

RESOLUTION NO. 22-9053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA ADOPTING THE MITIGATED NEGATIVE DECLARATION (MND) AND THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE PROJECT LOCATED AT 630 LAURELWOOD ROAD, SANTA CLARA

PLN2020-14594 (Mitigated Negative Declaration)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on August 2, 2020, Bryan Scott, Outfront Media (“Applicant”) applied for a development application to allow the construction of a new LED digital billboard at 630 Laurelwood Road, Santa Clara (“Project Site”);

WHEREAS, the Project Site is currently zoned as ML-Light Industrial and has the General Plan land use designation of Light Industrial;

WHEREAS, in order to implement the proposed development, the Project Site needs a Billboard Relocation Agreement, to facilitate the construction of a new one faced LED digital billboard, 55 feet in height, and with a total advertising surface area of 672 square feet (14 feet by 48 feet) (“Project”) as shown on the Development Plans, as attached as Exhibit “Development Plans”;

WHEREAS, a text amendment is being proposed to the Zoning Ordinance that would allow digital billboard signs to exceed the height limit in Section 18.80.050 with the approval of a relocation agreement;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., requires a public agency to evaluate the environmental impacts of a proposed project;

WHEREAS, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, on December 16, 2021, the City of Santa Clara (“City”) distributed a Notice of Availability of an Initial Study (“IS”) and posted the Notice at the Santa Clara County Clerk’s office, soliciting guidance on the scope and content of the environmental information to be included in the MND;

WHEREAS, in conformance with CEQA, the MND was noticed and circulated for a 20-day public review period from December 16, 2021 to January 5, 2022, and one comment letter was received from the Santa Clara Valley Water District;

WHEREAS, the City Council reviewed and considered the information contained in the MND for the Project;

WHEREAS, the environmental consultants, Denise Duffy and Associates, prepared a “Response to Comments” (RTC) document on the MND that responds to Valley Water’s comments;

WHEREAS, on January 10, 2022, at a duly noticed public hearing, the Planning Commission considered the IS, MND, and MMRP, at the conclusion of which, the Planning Commission voted unanimously to adopt a resolution recommending that the City Council approve the IS/MND and MMRP;

WHEREAS, the City Council reviewed and considered the information contained in the MND for the Project;

WHEREAS, on February 10, 2022, the notice of public hearing for the February 22, 2022 City Council meeting was posted in three conspicuous locations within 300 feet of the Project Site, and on February 10, 2022, notice was mailed to interested parties within 300 feet of the Project Site boundaries, in accordance with the City Code; and,

WHEREAS, on February 22, 2022 the City Council held a duly noticed public hearing to consider the adoption of the MND, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the project.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That based on the whole record before it, the City Council hereby finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less than significant level by the mitigation measures specified in the MND and MMRP and that there is no substantial evidence that the project will have a significant effect on the environment.

3. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the City Council.

4. That the City Council hereby finds that the MND completed for this Project has been completed in compliance with CEQA, and that approval of this Project as mitigated will have no significant negative impacts on the area's resources, cumulative or otherwise, as the impacts fall within the environmental thresholds identified by CEQA, and hereby adopts the MND.

5. That, in order to comply with Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program as set forth in the attached "MMRP". The Program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the party responsible for implementation.

6. That the City Council hereby designates the Planning Division of the Community Development Department as the location for the documents and other materials that constitute the record of proceedings upon which this decision is based and designates the Director of Community Development as the custodian of records.

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7. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 22ND DAY OF FEBRUARY, 2022, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Becker, Chahal, Park, and Watanabe,
and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Hardy and Jain

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Development Plans
2. MMRP

Full Flag billboard (14' x 48').
55' tall overall.

Public Storage sign cabinets to be mounted to front and back of Black billboard pipe as shown.
Sign cabinets to be 8' tall and 12' wide.
Mounted at 35' to top of sign.
Internal LED illumination.
Flex face with vinyl graphics.



