23-1147 **Agenda Date: 10/18/2023**

REPORT TO DEVELOPMENT REVIEW HEARING

SUBJECT

Action on the Architectural Review for a Multi-Family Residential Development within the Tasman East Specific Plan Area Located at 5185 Lafayette Street (Applicant Requested Continuance from the September 13, 2023 Meeting)

File No.: **PLN2018-13441**
Location: **5185 Lafayette Street,** an approximately 0.90-acre property located on the west side of Calle De Luna; APN: 097-46-011; the property is zoned Transit Neighborhood (TN)
Applicant: Ensemble Investments/Steinberg Hart
Owner: 5185 Lafayette Street, LCC
Request: **Architectural Review** for a new 21-story, 198-unit multi-family residential development within the Tasman East Specific Plan area located at 5185 Lafayette Street

Project Data

The Project Data Table is included as Attachment 2.

Points for Consideration

- Per the applicant's request, the project was continued from the September 13, 2023 Development Review Hearing.
- The applicant proposes to redevelop the subject 0.90-acre (39,024 square-foot) site.
- The subject site has a General Plan land use designation of Transit Neighborhood within the Tasman East Specific Plan (TESP).
- The TESP intends for the redevelopment of the existing industrial area into a high-density transit-oriented neighborhood.
- The subject site has a zoning designation of Transit Neighborhood (TN)
- The density range for the Transit Neighborhood (TN) designation is 100-350 dwelling units per acre (du/ac). The project as proposed is 220 du/ac.
- The project site is currently developed with one light industrial building, totaling approximately 15,365 square feet, which would be demolished.
- The project includes 21-story residential building, with two levels below grade parking, five levels above grade podium (with parking), and sixteen levels of residential units above.
- Access to the buildings would be provided by updating two full-access driveways along the northeast side of the lot, with an ingress and egress on Lafayette Street and Calle De Luna, and an additional egress only driveway on Calle De Luna. The parking garage is accessed through the northeast corner of the lot. The project proposes a drop-off/pick-up zone on Calle De Luna.
- A virtual community meeting for the project was held on July 10, 2022. Community members asked questions about the tenant for the retail space and construction timing.

Building Design

- The proposed building would be a maximum height of 219 feet to the roofline with an additional 20-30 feet of mechanical equipment screening.
- A small number of residential units would also be located on floors two to five. Floors six to 21 would consist of residential units ranging from nine units to 13 units.
- The project would provide up to 8,264 square feet of usable open space (exceeding the requirements). A gateway plaza and covered patio and dining area are proposed on the ground floor and an outdoor fitness area and yoga patio are proposed on the sixth floor. Amenities proposed on the 21st floor would include a pool and spa, cabanas, BBQ area, entertainment room, and dining terrace. In addition, each residential unit would include a balcony/patio.
- Parking would be provided within two levels of below-grade parking and within the building on floors two to five. A total of 310 vehicular parking spaces and 110 bicycle parking spaces are proposed. Parking stackers account for 109 of the vehicular spaces.
- The overall architecture of the building represents a contemporary design. The residential tower utilizes a combination of vision and spandrel glass, porcelain tile panels, and metal panels.

Conclusion

- The proposed development is consistent with the General Plan and with the TN Zoning District development standards and guidelines. The approved Tasman East Specific Plan (TESP) provides for a residential yield of up to 4,500 new dwelling units over the next 20 years. To date, 2,110 dwelling units have been entitled. A total of 198 units are proposed with this project.
- The proposal will support goals, policies and land uses established in the TESP to create a mix of housing types, open spaces, and supporting linkage to the Guadalupe River Trail.

Findings

To grant approval of the Architectural Review, the following findings shall be made:

1. *That any off-street parking area, screening strips and other facilitates and improvements necessary to secure the purpose and intent of this title and the general plan of the City area a part of the proposed development, in that;*
   - The development exceeds the required parking spaces under SCCC 18.25.070(a)(3) and (5). The project provides 310 parking spaces where 209 are required, including 111 parking spaces that will be located in parking stackers.

2. *That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard, in that;*
   - The project is consistent with the Tasman East Specific Plan Street Design Guidelines, Open Space Design Guidelines and Building Design Guidelines. The project implements the TESP by providing the necessary components such as bike lanes, sidewalk widths, and landscaping. The building is designed to be consistent with the TESP by providing building recesses, notches, a variety of materials, colors, and fenestration patterns.
   - The proposed project incorporates high quality sustainable, energy efficient materials and will meet or exceed all CalGreen requirements.

3. *That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the general plan of the City, in that;*
   - The development is consistent with the Transit Neighborhood Specific Plan and zoning designations. The project is compatible with the planned high-density residential uses in the area.

