030), and the PDHSP provides an opportunity for the City to reach housing goals identified in the City's share of the state-required Regional Housing Needs Allocation ("RHNA") and for meeting demand for housing that has resulted from job and retail growth in the City and region. The Specific Plan is a prerequisite to development of the Patrick Henry Drive Focus Area with residential uses. The Plan Area is currently classified Light Industrial in the Santa Clara General Plan and is designated in Phase III (2023-2030) of the General Plan for High Density Residential land use, which allows 37-50 du/ac. Parcels in the Plan Area are currently zoned Light Industrial (ML). On April 9, 2019, the City Council of the City of Santa Clara directed City staff to proceed with the preparation of a Specific Plan in advance of the Phase III time horizon due to significant developer interest in the area.

B. Project Description

With its close proximity to the Tasman light rail line, the proposed Patrick Henry Drive Specific Plan includes a land use framework to develop the area into a transit-oriented neighborhood with up to 12,000 residential units and up to 310,000 square feet of non-residential uses. A second scenario would be the same as the first but would substitute

office for high-density residential along the east edge of the Plan Area, amounting to an approximate total of 10,300 net new residential units, 785,000 net new square feet of office, and 310,000 net new square feet of other nonresidential uses.

The Plan area consists of an approximately 76-acre industrial area (62 acres net) bounded by Mission College to the south, Great America Parkway to the East, the Hetch-Hetchy right-of-way to the north, and Calabasas Creek to the west.

As the Plan area is located in the northern part of Santa Clara, it is generally proximate to a large number of employment uses, as well as the Santa Clara Youth Soccer Park, Levi's© Stadium, the City's convention center, the Great America theme park, and other potential major development projects along in northern Santa Clara, including Kylli immediately to the North, the Freedom Circle Focus Area/Greystar project across Great America Parkway, and the Related Santa Clara project and the Tasman East Specific Plan Area to the East on Tasman Drive.

C. Discretionary Actions

Implementation of the Project within the City will require several actions by the City, including:

- **Environmental Assessment:** To certify an FEIR that analyzes the environmental effects of the proposed Project.

- **General Plan Amendment:** To amend the Santa Clara General Plan, adopted by the City Council on November 16, 2010, to create the following land use designations:
  - Very High Density (51-100 du/ac)
  - Village Residential (60-150 du/ac)
  - Urban Village Residential (100-150 du/ac)
  - Urban Center Residential (120-250 du/ac); and
  - High Density Flex designation (60-150 du/ac or up to a 2.0 floor area ratio of commercial development).

  The General Plan Amendment includes the amendment of the Land Use Diagram and text amendment (as well as amendments to the City's Climate Action Plan).

- **Specific Plan:** To adopt the Patrick Henry Drive Specific Plan, in order to regulate development through its development standards and regulations in conjunction with Title 18 of the Santa Clara City Code.

- **Zoning Amendment:** To amend the Santa Clara City Code of Chapter 18.27 of the Zoning Code, Regulations for PHD, the Patrick Henry Drive Zoning Districts, including development standards, allowed uses and parking requirements for the following zoning districts: R5 – Very High Density Residential, VR – Village Residential, UV – Urban Village, UC – Urban Center, and HD Flex – High Density Flex; Approval of these zoning amendments, together with adoption of the Specific Plan, would establish the land use regulations and development standards applicable to the Plan Area.

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

- Santa Clara Valley Transportation Authority (VTA)
- Santa Clara Water & Sewer Utilities Department
- Silicon Valley Power (SVP)
- County of Santa Clara Department of Environmental Health
- Santa Clara County Airport Land Use Commission (ALUC)
- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- Bay Area Air Quality Management District (BAAQMD)
- Department of Toxic Substances Control (DTSC)
- California Department of Transportation (Caltrans)
- California Department of Fish and Wildlife (CDFW)
- United States Fish and Wildlife Service (USFWS)

D. Statement of Project Objectives

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

- Ensure an economically vibrant, safe, healthy, and sustainable neighborhood that supports a range of users, including residents, business owners, and visitors.
- Bring clarity and consistency to the regulation of individual development proposals within the [Patrick Henry Drive] PHD Specific Plan Area boundaries.
- Foster strong connectivity, access, and circulation for a mix of travel modes, including walking, cycling, driving, and transit.
- Plan parkland and open space standards consistent with City Code 17.35 to support a high quality of life within an urban environment.
- Provide community amenities and public facilities to support a "complete" neighborhood.
- Adopt infrastructure and funding plans to ensure infrastructure will adequately support planned densities and intensities.

- Support the City's affordable housing goals by requiring 15 percent of all developed residential units to be affordable to households at or below 80 percent of the Average Median Income (AMI).

- Engage the entire community in a robust, creative, and ongoing participation process.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Final EIR, dated January 2022, includes the Draft EIR dated July 2021, written comments on the Draft EIR that were received during the public review period, written responses to these comments, clarifications/changes to the Draft EIR, and the MMRP. In conformance with CEQA, the City conducted an extensive environmental review of the Project, as described below:

- The City issued a Notice of Preparation of a Draft Environmental Impact Report ("NOP") on December 19, 2019, to federal, state, regional, and local government agencies and interested parties to solicit comments and to inform agencies and the public of the Project during a 30-day public review period that extended from December 19, 2019 to January 21, 2020.

- The Project, as it was envisioned in 2019, was described in the NOP; potential environmental effects associated with Project approval and implementation were identified; and agencies and the public were invited to review and comment on the Initial Study, NOP, and NOP mailing list.

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

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

- A Draft EIR was prepared and circulated for a 45-day public review period, beginning on July 30, 2021, and ending on September 13, 2021. The Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding jurisdictions, interested parties, and other parties who requested a copy of the EIR in accordance with California Public Resources Code Section 20192.

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

IV. FINDINGS REGARDING PROJECT ENVIRONMENTAL EFFECTS

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

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

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

A. Aesthetics

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

The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. Existing, limited vistas within the Plan Area include views of distant hills, but due to the generally flat, urbanized nature of Santa Clara, these vistas are often blocked by buildings, trees, power poles, and walls. Public views of these features occasionally emerge along view corridors created by long, straight roads along the perimeter of the Plan Area (e.g., Great America Parkway) or selectively between buildings and other structures.

The Specific Plan would not result in significant impacts on the existing visual character and quality of the Plan Area and its surroundings, and the Specific Plan would not conflict with applicable zoning or other regulations governing scenic quality. The Specific Plan proposes new zoning and regulations governing scenic quality and, if approved, the development anticipated by the Specific Plan would be consistent with these new provisions. The Patrick Henry Drive Specific Plan would serve to achieve a coordinated, connected environment within the Plan Area while increasing land use intensity through frameworks and unified, context-sensitive design standards and guidelines, which would result in the efficient use of existing resources and infrastructure. Plan components are purposely designed to achieve and maintain a cohesive, compatible visual identity and sense of place in the Plan Area, as well as provide smooth transitions with adjacent neighborhoods and areas.

The Specific Plan would not significantly increase daytime or nighttime light or glare in a way that would adversely affect daytime or nighttime views in the area. .Specific Plan lighting characteristics are not expected to represent a source of substantial new light or glare which would adversely affect views and vision. The area is already developed with urban uses that are sources of daytime and nighttime light and glare and does not contain uses sensitive to light or glare.

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

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

Buildout of the Plan Area would not substantially block views of scenic vistas or resources beyond existing conditions. Due to the distance between cumulative projects, and the intervening development, vegetation, and flat topography of the area, there is not

anticipated to be a cumulative impact to visual character. Projects in the City and adjoining jurisdictions are subject to architectural review, design guidelines and development standards, and municipal codes, including standards to prevent light and glare impacts. Thus, the Project would *not* cumulatively contribute to a significant visual impact.

B. Air Quality

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

Consistency with the 2017 Clean Air Plan. The Project would not conflict with or obstruct implementation of the applicable air quality plan. Implementation of the proposed Patrick Henry Drive Specific Plan would be consistent with and not hinder the implementation of any applicable 2017 Clean Air Plan Control Measures. In addition, the proposed Specific Plan's growth in service population would be greater than the increase in trip generation within the Planning Area, and the Specific Plan would not promote disparities in health risks. Based on the preceding analysis, the proposed Patrick Henry Drive Specific Plan would be consistent with the 2017 Clean Air Plan.

Criteria Pollutants. As described under Impact 5-2, the proposed Specific Plan would generate cumulatively considerable operational criteria air pollutant emissions for which the region is designated nonattainment; however, these operational criteria air pollutant emissions would not expose receptors to substantial operational pollutant concentrations. Aside from mobile source emissions, which are anticipated to become cleaner over time due to actions taken at the state and federal level, the next largest sources of criteria air pollutant emissions are anticipated to come from the use of consumer products and landscaping equipment. Neither of these sources would be used at the frequency nor magnitude required to result in criteria air pollutant emissions that would be harmful to one's health. Therefore, implementation of the proposed Specific Plan would not exacerbate or contribute to significant health risks at or in proximity of the Plan Area, nor would it increase the number of state or national ambient air quality standard exceedances (as shown in Table 5-3).

Odors. According to the BAAQMD's CEQA Air Quality Guidelines land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). Implementation of the proposed Patrick Henry Drive Specific Plan would result in new residential, retail, commercial, office, and other community serving land uses. It would not permit the land uses identified in the BAAQMD's CEQA Air Quality Guidelines identified as generating odor. No impact would occur.

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

(a) Potential Impact:

Impact 5-2: Result in a Cumulatively Considerable Net Increase in Criteria Pollutants for which the Region is Non-Attainment. Implementation of the Patrick Henry Drive Specific Plan could result in growth in the Plan Area that exceeds the level of growth accounted for in the City's General Plan and, therefore, could generate a cumulatively considerable net increase in criteria air pollutants for which the region is in non-attainment. This represents a potentially significant impact.

Construction activities related to the Project could result in an exceedance of applicable thresholds for criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) due to dust generation and emissions of the criteria pollutants such as Reactive Organic Gases (ROG), nitrogen oxides (NOx), and particulate matter (PM).

Finding: Mitigation measures would reduce impacts due to cumulatively considerable net increases of criteria pollutants for which the region is non-attainment to less than significant levels. The City hereby determines this impact to be *less than significant.*

Facts in Support of Finding

The Bay Area is non-attainment for ground level ozone and particulate matter of 2.5 microns or less ($PM_{2.5}$) under both the federal Clean Air Act and the California Clean Air Act. The area is also non-attainment for particulate matter of 10 microns or less (PM_{10}) under the California Clean Air Act. ROG and NOx are precursor pollutants to ozone. Implementation of the Project would result in temporary emissions from construction activities associated with development, including demolition, site grading, asphalt paving, building construction, construction equipment, and architectural coating. These activities would create emissions of NOx, ROG, and PM. Architectural coatings and application of asphalt pavement would release ROG. The combination of temporary dust from activities and diesel exhaust from construction equipment and related traffic may lead to an exceedance of BAAQMD's project-level thresholds for $PM_{2.5}$ and/or PM_{10}. In addition, NOx and ROG emissions may exceed the BAAQMD NOx thresholds. Mitigation Measure 5-2A would reduce this impact to less than significant by requiring BMPs for during construction to reduce dust, emissions from idling, and construction emissions, and by requiring criteria pollutant quantification for individual development projects once details of those projects are available to ensure criteria pollutant emissions do not exceed BAAQMD's thresholds. This impact would thus be less than significant with implementation of **MM 5-2A, MM 5-2B, and MM5-2C**.

<u>Mitigation Measures</u>

The following mitigation measures shall be implemented on a project-by-project basis to control dust and reduce construction TAC and criteria pollutant emissions during construction:

Mitigation Measure 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.

Mitigation Measure 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).

Mitigation Measure 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.

3. Project impacts determined to be significant and unavoidable

(a) Impact 5-3: Generate Toxic Air Contaminant Emissions that Expose Sensitive Receptors to Substantial Pollutant Concentrations During Construction. Implementation of the Patrick Henry Drive Specific Plan would result in construction activities over the next approximately 20 years that generate toxic air contaminant emissions and could expose sensitive receptors to substantial pollutant concentrations. These activities represent a ***potentially significant impact***.

Finding: There are no feasible and reasonable mitigation measures which would reduce this impact to a less than significant level. The City hereby determines that this impact would be *significant and unavoidable*.