EQUITY SIGN GROUP <small>FULL SERVICE • DESIGN, MANUFACTURE, INSTALL</small>	 OUTFRONT media
	ADDRESS: Public Storage
	DATE: 8-26-19
DRAWING NUMBER OUI 8-26-19	

Mitigation Monitoring and Reporting Program
for 630 Laurelwood Road
Digital LED Billboard Project

File No.: PLN2020-14594

Mitigation Monitoring and Reporting Plan (MMRP) for the 630 Laurelwood Road LED Digital Billboard Project in the City of Santa Clara

Environmental Impact	Mitigation Measures	Responsibility for Implementation	Oversight of Implementation	Timeframe for Implementation
<p>Air Quality</p> <p>Impact AIR(c): The construction of the proposed project would result in exposure of sensitive receptors to substantial pollutant concentrations.</p>	<p>Mitigation Measure AIR-1.1. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices applicable to the project shall be implemented during construction of the proposed project:</p> <ul style="list-style-type: none"> ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▪ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. ▪ All vehicle speeds on unpaved roads shall be limited to 15 mph. ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible after grading to minimize dirt and soil exposure. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. ▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▪ Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. 	<p>Project applicant and contractors</p>	<p>Community Development Director</p>	<p>During construction</p>

Environmental Impact	Mitigation Measures	Responsibility for Implementation	Oversight of Implementation	Timeframe for Implementation
	The Air District's phone number shall also be visible to ensure compliance with applicable regulations.			
Biological Resources				
<p>Impact BIO(d): The construction of the proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>	<p>Mitigation Measure BIO-1.1. Construction and demolition activities shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.</p> <p>Mitigation Measure BIO-1.2. If it is not possible to schedule demolition between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, will determine the extent of a construction-free buffer zone to be established around the nest to ensure that migratory bird nests will not be disturbed during project construction.</p>	<p>Project applicant and contractors</p> <p>Project applicant and contractors</p>	<p>Community Development Director, CDFW</p> <p>Community Development Director, CDFW</p>	<p>Prior to issuance of demolition or grading permits</p> <p>Prior to issuance of demolition or grading permits</p>

Environmental Impact	Mitigation Measures	Responsibility for Implementation	Oversight of Implementation	Timeframe for Implementation
<p>Cultural Resources/Tribal Cultural Resources</p> <p>Impact CUL(b, c): The construction of the proposed project could result in a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5 or disturb human remains, including those interred outside of formal cemeteries.</p>	<p>Mitigation Measure CUL-1.1. If historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures will be implemented:</p> <ul style="list-style-type: none"> ▪ In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find will stop and a qualified professional archaeologist will examine the find. If the find is determined to be significant, treatment recommendations will be developed and implemented before earthmoving or construction activities can commence within the designated resource area. ▪ In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that human remains are encountered during grading and construction, all work within 50 feet of the find will stop and the Santa Clara County Coroner's office will be notified. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission to identify the "Most Likely Descendant" (MLD). The City, in consultation with the MLD, will then develop and implement a plan for treatment, study and reinterment of the remains. 	Project applicant and contractors	Community Development Director, NAHC (for human remains)	During all phases of ground disturbing activities
<p>Hazards and Hazardous Materials</p> <p>Impact HAZ(b): The construction of the proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of</p>	<p>Mitigation Measure HAZ-1.1. The following measures shall be implemented during billboard removal activities to reduce potential impacts to construction workers associated with lead-based paint or other hazardous building materials (e.g., Universal Wastes):</p> <p>In conformance with State and local laws, a visual inspection and possible sampling shall be completed prior to the removal of the billboard structures to determine the presence of lead-based paint or other hazardous building materials.</p> <ul style="list-style-type: none"> ▪ During billboard removal activities, all materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring, and dust control. 	Project applicant and contractors	Community Development Director	During excavation, grading, and removal activities

Environmental Impact	Mitigation Measures	Responsibility for Implementation	Oversight of Implementation	Timeframe for Implementation
<p>hazardous materials into the environment.</p>	<ul style="list-style-type: none"> ▪ Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed. <p>Mitigation Measure HAZ-2.1. If evidence of historic release of hazardous materials is discovered, work will be stopped in the immediate area and soil samples will be collected and analyzed by a qualified environmental professional to determine the type and extent of release and potential health effects to construction workers. The analytical results will be compared against applicable hazardous waste criteria and environmental screening levels (ESLs), and if necessary, the investigation will provide recommendations regarding management and disposal of affected soil and groundwater. Any contaminated soil and/or groundwater found in concentrations above developed thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. Special health and safety measures and/or soil management procedures may also be required during project construction.</p>	Project applicant and contractors	Community Development Director	During all phases of ground disturbing activities