Facts in Support of Finding

Mitigation Measure 5-2B would require the preparation of a project-specific air quality assessment to evaluate potential TAC construction emissions associated with the development project. Although future development projects would be required to implement Mitigation Measure 5-2B, it cannot be definitively known or stated at this time that all development projects occurring under implementation of the Specific Plan would be able to reduce potential TAC emissions to levels that are below BAAQMD thresholds. For example, should a development project involving new residential receptors be undertaken on the eastern side of Plan Area early on in the Specific Plan's implementation, future development projects upwind of that site (i.e., to the west / northwest; see Figure 5-1) would generate emissions that could adversely affect the new receptors and exceed applicable BAAQMD thresholds of significance. Therefore, despite the implementation of Mitigation Measure 5-2B, TAC construction emissions associated with the proposed Patrick Henry Drive Specific Plan could result in significant adverse health risks at receptor locations. This impact would be significant and unavoidable.

Mitigation Measures

Refer to **MM 5-2B** above.

C. Biological Resources

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

(a) Impact 6-1: Impacts on Riparian Habitat, Sensitive Natural Communities, Wetlands, Fish and Wildlife Corridors, and Fish and Wildlife Nursery Sites. The Patrick Henry Drive Specific Plan Area is outside the nearest known HCP, approximately one mile west of the of the Santa Clara Valley Habitat Plan permit area. Two Natural Communities of Special Concern, as identified by CDFW, occur within the vicinity of the Plan Area: northern coastal salt marsh and sycamore alluvial woodland. However, these sensitive natural communities do not occur in or adjacent to the Plan Area.

The California Natural Diversity Database (CNDDB) and U.S. Fish and Wildlife Service Information for Planning and Conservation (IPaC) databases did not identify any habitat types that could occur in the Plan Area that would be able to support special-status species.

Implementation of the Patrick Henry Drive Specific Plan would have a less-than-significant impact on riparian habitat, sensitive natural communities, wetlands, fish and wildlife corridors, and fish and wildlife nursery sites with mitigation incorporated.

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

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

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

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

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

Facts in Support of Finding

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

Mitigation Measures

Mitigation 6-2. 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. Implementation of this measure would reduce the impact to a less-than-significant level.

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

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

Facts in Support of Finding

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

Mitigation Measures

Mitigation 6-3. Before any project work within the 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.

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

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

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

The mitigation measure below would reduce this potentially significant impact to on Nesting Birds or Roosting Bats to a less-than-significant level.

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

Facts in Support of Finding

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

There is a low potential for burrowing owl (Athene cunicularia; California species of special concern), white-tailed kite (Elanus leucurus; California Fully-Protected Species), pallid bat (Antrozous pallidus), and Townsend's big-eared bat (Corynorhinus townsendii; California species of special concern) to utilize the landscaped habitat within the Specific Plan Area for roosting and/or nesting, especially if the area is left undisturbed for a long period of time. In addition, many common bird species without a special status, though protected by the MBTA, MBPA, and California Fish and Game Code (CFGC), may utilize buildings, gravel substrates, and the landscaped vegetation within the Plan Area for nesting, foraging, and roosting. Common bat species protected by the CFGC may also rarely utilize vegetation within the Specific Plan Area for individual roosting. Without a proactive

mitigation procedure in place, Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, or roosting bats, which would be considered unlawful take under the MBTA and the CFGC (see Regulatory Setting above).

Mitigation Measures

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

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

To avoid impacts to roosting bats that may rarely utilize the 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.

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

3. Project impacts determined to be significant and unavoidable

(a) None.

4. Cumulative impacts

(a) None.

D. Cultural Resources

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

None.

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

(a) Potential Impact: Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains, and Tribal Cultural Resources. Development facilitated by the Patrick Henry Drive Specific Plan could disturb unrecorded sensitive archaeological resources or tribal cultural resources in the Plan Area. This possibility represents a ***potentially significant impact***.

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

Facts in Support of Finding

The City of Santa Clara notified the Native American tribes traditionally and culturally affiliated with the Patrick Henry Drive Specific Plan Area, including providing a copy of the EIR Notice of Preparation (NOP). The Native American tribes notified include the Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, Ohlone Indian Tribe, North Valley Yokuts Tribe, and Indian Canyon Mutsun Band of Costanoan. No comments were received by the City during the NOP 30-day review period (December 2019 to January 2020), nor have any subsequent comments been received.

Though almost all of the Specific Plan Area is developed, with some areas of manicured vegetation, there is a possibility that as-yet unrecorded prehistoric cultural resources or tribal cultural resources could exist beneath the surface of the Plan Area. Contact with such resources during construction activities could result in a significant impact. The mitigation below would reduce the impact to a less-than-significant level.

Mitigation Measures

Mitigation 7-2. 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 of mitigating impacts on an archaeological site. Preservation may be accomplished by:

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

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

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

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

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

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

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

3. Project impacts determined to be significant and unavoidable

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

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

Facts in Support of Finding

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

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

flexibility in justifying that a resource is significant, even if that resource is less than 50 years old."[1]

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

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

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

In some cases, it can be challenging to accommodate the needs of new uses while fully adhering to the *Standards for Rehabilitation* and, in many situations, it can be infeasible. In addition, changes to the eligibility, identification, and condition of historic resources and their surroundings between now and the time that individual development proposals are received for specific properties could affect potential impacts on historic resources. As a result, it cannot be determined at this time, without consideration of a current, specific development proposal, whether it would be feasible to mitigate to a less-than-significant level the impacts of any given subsequent development project under the Patrick Henry Drive Specific Plan involving properties that may contain historic resources. (As noted above under the Setting section, 7.1, no building or structure in the Plan Area is on a local or State historic resource inventory.) Although the following mitigation measures are intended to mitigate impacts on historic resources from implementation of the Specific Plan to the extent feasible, the impacts on historic resources may still remain significant and unavoidable. This conservative approach is consistent with CEQA.

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

[2]Historic Aerials, 2020.

Mitigation Measures

Mitigation 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.[3] Implementation of measure (b) would reduce the impact to a ***less-than-significant level.***

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

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.

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

4. Cumulative impacts

None.

E. Geology and Soils

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

(a) Impact 8-1: Effects of Strong Seismic Ground Shaking. The Specific Plan Area could experience strong seismic ground shaking and related effects in the event of an earthquake on the regional fault system. The Specific Plan would not exacerbate the existing risk of strong seismic ground shaking. Mandated project compliance

with the stringent seismic design provisions of the latest California Building Standards Code (CBSC), as adopted by the City, would reduce the risk of property loss or hazards to occupants and adjacent property to a ***less-than-significant level***.

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

(b) **Impact 8-2: Potential Soil Erosion and Loss of Topsoil.** Grading and construction activities may result in minor erosion or the minor loss of some topsoil. City-required standard grading- and construction-period erosion control techniques (e.g., for reducing surface water runoff over exposed soil, which could include a combination of techniques such as minimizing active construction areas during the rainy season, preservation of existing vegetation, soil stabilization methods—soil binders, straw mulch, etc.—as well as project landscaping after construction), consistent with Best Management Practices (BMPs) in the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook, would mitigate this potential impact to a ***less-than-significant level***.

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

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

(a) **Impact 8-3: Potential Ground Instability Impacts.** The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of differential settlement, liquefaction, lateral spreading, and subsidence potential in the Specific Plan Area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings, other improvements, and adjacent property, with direct or indirect risks to life or property, representing a ***potentially significant impact***.

Facts in support of the finding:

Although an earthquake would affect an area larger than the Plan Area, any potential for earthquake-induced differential settlement, liquefaction, lateral spreading, and subsidence, and associated damage to proposed buildings or other improvements would be localized (i.e., generally restricted to the area where the building foundation or other improvement has been constructed) and can be mitigated to a less-than-significant level through implementation of City-required geotechnical investigations and associated engineering design standards, specifications, and measures. Geotechnical mitigation requirements identified here include completion of detailed studies to address specific concerns as future site-specific project designs are refined. There is substantial, reasonable, historical information to support the conclusion that the specific subsequent

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

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

Mitigation Measures applicable:

Mitigation 8-3. 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. Incorporation of this mitigation requirement would reduce this impact to a ***less-than-significant level*.**

(b) Impact 8-4: Potential for Disturbance of Paleontological Resources. Development facilitated by the Patrick Henry Drive Specific Plan could disturb unrecorded paleontological resources in the Plan Area. This possibility represents a ***potentially significant impact***.

Facts in Support of Finding

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

Mitigation Measures Applicable

Mitigation 8-4. 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.

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

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

None

F. Greenhouse Gas Emissions and Energy

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

(a) Impact 9-1: GHG Emissions and Plan Consistency.

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

(b) Impact 9-2. Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources.

Implementation of the proposed Specific Plan would increase the demand for electricity and natural gas within the Plan Area and gasoline consumption in the region during construction and operation of new land use developments.

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

Fuel use by construction equipment would be the primary energy resource consumed during development activities, and VMT associated with the transportation of construction materials (e.g., deliveries) and worker trips would also result in petroleum consumption. Whereas on-site, heavy-duty construction equipment and delivery trucks would predominantly use diesel fuel, construction workers would generally rely on gasoline-powered vehicles to travel to and from construction sites. State regulations such as the LCFS would reduce the carbon intensity of transportation-related fuels, and all construction projects would be required to comply with CARB's Airborne Toxic Control Measures, which restrict heavy-duty diesel vehicle idling to five minutes. Since petroleum use during construction would be temporary at each location and required to conduct development activities, it would not be unnecessary, wasteful, or inefficient, and no mitigation is required.

(c) Impact 9-3. Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency. The Project would not conflict with nor obstruct a state or local plan adopted for the purposes of increasing renewable energy or energy efficiency.

The Title 24 Building Code contains energy efficiency standards for residential and non-residential buildings. These standards address electricity and natural gas efficiency in lighting, water, heating, and air conditioning, as well as the effects of the building envelope (e.g., windows, doors, walls and rooves, etc.) on energy consumption. The latest update to these standards, codified in the 2019 Title 24 Building Code, requires the installation of solar panels on new residential development under three stories. The City would enforce the applicable Title 24 Building Code (currently 2019) during design review and project approval processes. In addition, as discussed above under "GHG Emissions and Plan Consistency" the proposed Specific Plan contains numerous standards and guidelines that address sustainability for future projects in the Plan Area. The Specific Plan would also support the City's post-2020 Climate Action Plan measures, which support energy efficiency in the City.

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

Mitigation 9-3. No significant impact has been identified; no mitigation is required.

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

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

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

G. Hazards and Hazardous Materials

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

(a) Impact 10-1: Project-Related Potential Impacts Due to Hazardous Materials Transport, Use, Storage, and Disposal. The proposed land uses permitted under the Specific Plan are not expected to involve the routine transport, use, storage, or disposal of hazardous materials to the extent that a significant public or environmental hazard would occur. Operations in the Plan Area may involve the occasional transport, use, storage, or disposal of common hazardous substances such as fuel, paint, and solvents. These normal activities would be subject to applicable local, State, and federal regulations. Construction of future project proposals under the Specific Plan would likely involve the intermittent transport, use, and disposal of potentially hazardous materials, including fuels and lubricants, paints, solvents, and other materials commonly used in construction and maintenance. During construction activities, any on-site hazardous materials that may be used, stored, or transported would also be subject to applicable local, State, and federal regulations that require standard protocols (as determined by the U.S. EPA, California Department of Health and Safety, Santa Clara County, and the City) for maintaining health and safety.

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

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

(b) Impact 10-2: Potential Exposure to Existing Hazardous Materials Contamination. There is always a possibility that new construction could encounter contamination and expose construction workers to existing spilled,

leaked, or otherwise discharged hazardous materials or wastes. Each project applicant in the Plan Area would be required to comply with all applicable, existing City-, County-, regional-, and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination. Compliance with these established requirements would prevent exacerbation of existing contamination or accidental release, and ensure that this possible health and safety impact would be *less-than-significant.*

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

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

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

Step 2. Based on the proposed activities associated with the proposed project, determine the need for further investigation and/or remediation of the soil conditions on the contaminated site. For example, if the site is slated for commercial land use, such as retail, the majority of the site will be paved and there will be little or no contact with contaminated soil. Industrial cleanup levels would likely be applicable. If the slated development activity could involve human contact with soils, such as may be the case with residential use, then Step 3 should be completed. If no human contact is anticipated, then no further mitigation is necessary.

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

remediation of contaminated soil is infeasible, a deed restriction would be necessary to limit site use and eliminate unacceptable risks to health or the environment.

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

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

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

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

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

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

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

(c) Impact 10-3: Project-Related Potential Asbestos and PCB Exposure. Removal or disturbance of asbestos-containing material (ACM) and/or transformers during alteration, renovation, or demolition of existing structures within the Plan Area could expose construction workers and the general public to friable asbestos and/or polychlorinated biphenyls (PCBs). Therefore, in compliance with General Plan Policy 5.10.5-P26 ("Survey pre-1980 buildings and abate any lead-based paint and asbestos prior to structural renovation and demolition, in compliance with all applicable regulations") and as a condition of alteration, renovation, or demolition permit approval for buildings within the Plan Area, the City requires the project applicant to coordinate with the Bay Area Air Quality Management District (BAAQMD) as appropriate to determine if ACM and/or PCBs are present, in conformance with BAAQMD established protocols and consistent with the explanation below.

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

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

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

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

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

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

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

(d) Impact 10-4: Project-Related Potential Lead-Based Paint Exposure. If lead-based paint is present and has delaminated (split into thin layers) or chipped from surfaces, airborne lead particles could be released during alteration, renovation, or demolition of existing structures within the Plan Area. California OSHA (CalOSHA) regulations would be applied, and each site-specific project would implement the following standard, mandatory procedures in accordance with those CalOSHA regulations:

- Notify the City's Building and Fire Safety Division prior to starting work, describing the nature, location, and schedule of the work;
- Post a sign at all work locations where lead containment is required, stating that lead-based paint abatement is in progress and public access is prohibited;
- Notify the tenant(s) where the lead-based paint abatement work will be performed on a residential property occupied by one or more tenants; and

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

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

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

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

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

(e) **Impact 10-5: Potential for Hazardous Materials Near Schools.** See the impact discussions above. Existing schools are located within one-quarter mile of the Plan Area; however, the land uses permitted under the Specific Plan are not expected to involve the routine transport, use, storage, or disposal of hazardous materials to that extent that a significant public or environmental hazard would occur. In addition, as discussed in Impact 10-1 above, although future construction under the Specific Plan would likely involve the intermittent transport, use, storage, and disposal of potentially hazardous materials, including fuels and lubricants, paints, solvents, and other materials commonly used in construction and maintenance, these projects would be required to comply with applicable local, State, and federal regulations. Also, the regulatory requirements described above (section 10.2) would be implemented as applicable. Specific to schools, State regulations on the siting of hazardous materials facilities limit their location in proximity to schools; conversely, CEQA (section 21151.8, School Site Acquisition or Construction) and other State regulations impose restrictions on where new schools can be constructed. The impact of hazardous materials on schools would be ***less-than-significant***.

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

(f) **Impact 10-6: Protocols for Government Code Section 65962.5 Sites.** A review of the Cortese List data resources conducted on March 5, 2020 indicated no sites in

the Plan Area in any of the Cortese List data resources (see section 10.1.1, Hazardous Materials, above). The California Department of Toxic Substances Control (DTSC) maintains the EnviroStor database, which lists and includes data on hazardous materials sites compiled pursuant to Government Code section 65962.5 (Cortese List); such sites are regulated by DTSC because hazardous materials investigations and/or cleanup actions are planned, active, or have been completed at these sites (see Table 10-1 under "Setting," above). The site-specific mitigation protocols administered by DTSC and other jurisdictional agencies (including the Santa Clara Fire Department) – in conformance with federal, State, regional, and local regulations (see "Regulatory Setting," above) – are intended to ensure that the cleanup of such sites would result in ***less-than-significant impacts***.

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

Impact 10-7: Consistency with the San Jose Airport Comprehensive Land Use Plan. Approximately 12 acres of the eastern third of the Plan Area (northeast of Old Ironsides Drive and Patrick Henry Drive) are in the San Jose International Airport Influence Area (AIA). The rest of the Plan Area, south of Patrick Henry Drive and west of Old Ironsides Drive, is not located within the AIA.

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

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (commonly referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of proposed structures and minimizing other potential hazards to aircraft such as reflective surfaces, flashing lights, and electronic interference. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

CLUP Policy H-1 states that any structure, existing or proposed, that penetrates (i.e., is above the maximum structure height) the FAR Part 77 imaginary surfaces would be considered an incompatible use, barring a determination from the FAA that the proposed structure or object does not present a hazard to air navigation. Based on preliminary review of the Plan Area by the City of San Jose Airport Department, the FAR Part 77 airspace surface notification requirement would apply to structures whose proposed height would exceed from 150 feet to 170 feet above ground

(assuming a ground elevation of roughly 20 feet), and therefore would require review of project plans by the FAA (which would consider other factors besides height, such as flight direction and trajectory). Notification to the FAA would therefore be required for individual proposed structures that would exceed this airspace surface, such as for buildings in the Urban Center designation where allowable heights of 12-plus stories have the potential to reach 150-170 feet. FAA review and issuance of determinations that a proposed structure would not be a hazard to air navigation, and project compliance with any conditions set forth in such FAA determinations, would ensure that the structure would not be an air safety hazard.

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

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

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

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

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

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

Redevelopment in the Plan Area therefore would *not* make a considerable contribution to a significant cumulative hazardous materials impact.

H. Hydrology and Water Quality

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

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

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

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

Also, depending on individual development proposals, grading permits would be required. For all grading permits, the City mandates site-specific measures (uniformly applied development standards) to be implemented during grading to minimize construction period erosion, including a site-specific erosion and sediment control plan subject to City review and approval. Erosion and sediment control plans typically show what BMPs are proposed to be used and where, and are customarily superimposed on a project grading plan. Because project sites and site

conditions vary, the measures could include a combination of techniques such as erosion control blankets, fiber rolls, silt fences, storm drain inlet protection, and stabilized construction exit(s), and would generally address how to minimize impacts from active construction areas during the rainy season (i.e., stockpiling and protecting site soils), preservation of existing vegetation and revegetation of disturbed areas afterward, use of soil stabilization methods (soil binders, straw mulch, etc.), as well as sediment control measures (such as silt fences or straw wattles) to prevent residual silt runoff to storm drains or waterways and measures to clean equipment and prevent off-site tracking of construction-related soil and other debris.

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

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

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

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

(b) **Impact 11-2: Long-Term Water Quality Impacts from Project Operation**. Specific Plan long-term implementation could result in contamination of Plan Area stormwater runoff with petroleum and other contaminants from motor vehicles. Development facilitated by the Specific Plan would be required to comply with RWQCB- and City-mandated post-construction, non-point source pollution control measures (uniformly applied development standards; also known as facilities and maintenance practices) that would ensure that such impacts would be reduced to a *less-than-significant level*.

Plan implementation could result in the deposition by motor vehicles of oil and other contaminants along Plan Area streets and in parking areas. Rainfall has the potential to wash these contaminants into the municipal storm drainage system, potentially contaminating downstream waterways, in particular San Tomas Aquino

Creek where stormwater runoff from the Plan Area is conveyed, although during major storm events with high levels of rainfall, storm drain networks can interact through overflow connections and surface flows. Such non-point pollution is typically controlled through a combination of source controls (generally through the use of infiltration devices, such as infiltration trenches or basins, which are designed to transmit runoff directly to subsurface soils and thereby prevent pollutants from entering the waterways).

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

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

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

Low Impact Development (LID) features can be integrated with BMPs, control measures, and permit requirements. LID features reduce impervious surfaces and can include pervious pavements, landscape features, and green roofs. Parking stalls and plaza areas in the Plan Area would utilize pervious asphalt, pervious concrete, or permeable pavers. Medians would be landscaped to increase permeability. Landscaped open space also would contribute to reductions in impervious surfaces.

The Specific Plan components identified in section 11.3.2 above are consistent with these water quality measures. All of the above BMPs and LID features, which are discussed in more detail below, are also compatible with the other Patrick Henry Drive Specific Plan frameworks, standards, and guidelines.

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

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

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

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

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

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

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

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

(d) **Impact 11-4: Drainage Patterns and Risk of Flooding.** Because the Specific Plan Area is already covered with structures, paved surface parking, and introduced landscaping, development under the Plan would not significantly alter the total volume or rate of stormwater runoff into the existing municipal storm drain system or substantially alter drainage patterns, particularly because implementation of stormwater control measures would slow down the rate and reduce the volume of stormwater runoff, especially when compared to the existing hardscape areas. In addition, the Specific Plan proposes additional landscaped, open space, and park areas with pervious surfaces.

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

The Specific Plan Infrastructure Program indicates that stormwater flows generated by future development under the Patrick Henry Drive Specific Plan would be adequately received by existing off-site storm drain systems. In addition, because the Plan Area is currently developed, no pipeline extensions are anticipated to serve the Plan Area.

The City applies uniformly applicable stormwater management regulations to avoid or reduce the potential for flood flow or drainage impacts of development, including erosion and siltation impacts, which provide for incorporating in projects one or a combination of BMPs such as rainwater harvesting and re-use, biofiltration swales, detention basins, bioretention areas, and flow-through planter boxes, and/or LID features such as use of pervious pavement, landscape features, and green roofs. The City's Flood Damage Prevention Code (City Code chapter 15.45) requires

development in Special Flood Hazard Areas to meet City standards related to anchoring of structures, construction methods and materials, elevation of structures, and floodproofing (as applicable to reduce or eliminate flood damage). Compliance with these City Code standards would also reduce risks from hazards resulting from inundation by regulating uses (including new construction and other development activities) that may increase flood heights or velocities or otherwise obstruct or redirect flood water in a manner that could lead to potential release of pollutants. City erosion and sediment control plan requirements would reduce the potential for erosion and/or sedimentation resulting from any changes in drainage patterns.

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

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

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

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

(a) None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

The Project would not have a cumulatively considerable impact on hydrology or water quality. All development projects (including future development under the Specific Plan) are required to undertake steps to avoid, minimize, and/or mitigate flooding and water quality impacts. Projects north of the Plan Area, including City Place, shall be designed to have no impacts to upstream water surface elevations

and therefore will cause no negative flooding impacts to the project site. In addition, the Project will have no impact on hydrology or water quality with implementation of the mitigation measures discussed above. Future upstream projects would not impact the Plan Area as they would not significantly alter the existing hydrologic (i.e. flow path) conditions of those areas and are subject to NPDES regulations for treatment and retention of stormwater runoff. Therefore, cumulative hydrological impacts would be considered *less than significant*.

J. Land Use and Planning

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

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

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

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

Mitigation 12-1. The Patrick Henry Drive Specific Plan would result in beneficial land use and planning effects. No mitigation pertaining to environmental impacts on the physical arrangement of the community is required.

(b) Impact 12-2: Project Consistency with Land Use Plans, Policies, and Regulations Adopted for the Purpose of Avoiding or Mitigating Environmental Effects. CEQA requires environmental impacts to be analyzed compared to ***existing conditions on the ground***. Both the Santa Clara General Plan and the Patrick Henry Drive Specific Plan identify the Plan Area as the location of future higher-density, higher-intensity, mixed-use development, which may result in building heights and massing greater than existing conditions. The General Plan policies listed in each environmental topic chapter (e.g., Hazards and Hazardous Materials, Land Use, Noise, Public Services, Utilities) of the EIR apply to the proposed Specific Plan.

The Specific Plan includes components that would avoid or reduce potential land use and planning impacts. The Plan is intended to implement the basic project objectives identify improvements, and adopt frameworks, standards, guidelines, and implementation actions which can be consistently applied throughout the Plan Area. The Plan is designed to ensure that housing and mixed-use development is conveniently located near public transportation, retail and services, employment, and open space and community facilities, both in the Plan Area and the surrounding community.

New development throughout the Plan Area would include a combination of residential, retail, flex, office, community, and open space uses. Residential uses would be located throughout the Plan Area. New uses could include combinations of, for example, residential, retail, restaurant, and office uses in single or mixed-use buildings.

The parks, recreation and open space framework for the Patrick Henry Drive Specific Plan "includes policies and requirements to create a diverse network of public parks, green infrastructure, and private recreational spaces that support the physical, social and environmental health of the neighborhood while integrating with the community-wide City public parks and recreation system".

As discussed in the EIR topic chapters, the Specific Plan is substantially consistent with adopted land use plans, policies, and regulations. However, there could be some potential conflicts related to air quality and cultural and historic resources:

- <u>Air Quality – potential conflicts</u>. As discussed in chapter 5, Air Quality, implementation of the Specific Plan would result in construction emissions that could be substantial and result in significant health impacts, which would represent a potential conflict with BAAQMD regulatory thresholds.

- <u>Cultural and Historic Resources – potential conflicts</u>. As discussed in chapter 7, Cultural and Historic Resources, although EIR-identified mitigation measures would generally ensure compliance with applicable, adopted local, regional, State, and federal plans and regulations, there is the possibility that a future individual project could result in a substantial adverse change in the significance of the historic resource that cannot be avoided (for instance, an as-yet unidentified

historic resource that cannot be moved or otherwise preserved or rehabilitated), which would represent a potential conflict.

The remaining topics, Biological Resources (chapter 6), Geology and Soils (chapter 8), Greenhouse Gas Emissions and Energy (chapter 9), Hazards and Hazardous Materials (chapter 10), Hydrology and Water Quality (chapter 11), Land Use (chapter 12), Noise (chapter 13), Population and Housing (chapter 14), Public Services (chapter 15), Recreation (chapter 16), Transportation (chapter 17), and Utilities and Service Systems (chapter 18) do not identify potential conflicts with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects.

For a discussion of Specific Plan consistency with other adopted plans and policies, see chapter 19, Project Consistency with Local and Regional Plans, of this EIR.

The Patrick Henry Drive Specific Plan would serve to achieve a coordinated, connected environment within the Plan Area while increasing land use intensity through frameworks and unified, context-sensitive design standards and guidelines, which would result in the efficient use of existing resources and infrastructure. Plan components are purposely designed to achieve and maintain a cohesive, compatible land use pattern and sense of place in the Plan Area, as well as provide smooth transitions with adjacent neighborhoods and areas. The impact of the Specific Plan on land use and planning is considered a ***beneficial land use effect***.

Mitigation 12-2. The Patrick Henry Drive Specific Plan would result in beneficial land use and planning effects. No additional mitigation pertaining to project consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects is required beyond those mitigation measures already identified in the environmental topic chapters of the EIR (see Mitigation Measure 5-3, which addresses potential construction-period air quality impacts, and Mitigation Measure 7-1, which addresses potential impacts to historic resources).

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

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

The Project would not result in any impact to mineral resources, agriculture, and forestry resources, therefore, the Specific Plan would not result in cumulative

impacts to these resources. The Project would not contribute to cumulative projects that would divide an established community given the uses surrounding the cumulative projects and the nature of the proposed developments. Although several of the cumulative projects would be inconsistent with the General Plan because they propose growth that is unaccounted for in their respective City's General Plans, the PHDSP would not make a cumulatively considerable contribution to such an impact. The PHDSP, although proposing additional growth beyond that considered in the General Plan, would assist the City in meeting its regional housing needs and addressing the jobs/housing imbalance in Santa Clara. Several projects in the cumulative analysis, including City Place Santa Clara and Phases II and III of the General Plan which includes residential development near the Lawrence Expressway Caltrain Station and PHDSP, identified land use impacts related to the regional jobs-housing imbalance. Over the past few decades, regional job growth has greatly exceeded housing capacity, leading to traffic congestion and air pollution from vehicles as workers commute long distances from outlying areas with more affordable housing. Both City Place Santa Clara and Phases II and III of the General Plan contain substantial employment-based land uses, which would exacerbate indirect impacts related to traffic and air pollution. Though some job-creating land uses are proposed under PHDSP, development under PHDSP would improve the regional jobs/housing imbalance by creating 12,000 dwelling units. Therefore, this cumulative impact would be *less than significant*.

K. Noise and Vibration

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

(a) Impact 13-5: Operational Vibrations. The Plan Area does not currently include any substantial vibration generating equipment. The Specific Plan would add a mix of residential, mixed-use, flex, and/or office land uses to the Plan Area over time, reaching full development by 2040. These new land uses could involve machinery and equipment such as pumps, compressors, generators, and other fixed equipment that produce vibrations; however, this equipment would not generate vibration levels that could exceed the City's vibration perception threshold. Potential pumps, generators, and other typical equipment would be securely mounted and not large enough to generate substantial vibrations beyond the immediate vicinity of the equipment. The Specific Plan does not propose or support any large vibration-inducing equipment or land use activities and would not result in excessive ground-borne vibration levels. This represents a ***less-than-significant impact***.

Mitigation 13-5. No significant impact has been identified; no mitigation is required.

(b) Impact 13-6: Exposure to Airport-Related Noise. The San Jose International Airport CLUP establishes the 65 CNEL contour as the noise restriction area for residential land uses, and the City's General Plan (Policy 5.10.6-P8) encourages safe

and compatible land uses within the airport's noise restriction area. As described in Section 13.1.7, the part of the Plan Area north of Patrick Henry Drive and east of Old Ironsides Drive lies within the Norman Y. Mineta San Jose International Airport influence area; however, the Plan Area is not located within the 65 CNEL contour associated with San Jose International Airport (SCC ALUC 2016; Figure 5). Accordingly, future development within the Plan Area would not be subjected to excessive airport-related noise levels.

Consistent with the CLUP (Policy N-5), future owners in the Plan Area that own property in the airport influence area and who rent or lease property for residential use will be required to include a disclosure in the rental/lease agreement with the tenant that the property is within a high noise area associated with airport operations and may be exposed to airport-related noise levels greater than 65 CNEL.

The Plan Area is not located within two miles of a private airstrip or related facility.

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

Mitigation 13-6. No significant impact has been identified; no mitigation is required.

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

(a) Impact 13-1: Plan-Related Temporary Construction Noise Levels. The implementation of the Patrick Henry Drive Specific Plan could result in construction and development activities in the Plan Area that generate noise levels above City standards and/or otherwise result in a substantial, temporary increase in ambient noise levels in the vicinity of the Plan Area. This represents a ***potentially significant impact***.

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

Facts in Support of Finding

With regard to construction noise, demolition, site preparation, and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. The use of specialized equipment such as impact or vibratory pile drivers can also generate high noise levels during initial foundation work stages. The worst-case L_{eq} and L_{max} noise levels associated with the operation of a dozer, excavator, scraper, etc., are predicted to be approximately 82 and 85 dBA, respectively, at a distance of

50 feet from the equipment operating area. At an active construction site, it is not uncommon for two or more pieces of construction equipment to operate at the same time and in close proximity. The concurrent operation of two or more pieces of construction equipment would result in noise levels of approximately 85 to 88 dBA at a distance of 50 feet from equipment operating areas. The magnitude of each individual future project's temporary and periodic increase in ambient noise levels would be dependent upon a number of project-specific factors that are not known at this time, including: the amount and type of equipment being used; the distance between the area where equipment is being operated and the location of the specific land use, receptor, etc., where noise levels are being evaluated; the time of day construction activities are occurring; the presence or absence of any walls, buildings, or other barriers that may absorb or reflect sound waves, the total duration of the construction activities, and the existing ambient noise levels near construction areas.

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

Mitigation Measures

Mitigation 13-1: Reduce 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 Calabazas Creek Trail Users of Construction Activities. Prior to the start of construction activities within 500 feet of Calabazas 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, sub-lease, and/or other contractual real-estate transaction associated with the subject property.

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

(b) Potential Impact: Impact 13-2: Plan-Related Temporary Construction Vibration Levels. The implementation of the Patrick Henry Drive Specific Plan could result in construction and development activities in the Plan Area that generate vibration levels above City standards and/or otherwise result excessive ground-borne vibration levels. This represents a ***potentially significant impact***.

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

Facts in Support of Finding

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

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

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

Construction vibration impacts generally occur when construction activities occur in close proximity to buildings and vibration-sensitive areas, during evening or nighttime hours, or when construction activities last extended periods of time. Construction activities associated with the proposed project would occur in multiple phases and may last several years in total, with full development of the Plan Area anticipated to occur by 2040. In general, construction activities in the Plan Area would not be located near residential or commercial buildings or structures because the Plan Area is bordered by a parking lot on the north, Great America Parkway to the east, Mission College parking areas and athletic fields to the south, and the Calabazas Creek Trail to the east. The exception to this is the southeast corner of the Plan Area, where construction activities could occur within 50 feet of an existing, adjacent commercial building. The closest residential building facades are approximately 195 feet to the west of the Plan Area, across the Calabazas Creek; however, the Kylli Mixed Use Development Project borders the Plan Area to the north and could result in future buildings adjacent to the Plan Area. In addition, future land uses envisioned by the Specific Plan (e.g., residential dwelling units, library use, commercial buildings) could be located near construction work areas within the Plan Area and affected by construction vibration.

Mitigation Measures

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

Mitigation 13-2: 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, including Caltrans' strongly perceptible vibration detection threshold.

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

(c) Impact 13-3: On-site Noise Levels from Specific Plan Development. The implementation of the Patrick Henry Drive Specific Plan could result in new roadway and infrastructure improvements and new residential, office, and other land uses that generate noise from on-site equipment, activities, or other operations in excess of applicable City standards. This represents a ***potentially significant impact***.

Facts in Support of Finding

Although the proposed Specific Plan could increase the amount of noise sources and noise-generating activities compared to existing conditions, the project would have a limited potential to generate significant on-site noise levels for the following reasons:

- In general, residential land uses (including the proposed high-density residential land uses) are not a substantial noise-generating land use type because:
  - They do not involve substantial noise-generating activities during the nighttime;
  - Mechanical equipment associated with elevators, residential amenities such as pools, and other building systems are typically enclosed within the closets, sheds, or equipment rooms; and
  - HVAC equipment is typically screened from public view by landscaping, fences, or walls and, therefore, shielded from adjacent property lines.

- The Plan Area would support residential and recreational land uses along shared property lines with Mission College, the Calabazas Creek Trail, and lands to the north of the Plan Area (which are currently commercial but may transition to residential in the future).

- The proposed high density flex land uses, which may consist of office/commercial developments with commercial-grade HVAC equipment, back-up generators, or other mechanical equipment, would be located along the eastern edge of the Plan Area, between Old Ironsides Drive and Great America Parkway, and would have little to no potential to impact on- or off-site receptors due to the distance

between flex use boundaries and other nearby properties (estimated to be a minimum of 100 feet).

- The proposed mixed-use overlay, which would permit residential development with ground-floor retail, flex, or community uses, would support an active street environment, and primarily provide local-serving retail and neighborhood services and amenities to meet the day-to-day needs of residents. These retail, flex, and community uses would be located on the interior of the Plan Area (along local roads) and would be unlikely to require substantial loading or unloading facilities or large, stationary sources of equipment.

- The Specific Plan includes design standard and guidelines for building orientation (Standard 5.5.2.5), building frontages and setbacks (Standard 5.5.3.3 and Standard 5.5.3.5), and alleys/service access (Guideline 5.5.4.11 and Standard 5.5.4.12) that screen residential uses from noise generating activities such as garage entrances and loading areas (see Section 13.3.2).

- The City's General Plan establishes procedures and standards to protect noise sensitive land uses from noise intrusion (see Section 13.2.4.1) and the City's Municipal Code establishes specific numeric standards for residential and commercial lands that are not be exceed by stationary equipment (see Section 13.2.4.2).

As explained above, the proposed Specific Plan is considered to have a limited potential to include on-site sources or activities that could generate noise levels that exceed City standards or otherwise substantially increase existing ambient noise levels; however since project-specific information is not available at this time, the potential exists for future development projects to include noise-generating equipment or involve noise generating activities that could exceed the City's standards or otherwise substantially exceed the ambient noise environment if not adequately mitigated. The implementation of Mitigation Measure 13-3 would require development projects in the Plan Area to include site design, noise attenuation, and/or other noise control measures to ensure project-specific fixed noise source levels do not exceed City standards. This impact would be less than significant with mitigation.

Mitigation 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.

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

3. Project impacts determined to be significant and unavoidable

(a) Impact 13-4: Increases in Traffic Noise Levels from Specific Plan Development. The implementation of the Patrick Henry Drive Specific Plan could generate vehicle trips that substantially increase existing and future No Project traffic noise levels and/or exceed City noise and land use compatibility standards. This represents a ***potentially significant impact***.

Facts in Support of Finding

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

Mitigation Measures

No feasible mitigation is possible.

L. Population and Housing

(a) Impact 14-1: Effects on Population Growth. Based on the forecasted development capacity under the proposed Specific Plan (see chapter 3, Project Description, of this EIR), the Plan is anticipated to result in up to the following new development in the Plan Area:

- 10,300 (Scenario B) to 12,000 (Scenario A) residential units,
- 150,000 square feet (sq. ft.) of new retail space,
- 90,000 sq. ft. of new flex space (residential, retail, and/or office),
- 70,000 sq. ft. of new community/civic space, and
- 785,000 sq. ft. of new office space (Scenario B only).

Both the Patrick Henry Drive Specific Plan and this EIR assume these numbers represent the maximum capacity for future anticipated development. As such, the City would monitor new development approvals to ensure that there is remaining capacity as new projects are approved. Should the Plan Area approach capacity, the City would reevaluate both the Plan and the EIR and amend them as necessary to address and mitigate growth above and beyond these capacity numbers.

The Specific Plan assumes an average of 2.23 persons per new household (pph) in the Plan Area, based on demographic and economic research prepared for the Plan.[4] Using this factor, Plan implementation could accommodate up to approximately 22,970 (Scenario B) to 26,760 (Scenario A) new residents in the Plan Area by the year 2040 (the estimated Plan buildout horizon). The General Plan identified the Plan Area as a "future focus area" designated for "change from existing underutilized office and industrial uses to higher-density residential and mixed-use neighborhoods," with objectives outlined to establish the necessary infrastructure, amenities, and services to support potential growth, and the Plan Area has been included in the "General Plan Land Use Assumptions."[5] Due to the predominately residential nature of growth anticipated under the Specific Plan, the projected

[4]"Persons Per Household By Unit Type, City of Santa Clara, CA," provided by the City based on California Department of Finance Estimates for City of Santa Clara (as of 1/1/2018) and Persons Per Household by Unit Type for Santa Clara County from U.S. Census Bureau, American Community Survey, 2012-2016 Public Use Microdata Sample [PUMS] data set for Santa Clara County.

[5]As noted in the General Plan, potential development for areas north of U.S. 101 is anticipated to include greater intensification than under existing land use designations, with some areas expected to propose expansion from their allowed uses. The three General Plan phases (Phase I, Phase II, Phase III) were designed to provide opportunities to refine strategies and objectives as the City assesses new needs and conditions through an iterative planning process, such as the comprehensive planning process required prior to development approval in a future focus area, as is the case with this Specific Plan.

increase in residential units would help to address the balance between housing and jobs in the city (i.e., the shortage of affordable housing discussed in section 14.1.2).

As described throughout this EIR (e.g., chapter 3 - Project Description; chapter 17 - Transportation; chapter 18 - Utilities and Service Systems), Plan implementation would not extend roads or infrastructure through undeveloped or low-density areas and, therefore, would not induce substantial population growth beyond the Plan Area boundaries. Rather, Specific Plan implementation would facilitate the projected residential, commercial, and community growth within a mixed-use Plan Area identified for such growth in the Santa Clara General Plan. Therefore, this impact is considered ***less-than-significant***.

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

(b) **Impact 14-2: Population and Housing Displacement Effects.** As of October 2020, there is no housing in the Plan Area, and the Specific Plan would not displace any residents or housing. The Patrick Henry Drive Specific Plan is an integrated long-term plan of frameworks and design standards and guidelines. Development potential under the Plan would be initiated voluntarily by property owners. Infrastructure, roadway, open space, and other public improvements proposed under the Plan would not require the displacement of any housing. The mixed-use focus of the Specific Plan would provide for the addition of up to 10,300 to 12,000 residential units in the Plan Area. The Plan is intended to lower transportation costs for future residents currently dependent on private automobiles by providing a mixture of housing types near existing public transportation infrastructure, while also improving access and connectivity to these support services for existing residents through bicycle and pedestrian infrastructure improvements.

The Specific Plan framework noted above (subsection 14.3.2, "Relevant Patrick Henry Drive Specific Plan Components") would proactively facilitate affordable housing.

Based on the discussion above, impacts on population and housing displacement are considered ***less-than-significant***.

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

(c) **Impact 14-3: Temporary Employment Impacts.** Temporary construction jobs would be created over the timeframe of Plan implementation. It is anticipated that an adequate construction work force will continue to exist within commute distance of the Plan Area, thereby making highly unlikely a substantial increase in population due to project construction. The actual number of construction jobs facilitated by the Plan would depend on the construction dollars spent and the construction schedules; these variables cannot be accurately quantified at this time.

Nevertheless, these project-generated employment opportunities would represent a beneficial temporary economic effect of the Patrick Henry Drive Specific Plan. In itself, any population growth associated with construction activity under the Plan would represent a ***less-than-significant environmental impact***.

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

M. Public Services

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

(a) Impact 15-1: Increase in Fire Protection/Emergency Medical Service Demands

The increase in demand for SCFD services resulting from Specific Plan buildout would be expected to generate additional calls for fire protection and suppression/EMS assistance that would require additional staff in order to maintain acceptable service ratios or response times. The SCFD has determined that 25 additional firefighters (FTE) would be sufficient to meet the fire protection and suppression/EMS assistance needs of the Specific Plan; in addition, the SCFD has also determined that three vehicles would also be required: one Fire Department EMS response vehicle or ambulance for Phase 1; a second Fire Department EMS response vehicle or ambulance for Phase 2; and one tiller aerial ladder truck for Phase 3.

Demand for additional fire protection/EMS equipment resulting from Patrick Henry Specific Plan implementation (e.g., for higher buildings than allowed under current zoning) would be funded by the plan's infrastructure fee. In addition, as discussed in Specific Plan Chapter 7 (Implementation Plan), the City has several options to ensure adequate funds will be available for facilities required by Specific Plan development, including approaches and policies for both one-time and on-going costs of public infrastructure, improvements, and services. New development projects under the Specific Plan would be required to pay their share of the costs associated with provision of these facilities through the required infrastructure fee on a per unit basis.

Based on the above uniformly applied fire protection/EMS standards and regulations, the proximity of existing fire stations, the planned expansion and relocation of Fire Station 10, and the City's commitment to providing adequate fire/EMS service, Specific Plan impacts on fire protection/EMS demands are considered ***less-than-significant***.

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

(b) Impact 15-2: Impacts to Police Services

The Patrick Henry Specific Plan does not propose new or expanded police facilities, the construction of which would cause significant environmental impacts; any decision whether to build a new facility or expand an existing facility would be the responsibility of the City Council. The SCPD has noted that more vehicle traffic from anticipated development in the city is expected to occur (along with an associated increase in service calls due to traffic-related enforcement and accident investigations and potentially increased service call response times), which would contribute to the need for additional staff.

Demand for additional police personnel or equipment resulting from Patrick Henry Drive Specific Plan implementation (e.g., to account for an increased residential population) would be funded by established annual City General Fund budget review and allocation. Any potential future need for a separate development impact fee for police services is a policy issue under the purview of the City Council. Under CEQA, the Specific Plan impacts on police service demands are considered ***less-than-significant***.

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

(c) Impacts 15-3: Impacts to School Facilities

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

The SCUSD is responsible for levying impact fees on new development. The residential and commercial development in the Plan Area would be required to pay the State-authorized school impact fees approved by the SCUSD. Pursuant to section 65995(3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory school impact fees *"...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...."* Therefore, subsequent to payment of statutory fees, school impacts would be considered ***less-than-significant***.

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

(d) Impact 15-4: Impacts on Parks and Recreational Facilities.

The City ensures a project meets its dedication requirements through the development review process. Parkland, as required, must be included as part of a project's "land use plan" with the location identified on the project property. A

project that does not comply with the parkland dedication requirement would not be approved. In addition, the City requires that parkland be improved (i.e., "turn-key") and dedicated to the City prior to issuance of a Certificate of Occupancy. Therefore, mandatory, future development of parkland and open space in the Specific Plan Area plus individual project payment of City adopted in-lieu park fees and/or dedication of parkland would ensure that impacts on parks and recreational facilities would be ***less-than-significant***.

Mitigation 15-4. No significant impact has been identified; no mitigation is required. See "Construction Period Impacts" below.

(e) **Impact 15-5: Impacts on Other Public Facilities.** The Specific Plan-facilitated increase in residential, commercial, and public activity in the Plan Area, and associated job creation and increase in business activity, would result in a corresponding incremental increase in demand for other public, municipal services (e.g., Santa Clara Public Libraries). However, the City is requiring the Plan to include approximately 45,000 square feet of additional City library facilities to accommodate anticipated incremental library service demand. The Specific Plan has identified areas where community facilities (including a library) would be located; however, particular library development plans would be subject to discussions between the City and a future project applicant. Funding options could include those provided in Specific Plan Chapter 7 (Implementation), which discusses options for ensuring adequate funds for facilities required by Specific Plan development, including approaches and policies for both one-time and on-going costs of public infrastructure and related improvements. As an option, the City could consider working out a separate arrangement with a property owner for providing a "community benefit," though the precise terms of such a future arrangement are beyond the scope of this analysis. A future library facility proposal would be subject to its own evaluation under the California Environmental Quality Act (CEQA); however, because the site would be in the Plan Area, then library construction would be required to follow the mitigation measures already identified elsewhere in this EIR (chapters 5 [Air Quality], 6 [Biological Resources], 7 [Cultural and Historical Resources], etc.), and review would be limited to ensuring consistency with the provisions of this EIR (see below for construction period impacts). Therefore, this impact would be ***less-than-significant***.

Mitigation 15-5. No significant impact has been identified; no mitigation is required.

(f) **Impact 15-6: Construction Period Impacts.** The construction of Plan-related open space, parkland, and recreational and other public facilities would be temporary and would occur within either existing public rights-of-way or on City property, a project development site, or private property subject to a municipal easement. Construction period air emissions (dust), noise, and traffic interruption typically associated with parks and recreational facilities construction would be reduced through mandatory, uniformly applied City of Santa Clara construction

standards and regulations, as well as mitigations already identified elsewhere in this EIR, which analyzes both operational and construction impacts.

Mitigation 15-6. No significant impact has been identified; no mitigation is required.

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

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

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

N. Recreation

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

(a) Impact 16-1: Impacts on Parks and Recreational Facilities

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

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

(b) **Impact 16-2: Construction Period Impacts.** No specific project development application has been advanced, and any future specific park or recreational facility proposal would be speculative at this time. However, construction of Plan-facilitated open space, parkland, and recreational facilities would be considered temporary and would occur within either existing public rights-of-way, City property, a project development site, or private property subject to a municipal easement. Construction period air emissions (dust), noise, and traffic interruption typically associated with parks and recreational facilities construction would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, as well as mitigations already identified elsewhere in this EIR, which analyzes both operational and construction impacts.

Mitigation 16-2. No significant impact has been identified; no mitigation is required.

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

None.

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

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

O. Transportation/Traffic

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

(a) Impact 17-1: Impacts Related to Vehicle Miles Traveled; Conflict With Adopted Policies, Plans, or Programs Regarding Roadways.

The Patrick Henry Drive Specific Plan qualifies as a transit supportive project and is presumed to have a less- than-significant impact on VMT due because it meets the criteria established by the City related to proximity to transit, density, multimodal transportation networks, transit-oriented design elements, parking, and affordable housing, as discussed below.

Proximity to Transit. Transit supportive projects must be located within ½ mile of an existing Major Transit Stop[6] or an existing transit stop along a High-Quality Transit Corridor,[7] as those terms are defined by Public Resources Code sections 21064.3 and 21155. Several parcels in the Plan Area are within ½ mile of the Old Ironsides LRT station, which meets the definition of a Major Transit Stop. In addition, VTA provides frequent bus service via Route 57, which runs along Great America Parkway, and meets the definition of a High-Quality Transit Corridor. All parcels in the Plan Area are within ½ mile of the nearest Route 57 bus stops on Great America Parkway at either Patrick Henry Drive or Old Glory Lane.

Density. For office/R&D projects, transit supportive projects must have a minimum floor area ratio (FAR) of 0.75. Similarly, residential projects must have a minimum density of 35 dwelling units per acre (DU/ac). Residential densities within the Plan Area are proposed to range from a minimum of 65 DU/ac to a maximum of 250 DU/ac. Under Scenario A, flex space would be permitted in addition to proposed residential and community-oriented development. Under Scenario B, 785,000 square feet of office space would be allowed on a 9.86-acre parcel, in place of the residential use designated on that parcel under Scenario A. The office development on this parcel would have an FAR of approximately 1.83. Thus, development densities permitted within the Plan Area would meet the minimum requirements to be considered a transit supportive project.

Multimodal Transportation Networks. City Policy requires that transit supportive projects promote multimodal transportation networks. The Specific Plan would provide balanced, multimodal internal circulation as well as convenient access to nearby destinations and transit stations. The Specific Plan would include the following policies to support safe, active, and sustainable travel options for residents and visitors:

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[6] "Major transit stop" means a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; or (c) a major transit stop that is included in Plan Bay Area 2040. Pub. Res. Code §§ 21064.3, 21155(b).

[7] "High-Quality Transit Corridor" means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Pub. Res. Code § 21155(b).

- Prioritize the comfort and safety for pedestrians and cyclists;
- Retrofit the right-of-way to accommodate all travel modes including walking, cycling, driving, micro-mobility, and transit;
- Support access to transit stops on Tasman Drive and Great America Parkway;
- Improve infrastructure for pedestrians, cyclists, and micro-mobility (e.g., scooters) to mitigate the impact of urban-scale development on traffic congestion;
- Improve connections to the Calabazas Creek Trail and other trails and greenways;
- Design flexible street environments that allow for innovative transit and ride-share options (e.g., jitneys) as well as emerging technology (e.g., autonomous vehicles);
- Use Transportation Demand Management (TDM) strategies in partnership with area employers and property owners to minimize vehicle miles traveled;
- Limit vehicle parking spaces for residences and businesses; and
- Reduce carbon emissions from transportation.

Transit-Oriented Design Elements. Transit supportive projects would be required to include transit-oriented design elements. The Specific Plan proposes design guidelines and standards to ensure a pedestrian-oriented, mixed-use residential neighborhood that is walkable, with convenient connections to transit. The following urban design principles would ensure the Specific Plan is a transit-oriented development:

- Create a human-scaled public realm with a distinctly urban feel;
- Enliven the street environment and create multi-use activity nodes;
- Prioritize the safety and comfort of pedestrians of all ages and abilities;
- Create a fine-grained network of pedestrian paths;
- Use landscaping to create a comfortable pedestrian realm and contribute color and depth; and
- Use signage appropriate in scale and orientation to the primary audience (i.e., pedestrians versus motorists).

Parking. Transit supportive projects may not include more parking for use by residents, customers, or employees than required by the City Code. Because no specific development applications have been submitted for consideration under the Specific Plan, the proposed on-site parking supply is not known. However, the Specific Plan would not require parking at a higher rate than code requirements in effect in other areas, and therefore, it is assumed that future development in the Plan Area would not include excess parking and would qualify as transit supportive under this metric. Future development proposals would undergo City review, and any applications proposing excess parking would not qualify as transit supportive and would then be subject to separate evaluation of their potential impacts on VMT.

Because the Specific Plan qualifies as a transit supportive project and is substantially consistent with City General Plan policies regarding transportation, this impact would be ***less-than-significant***.

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

(b) **Impact 17-2: Impacts on Transit.** Existing transit service for the Plan Area includes an ACE shuttle and three VTA routes along Great America Parkway (though service is currently limited due to COVID-19). The Plan Area is about a 10-minute walk (approximately one-half mile) from the Old Ironsides light rail station on Tasman Drive. Bus stops are currently located within the Plan Area on Patrick Henry Drive and Old Ironsides Drive, with additional bus stops on Great America Parkway and Mission College Boulevard. The Specific Plan would not interfere or conflict with these transit facilities and would be consistent with VTA Transit Service Guidelines, which guide VTA service planning, including route determination, service levels, and capacity (ridership coverage).

The Specific Plan proposes to contribute to grade separation projects at intersections with light rail in the median, HOV-type signal improvements that could support future bus rapid transit facilities, and transit signal priority at signalized intersections. While the VTA's "New Transit Service Plan" (2019) does not call for transit service within the Plan Area, the Specific Plan proposes to include "shuttle stops" along Patrick Henry Drive and Old Ironsides Drive that would allow for shuttle or other micro transit services provided by VTA, a Transportation Management Agency (TMA), or a private provider. Thus, the project is expected to have a positive effect on transit services.

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

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

(c) **Impact 17-3: Impacts on Bicycle Facilities.**
The Specific Plan proposes to add a grid system of new streets, which would include the addition of Class IV protected bike lanes on Patrick Henry Drive and Old Ironsides Drive within the Plan Area. Internal Plan Area streets would also be designated as Class III bike routes. Some of the new streets would be designed only for pedestrians and bicycles.

Because the Specific Plan would improve bicycle facilities in the Plan Area and provide safer conditions for bicyclists relative to existing conditions, consistent with the City's General Plan and the Bicycle Master Plan Update 2018, this would be a ***beneficial effect***.

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

(d) Impact 17-4: Impacts on Pedestrian Facilities.
As described earlier in the setting (section 17.1), the Specific Plan proposes to add a grid system of new streets, which would be designed with new continuous sidewalk facilities and high visibility crosswalks at intersections. Some of the new streets would be designed only for pedestrians and bicycles. Where currently present, sidewalks would be improved. All of these intersections would be upgraded to ensure they comply with current ADA standards.

The Specific Plan also proposes a new greenway west of Patrick Henry Drive that would connect the Plan Area to the Calabazas Creek Trail. There is a bridge across Calabazas Creek which allows the Sunnyvale residents on the other side of the creek to walk to Mission College and Mercado Shopping Center. Additional greenways would be added along the entire length of Patrick Henry Drive and Old Ironsides Drive, and for the proposed Specific Plan parks.[8]

Because the Specific Plan would improve pedestrian facilities in the Plan Area and provide safer conditions for pedestrians relative to existing conditions, consistent with the City's General Plan and the City of Santa Clara Pedestrian Master Plan 2019, this would be a ***beneficial effect***.

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

(e) Impact 17-5: Hazards Due to Design Features or Incompatible Uses. Conflicts between modes would be reduced through better accommodations, including Specific Plan elements such as new and/or improved sidewalks, bike lanes, and more accessible and comfortable bus stops. The Specific Plan proposes an improved internal roadway network designed to accommodate vehicular traffic that is balanced with other modes (including walking, cycling, micro-mobility, and transit).

In particular, the Specific Plan includes roadway standards to ensure safe, comfortable mobility options through a coordinated network of streets, roadways, greenways, and bicycle paths.

Designs would be subject to City review as detailed site plans are not yet available; however, compliance with Specific Plan and City standards would be required, which would ensure adequacy of circulation patterns and safety standards; reduce potential conflicts between vehicles, pedestrians, bicyclists, and buses; and remove potential hazards due to design features (i.e., insufficient sightlines or distances) or incompatible uses. Therefore, this impact would be ***less-than-significant***.

[8]As noted in chapter 3, Project Description, Specific Plan section 4.5.1 (Parks, Recreation and Open Space Policies) includes the following policy: "Connect parks and plazas with publicly accessible private greenways to provide safe, comfortable access while supporting connectivity throughout the PHD Specific Plan Area."

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

(f) **Impact 17-6: Emergency Access.** Existing access to the Plan Area for emergency vehicles is via connections to Great America Parkway from Old Glory Lane and Patrick Henry Drive. These connections would remain. In addition, the Specific Plan proposes an improved internal roadway network, which would increase the number of connection points that could facilitate emergency access. With the Mission College Boulevard connector road (between Patrick Henry Drive and Mission College Boulevard), emergency access would be improved through creation of an additional route off-site. Without the Mission College Boulevard connector road, emergency access would not be substantially reduced; however, as noted in the Hexagon analysis, elimination of this proposed connector road would generally result in worse traffic at many intersections, though those traffic effects would not constitute impacts under CEQA, as explained in the Hexagon analysis, and improvements recommended by Hexagon for most intersections would be the same with or without the connector road. Designs of the streets would be subject to City review, as detailed site plans are not yet available, to ensure the adequacy of circulation patterns and compliance with City emergency vehicle access standards, such as requiring that alleys have a minimum width of 25 feet to allow for emergency vehicles and connecting "dead end" street sections (i.e., cul-de-sacs) with multi-modal paths that would allow emergency vehicles. City review of future driveway and drive aisle design would ensure compliance with City emergency vehicle access requirements. Therefore, this impact would be ***less-than-significant***.

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

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

None.

4. Cumulative impacts

None.

P. Utilities and Service Systems

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

Impact 18-2: Project and Cumulative Need for Water, Wastewater, and Storm Drainage System Infrastructure.[9] The water, wastewater, and storm drainage infrastructure systems would require improvements, including the upgrading of existing deficiencies, in order to accommodate new development facilitated by the Patrick Henry Specific Plan. The information below is summarized mainly from Specific Plan Chapter 6 (Infrastructure) and identifies the water, sewer, and storm drainage infrastructure improvements that are incorporated into the Plan.

(a) Projected Water Demand and Infrastructure Needs. As indicated in Specific Plan Chapter 6 (Infrastructure), distribution mains would be required for new public streets proposed to serve Plan Area fire and domestic water needs. Additionally, existing asbestos-cement (AC) water mains within the Plan Area would need to be upgraded and replaced with the City's standard ductile iron pipe (DIP).

As new development proposals are brought forward, sizing of particular water mains would need to be considered to ensure meeting prescribed fire flows and domestic water needs, and line sizes may or may not need to be increased. Final sizing of any particular pipeline would need to be determined based on project-specific modeling of the system and would rely on water use parameters of the specific development proposal.

New distribution mains in backbone streets would be anticipated to require 8-inch or 12-inch diameter pipes, and distribution mains in local streets would be anticipated to require 8-inch or 12-inch diameter pipes. Any upgrading in pipe sizes would need to be determined using hydraulic modeling based on final land plans, building types, water demands, fire flow requirements, and phasing to establish final actual line sizes in each street.

Also, given the age and material of the water infrastructure in the Plan Area (AC pipes installed between 1966-1981), water mains that would otherwise remain due to their location within a proposed street will need to be upgraded to DIP to comply with current City of Santa Clara Water & Sewer Utilities Department standards. Developers would need to perform individual hydraulic modeling to determine whether existing pipes would require upsizing replacing the AC pipe with DIP.

Although existing recycled water infrastructure in the Plan Area is not expected to require upgrades due to age or materials based on current City of Santa Clara Water & Sewer Utilities Department standards, individual project applicants in the Plan Area would need to perform a hydraulic modeling analysis to evaluate the adequacy of the existing pipe sizes to determine if upgrades in pipe sizes are necessary to meet any projected recycled water capacity needs.

[9] Although discussion of cumulative impacts is provided in chapter 20, CEQA-Mandated Sections, of this EIR, the analysis of utilities and service systems impacts, due to their inherently cumulative nature and related City-wide capital improvement planning implications, includes the cumulative analysis in the following section.

(b) Projected Wastewater Generation and Infrastructure Needs. The 2016 Sewer Master Plan determined that existing wastewater flows for the City in 2015 totaled 14.9 million gallons per day (mgd) under average dry weather flow (ADWF) conditions and 21.6 mgd under peak dry weather flow (PDWF) conditions, with an increase to 22.4 mgd on "game days" at Levi's Stadium (to account for additional flow). Existing peak wet weather flow (PWWF) conditions totaled 39.6 mgd. Santa Clara sewer connections accounted for the majority of these totals, with the Cupertino Sanitary District contributing between approximately 24 percent to 32 percent.

Using hydraulic modeling to estimate future flows, the 2016 Sewer Master Plan determined that future wastewater flows for the City in 2035 would total 34.4 mgd under ADWF conditions and 46.8 mgd under PDWF conditions (increasing to 47.7 mgd for "game days"). PWWF conditions were estimated to total 59.4 mgd. Similar to the existing flow conditions, Santa Clara sewer connections would be expected to account for the majority of these estimated future flow totals, with the Cupertino Sanitary District estimated to contribute between approximately 20 percent to 26 percent.

The hydraulic model evaluated potential capacity deficiencies and backups in the existing sewer system and identified areas currently experiencing surcharge due to "throttle" conditions (where peak flow exceeds pipe capacity), surcharge due to backwater from a downstream throttle condition, and related violations of City capacity criteria including system components likely to experience these conditions with future (2035) flows. The 2016 Sewer Master Plan recommended solutions to address these conditions, including several pipe upgrades and lift station pump adjustments.

Currently, wastewater flows from the Specific Plan Area are conveyed northeast to the Northside and Rabello pump stations, and from there pumped to the San Jose/Santa Clara Regional Wastewater Facility for treatment and disposal. Table 18-6 shows existing flows and future flow estimates for the Northside and Rabello pump stations, as analyzed in the 2016 Sewer Master Plan.

(c) Projected Storm Drainage Infrastructure Requirements. Water quality and potential flooding are discussed in chapter 11, Hydrology and Water Quality, of this EIR. This section evaluates storm drainage infrastructure improvement needs (e.g., new pipelines) for the proposed Patrick Henry Drive Specific Plan.

The 2015 Storm Drain Master Plan identified a number of storm drainage improvement projects in the San Tomas Aquino Creek Drainage Area, but no storm drain projects were identified in or near the Specific Plan Area. Specific Plan Chapter 6 (Infrastructure Program) indicates that stormwater flows generated by future development under the Patrick Henry Drive Specific Plan would be adequately received by existing off-site storm drain systems. In addition, because

the Plan Area is currently developed, no pipeline extensions are anticipated to serve the Plan Area.

Therefore, because no storm drainage improvements have been determined necessary as a result of future Specific Plan buildout, no impact has been identified. However, the City would continuously monitor new development approvals to ensure that stormwater flows are handled sufficiently. Although full development capacity might never be reached, if development in the Plan Area reaches 80 percent of capacity prior to 2040 (the Plan horizon year), the City would reevaluate both the Patrick Hendry Drive Specific Plan and the EIR, and amend them as necessary to address and mitigate growth exceeding the capacity numbers.

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

Impact 18-3: Wastewater Treatment Capacity Impacts. Wastewater from the City of Santa Clara, with some flow from the Cupertino Sanitary District (CuSD), is conveyed to the San Jose-Santa Clara Regional Wastewater Facility (RWF) for treatment before the treated water is discharged into the South San Francisco Bay or recycled for other uses. The RWF has a Water Board/NPDES treatment capacity limit of 167 million gallons per day (mgd). Approximately 35 mgd of RWF treatment capacity is allocated to other wastewater agencies by agreement. The cities of San Jose and Santa Clara share the remaining treatment capacity. In 2020, the treatment capacity allotment for Santa Clara was approximately 25.147 mgd, and the City had approximately 9.606 mgd of unused treatment capacity remaining.[10]

According to the Woodard & Curran technical memo prepared for the Specific Plan, wastewater generation from Specific Plan development is projected to total approximately 2.15 mgd under Scenario A and 1.97 mgd under Scenario B. As noted in the technical memo, which based its future capacity analysis on updated General Plan Phase 3 loads, additional wastewater generation from other General Plan-approved development combined with wastewater generated from Patrick Henry Drive Specific Plan development would total approximately 4.3 mgd, which would not exceed the City's remaining capacity allocation of 9.606 mgd. Therefore, Specific Plan development would have a ***less-than-significant impact*** on wastewater treatment facility capacity.

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

[10]"City of San Jose Environmental Services Department, San Jose - Santa Clara Regional Wastewater Facility Tributary Agencies' Estimated Available Plant Capacity – 2020, December 2020" (https://www.sanjoseca.gov/Home/ShowDocument?id=68283, accessed 2/24/21).

Impact 18-4: Project Impacts on Solid Waste Disposal and Recycling Service. Solid waste in the Plan Area is under an exclusive agreement with Mission Trail Waste Systems and is currently taken to the Mission Trail Transfer Station in Santa Clara for processing. From there it goes to the Newby Island Sanitary Landfill in Milpitas. Construction and demolition debris is currently taken to the Zanker Road Resource Recovery Operation. Recology South Bay provides recyclables hauling services to City areas zoned commercial, industrial, and residential. As of January 1, 2021, all exclusive solid waste and recycling in the Plan Area will be collected by GreenWaste Recovery and taken to the GreenWaste Recovery Facility in San Jose for processing, and from there would be taken to the Newby Island Sanitary Landfill (see "Setting," above). The City has an agreement with GreenWaste Recovery that would provide the City with disposal capacity through June 30, 2036.

Based on City solid waste generation rates, development under the Specific Plan would be anticipated to generate between 119,600 and 128,180 cubic yards of solid waste per year,[11] with most of the waste generated by residential use. This would represent approximately 0.6 percent of annual solid waste disposed of at the Newby Island Landfill.[12]

Because Patrick Henry Drive Specific Plan implementation would not be expected to generate an inordinate amount of solid waste for its size (i.e., a rate inconsistent with adopted plans, policies, and regulations) either during demolition/construction activities or operation, and would be served by solid waste disposal and recycling facilities with sufficient capacities to accommodate the Specific Plan's demolition/construction debris and solid waste disposal needs, the Specific Plan's effect on solid waste and recycling services would represent a ***less-than-significant impact***.

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

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[11]Scenario A (12,000 DUs and 310,000 SF Other Non-Residential Uses): 12,000 DU @ 1 CY/week per 6 DU; 12,000 DU ÷ 6 DU = 2,000 x 1 CY = 2,000 CY/week (for residential); plus 310,000 SF other non-residential @ 3 CY/week per 2,000 SF (highest generation rate, aka "worst case"); 310,000 SF ÷ 2,000 SF = 155 x 3 CY = 465 CY/week (for other non-residential) = 2,465 CY/week, or 128,180 CY annual solid waste.

Scenario B (10,300 DUs, 785,000 SF Office, and 310,000 SF Other Non-Residential Uses): 10,300 DU @ 1 CY/week per 6 DU; 10,300 DU ÷ 6 DU = 1,717 x 1 CY = 1,717 CY/week (for residential); plus 785,000 SF office @ 3 CY/week per 20,000 SF; 785,000 SF ÷ 20,000 SF = 39.25 x 3 CY = 117.75 CY/week, rounded up = 118 CY/week (for office); plus 310,000 SF other non-residential @ 3 CY/week per 2,000 SF (highest generation rate, aka "worst case"); 310,000 SF ÷ 2,000 SF = 155 x 3 CY = 465 CY/week (for other non-residential) = 2,300 CY/week, or 119,600 CY annual solid waste.

[12]119,600 CY ÷ 21,200,000 CY (landfill) = 0.56 percent, rounded up = 0.6 percent; 128,180 CY ÷ 21,200,000 CY (landfill) = 0.6 percent.

Impact 18-5: Electricity, Natural Gas, and Telecommunications Infrastructure. Specific Plan needs for electricity, natural gas, and telecommunications infrastructure improvements are discussed below:

(a) Electrical System Infrastructure Needs. As discussed in Specific Plan Chapter 6 (Infrastructure), Silicon Valley Power (SVP) owns and operates the electric service within the City of Santa Clara. SVP has identified several electrical system improvements necessary to provide adequate service to Specific Plan development.[13]

For the Plan Area, SVP has identified the need for a new distribution duct bank to be built to provide a connection with the SVP Mission substation; in addition, other related electrical equipment improvements would be necessary along property frontages. Underground easements would be necessary for installation of substructures along frontages (either on the west end of parcel 6 or on the east end of parcel 3), as required of developers by City Code section 17.15.210. SVP anticipates that these frontage improvements for equipment would also be able to serve other projects in the Plan Area and not solely projects on whose property they are located.

According to SVP, funding for duct bank crossings required in the Plan Area would be the responsibility of the "first-come" developer; funding for relocating existing SVP equipment would be the responsibility of future project applicants.

In addition, though the Esperanca electrical substation (an SVP project currently in the planning stage) is intended to provide for the electrical needs of the Related Santa Clara project, SVP has determined that it would have sufficient capacity to handle the electrical system distribution needs of the Specific Plan. Transmission line upgrades for the Plan Area may be required, though construction of these would be the responsibility of SVP.

Future Specific Plan project applicants would be responsible for funding the offsite distribution duct bank (at the Mission substation). Other distribution and transmission system improvements that are not limited to serving the Plan Area would require future Specific Plan project applicants to pay a pro rata share of the cost, based on plans and cost estimates as they are developed (also, Specific Plan Chapter 7, Implementation Plan, outlines the approaches for one-time and on-going costs associated with public infrastructure improvement).

Other potential electrical system improvements that are being considered include a transmission and distribution interconnection study to evaluate the feasibility and impact of SVP improvements, and a Bulk Electric System/interconnection study, both currently in progress. Pro rata cost sharing of total transmission system improvements would be determined based on dollars per kVA (according to SVP)

[13]"Patrick Henry Drive Specific Plan, Stakeholders' Meeting," Silicon Valley Power, 9/18/20.

and applicable to individual project demand; however, cost and cost sharing mechanisms have not been finalized.

Electrical system improvements in the Plan Area would be expected to occur within either existing public rights-of-way or on City property, a project development site, or private property subject to a municipal easement. Construction impacts would be temporary. Construction period effects associated with these improvements (such as air emissions/dust, noise, and traffic interruption) would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, and by mitigations already identified elsewhere in this EIR--for instance, see EIR chapters 5 (Air Quality) for construction period dust control and air emissions reduction measures; 6 (Biological Resources) for ground-disturbance impacts on special status species and potential tree removal; 7 (Cultural and Historical Resources) for impacts on potentially historic structures and/or cultural resources; 8 (Geology and Soils) for erosion control measures and building code design standards; 9 (Greenhouse Gas Emissions/Energy) for GHG- and energy-reducing measures applicable to construction equipment; 10 (Hazards and Hazardous Materials) for potential construction-period hazardous materials use and transport and for potential hazardous waste sites; 11 (Hydrology and Water Quality) for construction-period storm water runoff provisions; and 13 (Noise) for construction-period noise control. No additional significant environmental impacts would be anticipated with this construction activity beyond those impacts already identified in this EIR.

Construction period impacts associated with electrical system improvements <u>outside</u> of the Plan Area would also be expected to occur within either existing public rights-of-way or on City property, or private property subject to a municipal easement. Construction impacts would be temporary. Construction period effects associated with these improvements (such as air emissions/dust, noise, and traffic interruption) would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations. These off-site projects would be subject to their own individual CEQA review, which would be expected to involve an evaluation of environmental impact topics similar to that provided in this EIR; however, because no plans have been finalized nor sites identified for these potential additional electrical system improvements, any further analysis would be speculative. (In addition, it should be noted that further evaluation requirements may be required by the California Public Utilities Commission.[14])

Because Plan Area electrical system improvements would be required to comply with mitigation measures already identified in this EIR, impacts from Specific Plan electrical system improvements would be less than significant.

[14]Depending on its size (usually greater than 100kV), a bulk electric system could involve additional evaluation and permitting from other State and federal agencies.

(b) Natural Gas Infrastructure Needs. As discussed in Specific Plan Chapter 6 (Infrastructure), Pacific Gas and Electric Company (PG&E) owns and operates the gas service within the City of Santa Clara, including the Specific Plan Area. A gas main runs east-west roughly midway through the eastern parcel between Great America Parkway and Old Ironsides Drive, then continues south along Old Ironsides Drive to Patrick Henry Drive, and from there heads west before crossing between the two southwestern parcels and past Calabazas Creek to the City of Sunnyvale. PG&E has stated that there are no known capacity limitations within the gas system in the Specific Plan Area. Gas mains would be subject to possible upgrading to comply with current PG&E standards. Any pipeline upgrade or connection to new buildings would be expected to occur within either existing public rights-of-way or on City property, a project development site, or private property subject to a municipal easement.

Construction impacts would be temporary. Construction period effects associated with potential pipeline upgrades and connections to buildings (such as air emissions/dust, noise, and traffic interruption) would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, and by mitigations already identified elsewhere in this EIR--for instance, see EIR chapters 5 (Air Quality) for construction period dust control and air emissions reduction measures; 6 (Biological Resources) for ground-disturbance impacts on special status species and potential tree removal; 7 (Cultural and Historical Resources) for impacts on potentially historic structures and/or cultural resources; 8 (Geology and Soils) for erosion control measures and building code design standards; 9 (Greenhouse Gas Emissions/Energy) for GHG- and energy-reducing measures applicable to construction equipment; 10 (Hazards and Hazardous Materials) for potential construction-period hazardous materials use and transport and for potential hazardous waste sites; 11 (Hydrology and Water Quality) for construction-period storm water runoff provisions; and 13 (Noise) for construction-period noise control. No additional significant environmental impacts would be anticipated with this construction activity beyond those impacts and identified in this EIR. Therefore, impacts from Specific Plan natural gas infrastructure needs would be less than significant.

(c) Telecommunications Infrastructure Needs. AT&T and Xfinity (Comcast) currently provide communications and cable/internet infrastructure to the Plan Area, with cell phone service available from several of the larger providers (e.g., AT&T, Verizon, T-Mobile). In addition, a "small cell antenna" initiative is being proposed by telecommunication carriers in coordination with Silicon Valley Power to provide more capacity in congested areas and improve service in areas where more traditional cell phone towers can't reach. (These smaller antennas can be attached discreetly to street light poles.) Individual project applicants would be responsible for coordinating communications and cable/internet connections with AT&T and Xfinity (Comcast), which would be expected to occur within either existing public rights-of-way or on City property, a project development site, or

private property subject to a municipal easement anticipated to be provided for by existing lines.

Construction impacts would be temporary. Construction period effects associated with potential telecommunication line upgrades and/or connections to buildings (such as air emissions/dust, noise, and traffic interruption) would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, and by mitigations already identified elsewhere in the EIR. No additional significant environmental impacts would be anticipated with this construction activity beyond those impacts already identified in this EIR. Therefore, impacts from Specific Plan telecommunications infrastructure needs would be less than significant.

Because construction of electrical system, natural gas, and telecommunications improvements in the Specific Plan Area would be required to comply with uniformly applied City of Santa Clara construction standards and regulations and the mitigations already identified elsewhere in the EIR, the construction period impacts associated with these improvements would represent a ***less-than-significant impact***.

Mitigation 18-5. No significant impact has been identified; no mitigation is required.

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

Impact 18-1: Specific Plan Inconsistency with General Plan and UWMP Growth Projections. The WSA prepared for the proposed Specific 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. (In addition, the recently adopted 2020 UWMP was based on 2018 ABAG growth projections that also did not include the Specific Plan growth projections.) Until the Specific Plan development exceeding General Plan growth projections is included in the General Plan and UWMP, (the Specific Plan is inconsistent with the General Plan/Urban Water Management Plan, and this inconsistency would represent a ***potentially significant project and cumulative impact***.

Facts in support of Finding: Approval of the Patrick Henry Drive Specific Plan would include adoption of a General Plan amendment to incorporate the Specific Plan into the General Plan's growth projections. In addition, the recently adopted 2020 UWMP, which was based on 2018 ABAG growth projections, also did not include Specific Plan growth. Until the General Plan is amended to include Specific

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

In addition, SB 221, adopted by the State in 2001, prohibits a city or county from approving a tentative subdivision map or parcel map, or a development agreement including land subdivision, of more than 500 units unless there is written verification that a sufficient and reliable water supply will be available prior to completion of the project. However, the Specific Plan would not entitle any specific development application, nor have any development applications been submitted under the Specific Plan, so while an adequate water supply must still be verified for individual, future project applications, the City in the Patrick Henry Drive Specific Plan WSA has identified water supplies and estimated water demand in compliance with State law.

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

Mitigation Measure: Mitigation 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.

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

3. Project impacts determined to be significant and unavoidable

None.

4. Cumulative impacts

None.

V. FINDINGS REGARDING ALTERNATIVES

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

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

Identified Alternatives

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

- **Alternative 1: No Project - Existing City of Santa Clara 2010-2035 General Plan**. Under Alternative 1 (No Project), there would be no change in the current land use and zoning controls in the Plan Area. The Patrick Henry Drive Specific Plan would not be adopted, and development would proceed under the current 2010-2035 General Plan. New infrastructure would be maintained or constructed as required to accommodate new development on a project-by-project basis, and not as a planned, integrated set of improvements specifically for the Plan Area. The No Project alternative would continue to allow development under the existing Light Industrial (ML) General Plan designation, which would accommodate manufacturing, distribution, warehousing, and other allowable uses with a maximum Floor Area Ratio (FAR) of 0.60. Because no residential uses would be developed, no new public parks or open spaces would be required. The No Project alternative would result in an increase in uses allowed under the Light Industrial General Plan designation. Uses currently in the Plan Area include general office (500,499 square feet), research and development (207,667 square feet), light industrial (120,900 square feet), data center (214,522 square feet), and a church (29,400 square feet) (from Table 5-5 in chapter 5, Air Quality, of this EIR), for a current total of 1,072,988 square feet. Generally, using the 0.6 FAR for the 73.59-acre (3,205,580 square-foot) Plan Area, development over existing conditions in the Plan Area would increase by up to 2,132,592 square feet, for a total in the Plan Area of 3,205,580 square feet of land uses allowable under the Light Industrial General Plan designation.

  The frameworks and design standards and guidelines of the proposed Patrick Henry Drive Specific Plan would not be implemented, and no residential units would be developed.

- **Alternative 2: All Commercial Office Development**. Under Alternative 2, a Patrick Henry Drive Specific Plan would be adopted, but all development would be commercial office, which would allow up to be 6,411,161 square feet of commercial office space. No residential, retail, flex, or community development would be included in the Specific Plan. Alternative 2 would result in a net reduction of: 10,300 to 12,000 residential units, 150,000 square feet of retail space, 90,000 square feet of flex space, and 70,000 square feet of community space, with a net gain of approximately 5,551,286 to 6,411,161 square feet of commercial office space.[15] Because no residential uses would be developed, no new public parks or open spaces would be required.

[15]The office space calculations are based on the gross acreage of the Plan Area (73.59 acres) multiplied by the 2.0 Floor Area Ratio (FAR) allowed in the Specific Plan High-Density Flex land use classification. Specific Plan Scenario B already proposes 785,000 square feet of office use on about ten acres; therefore, the alternative shows a range of net new office space.

This alternative does not restrict development to fewer potential development sites or at a lower intensity on individual sites compared to the proposed Patrick Henry Drive Specific Plan. Specific Plan frameworks and design standards and guidelines would be revised/reformulated to apply to only commercial office development. Plan components and uniformly applicable development regulations and performance standards would be implemented on individual development sites.

Overall impacts throughout the Plan Area would be expected to be higher, generally due to the single-use (commercial office) aspect of the alternative.

- **Alternative 3: All Residential Development**. Under Alternative 3, a Patrick Henry Drive Specific Plan would be adopted, but all development would be multi-family residential. No retail, flex, office, or community development would be included in the Specific Plan. Alternative 3 would result in a net reduction of: 150,000 square feet of retail space, 90,000 square feet of flex space, 0 to 785,000 square feet of office space, and 70,000 square feet of community space, with a net gain of approximately 4,727 multi-family dwelling units, for a total of 16,727 dwelling units in the Plan Area.

  This alternative does not restrict development to fewer potential development sites or at a lower density on individual sites compared to the proposed Patrick Henry Drive Specific Plan. Specific Plan frameworks and design standards and guidelines would be revised/reformulated to apply only to residential development – and Specific Plan public parks and open space provisions would remain intact and could be expanded based on the increase in residents. Plan components and uniformly applicable development regulations and performance standards would be implemented on individual development sites.

  Overall impacts throughout the Plan Area would be expected to be higher, generally due to the single-use (residential) aspect of the alternative.

- **Alternative 4: Reduced Overall Development.** Under Alternative 4, a Patrick Henry Drive Specific Plan would be adopted, but overall development would be reduced by 20 percent. Alternative 4 would result in between 8,240 and 9,600 residential units (a net reduction of 2,060 to 2,400 units); 248,000 square feet of non-residential/non-office development (a net reduction of 62,000 square feet); 628,000 square feet of commercial office (Scenario B only; a net reduction of 157,000 square feet); and between 5.6 acres and 6.5 acres of new public parkland and, similarly, 5.6 and 6.5 acres of new open space (a net reduction of 1.41 to 1.6 acres).

  This alternative would not restrict development in the Plan Area, and all other Plan frameworks and design standards and guidelines would remain the same. Plan components and uniformly applicable development regulations and performance standards would be implemented on individual development sites. Overall impacts throughout the Plan Area would be expected to be lower.

- **<u>Alternative 5: Alternative Project Location (Considered But Rejected)</u>**. Section 15126.6(a) of the CEQA Guidelines states, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project[.]" Further, section 15126.6(c) explains, "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects." To help clarify the meaning of "feasibility," CEQA Guidelines section 15126.6(f)(1) (Rule of Reason/Feasibility) states, "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site….No one of these factors establishes a fixed limit on the scope of reasonable alternatives."

  Santa Clara is an incorporated city bordered by the cities of Sunnyvale and Cupertino to the west, San Jose to the south and east, and Milpitas to the northeast. The approximately 73.59-acre Plan Area is almost completely surrounded by existing development (the proposed Kylli mixed-use development is proposed for the parking area adjacent to the northern Plan Area border and is currently under review). The Plan Area has been identified in the adopted Santa Clara 2010-2035 General Plan and designated a Priority Development Area by ABAG as an area of growth due primarily to its location, the presence of nearby employment opportunities, and the availability of infrastructure (e.g., utility systems, transportation network - including light rail, shuttles to heavy rail and freeways). This situation provides an opportunity to accommodate projected growth while allowing the City to preserve its existing single family and other low-density neighborhoods. An alternative location for the Patrick Henry Drive Specific Plan is not feasible primarily because other areas that could accommodate similar high-density residential development are either currently under development review or are the focus of future study. In addition, the CEQA Guidelines note that the alternatives evaluated in an EIR should be selected based on their ability to avoid or substantially lessen the significant impacts of the proposed project. Even if an alternative location for the project could implement the basic project objectives, only those locations that would avoid or substantially lessen any of the significant impacts of the project need to be considered in the EIR.

  In the case of identified significant impacts under the proposed Patrick Henry Drive Specific Plan, (1) feasible mitigation measures are available to reduce most impacts to less-than-significant levels (with the exception of air quality, cultural resources, and traffic noise impacts), and (2) transferring these potentially significant impacts to an alternative location still could substantially affect the environment, possibly worse than in the Plan Area, where coordinated infrastructure, services, regulations, plans, and proximity to transit resources already are in place to avoid or reduce significant

environmental impacts. The Patrick Henry Drive Specific Plan objectives consist of a range of coordinated frameworks and urban design standards and guidelines intended to improve the area for residents, employees, and visitors – in both the short term and long term. The purpose of the Specific Plan is to create new housing balanced with non-residential development appropriate for the location. An alternative to the Specific Plan that focused on a different location in Santa Clara would not necessarily be able to implement the City's basic objectives for the project.

Because an alternative project location would be infeasible, would not necessarily avoid or lessen the significant impacts of the proposed project and might result in new significant impacts, and would not necessarily be able to achieve the basic project objectives, a project alternative in a different location was eliminated from further detailed consideration. No further evaluation of alternative project locations is required under CEQA.[16]

Environmentally Superior Alternative

Alternative 4: Reduced Overall Development would result in the least adverse overall environmental impacts and would therefore be the "environmentally superior alternative." This conclusion is based on the overall reduction in the severity of impacts compared to the proposed project (the Specific Plan). In addition, Alternative 4 would meet all of the eight basic project objectives, at least to some degree, though it would be less effective in meeting parkland and open space standards, providing community amenities and public facilities, and developing affordable housing (but would still support the City percentage goals – i.e., 15 percent – for affordable housing) due to the reduced size of development proposed.

Finding: Based on the sheer size of the Specific Plan Area (73.59 acres) and the development already allowed under the existing Santa Clara General Plan (No Project), none of the significant unavoidable project or cumulative impacts are expected to be reduced to a level of less than significant under any of the alternatives with the exception that Alternative 4 would be likely to reduce Impact 13-4 (Increases in Traffic Noise from Specific Plan Development) to a less-than-significant level.

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

However, as discussed above, the Reduced Development Alternative would not avoid all of the Project's significant and unavoidable environmental effects. Moreover, as compared to the Project, this Alternative would assist the City substantially less in meeting its RHNA goals and its objectives of providing housing close to commercial development and current and planned jobs and reducing the jobs to housing ratio in the City. Since the Reduced Overall Development Alternative would not avoid all of the Project's significant and unavoidable impacts and would not meet the Project's primary objective of developing a high-density infill development near transit to address the City's RHNA goals as much as is possible, the City rejects as infeasible the Reduced Overall Development Alternative 4 on the basis of such considerations.

VI. FINDINGS REGARDING GROWTH-INDUCING IMPACTS OF THE PROJECT

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

The Project is an "infill" project, meaning that the Plan Area is within the City's existing boundaries, already served by existing infrastructure, and planned for urban uses. Redevelopment of the Patrick Henry Drive Focus Area was envisioned as part of the Santa Clara 2010-2035 General Plan. The proposed Specific Plan has increased the allowed density in the Plan Area from what was assumed in the General Plan. The resulting dwelling unit assumptions for the Plan Area have increased from 2,550 residential units as described in the Santa Clara 2010-2035 General Plan to 12,000 dwelling units assumed in the Specific Plan. The proposed commercial square footage and school facilities are consistent with the mixed-use neighborhood envisioned for the Plan Area. The impacts to infrastructure and services resulting from the proposed Specific Plan are described and analyzed throughout this EIR. Because the proposed Specific Plan is a previously envisioned growth area in the General Plan and is not anticipated to result in increased growth outside the City where urban development is not already planned, the proposed Specific Plan would not result in growth-inducing impacts beyond what is envisioned in the City's General Plan.

VII. FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

The City Council adopts the following findings with respect to whether to recirculate the Draft EIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative)

that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

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

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

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

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

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

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

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

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

VII. SECTION 21082.1(c)(3) FINDINGS

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

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

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

Section 15093 of the CEQA Guidelines provides the following:

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

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

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

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

- Air Quality emissions (criteria pollutant emissions)

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

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

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

Overriding Considerations

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

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

- The Project will revitalize a currently underutilized area near Levi's Stadium, the Convention Center, and the future City Place project by providing housing in an amenity–rich, urban environment that is close to transit and employment opportunities.

- The Project will allow the development of an ambitious Park Space and Greenways plan to provide 14.5 acres of open space area including a 5.25 acre park acting as a focal point for the neighborhood.

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

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

- The Project plans for the construction of up to 7,200 dwelling units by 2035 that could accommodate up to 11,300 employed City residents, which would substantially improve the City's jobs-housing balance and would be a key component of meeting the City's RHNA obligation for the sixth Housing Element cycle.

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

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

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