4. *That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development, and will not be materially detrimental to the public welfare or injuries to property or improvements in said neighborhood, in that;*
   - The project is subject to the California Building Code and City Code requirements, which serve to regulate new construction to protect public health, safety and general welfare.
   - The use, scale, and design of the development, as conditioned, are consistent with the TESP standards and are compatible with the planned uses in the surrounding area.

5. *That the proposed development, as set forth in the plans and drawings, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, which set shall be maintained in the planning division office, in that;*
   - The proposed project is consistent with the Tasman East Specific Plan and provides for an attractive, inviting, imaginative and functional site arrangement of the building, the obscured parking areas, and a high quality architectural and landscape design. The project also provides for proper access, visibility and identity, and access to transit within the Tasman East Specific Plan.

ENVIRONMENTAL REVIEW

An Addendum was prepared for the project in accordance with the California Environmental Quality Act (CEQA). See Attachment 4 for the Addendum. CEQA Guidelines Section 15162 states that when an Environmental Impact Report (EIR) has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines on the basis of substantial evidence in light of the whole record that substantial changes or new information of substantial importance has been identified.

The City of Santa Clara certified the Tasman East Specific Plan (TESP) EIR (SCH#2016122027, File Nos. CEQ2016-01026, PLN2016-12400). Based on the proposed project description and knowledge of the project site (based on the environmental review prepared for the TESP FEIR), the City concludes that the proposed project would not result in any new impacts not previously disclosed in the TESP FEIR and would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the FEIR. For these reasons, an addendum to the TESP FEIR was prepared for the proposed project. An addendum is not required to circulate for public review, but will be attached to the TESP FEIR, pursuant to CEQA Guidelines Section 15164(c).

PUBLIC CONTACT

On August 31, 2023, a notice of public hearing of this item was posted 1,000 feet of the project site and mailed to property owners within 1,000 feet of the project site. The project was continued from the September 13, 2023 hearing to a date certain of October 18, 2023. Therefore, additional noticing

was not required. As of the writing of this report, planning staff has not received public comments for this application.

RECOMMENDATION

Consider the Addendum to the Tasman East Specific Plan EIR and **Approve** the Architectural Review for the new construction of a 21-story, 198-unit multifamily residential development with two levels below grade for parking, five levels above grade podium (with parking), and sixteen levels of residential units above within the Tasman East Specific Plan area located at 5185 Lafayette Street, subject to the findings and conditions of approval.

Prepared by: Rebecca Bustos, Principal Planner, Community Development Department
Approved by: Sheldon Ah Sing, Development Review Officer, Community Development Department

ATTACHMENTS

1. Development Plans
2. Project Data Table
3. Conditions of Approval
4. CEQA Addendum

5185 Lafayette Street

Lot Size: 39,024 sq. ft.		
	Existing	**Proposed**
Square Footage	15,365 sq. ft.	393,038 sq. ft.
Stories	One	21
Residential Units	-	198
Lot Coverage	15,365/39,024 = 40%	31,450/39,024 = 81%
F.A.R.	15,365/39,024 = 0.40	393,038/39,024 = 10
Vehicle Parking	12	310
Bicycle Parking	-	110

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

BUILDING DIVISION

BD1. Prior to overall construction permit application, submit to the Santa Clara Building Division, 2 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. Please note city staff policy that existing site addresses typically are retired. Provide digital pdf printed from design software, not scanned from printed paper sheet.

a) Any building or structure that is demolished shall have its address retired and a new address/s shall be issued for the project.

BD2. The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: https://msc.fema.gov/portal/home. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code.

a. FEMA Flood Zone map designations and requirements are based on the map in effect at date of Building Permit issuance.

BD3. The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program Low Impact Development (LID) practices http://www.scvurppp-w2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurppp-w2k.com/construction_bmp.shtml, and shall provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division shall include a city of Santa Clara "C3" data form, available on this web page:

- https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/stormwater-pollution-prevention and will be routed to a contract consultant for review.

BD4. No construction code review or analysis is being done at this time. The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis, including; proposed use and occupancy of all spaces (19' CBC Ch. 3), all building heights and areas (19' CBC Ch. 5), all proposed types of construction (19' CBC Ch. 6), all proposed fire

and smoke protection features, including all types of all fire rated penetrations proposed (19' CBC Ch. 7), all proposed interior finishes fire resistance (19' CBC Ch. 8), all fire protection systems proposed (19' CBC Ch. 9), and all means of egress proposed (19' CBC Ch. 10). -Noncombustible exterior wall, floor, and roof finishes are strongly encouraged.

- During construction retaining a single company to install all fire rated penetrations is highly recommended.
- The grade level lobbies shall be min.1 hour rated all sides and above.
- All stair shafts shall be min. 1 hour rated.
- All elevator shafts shall be min. 1 hour rated.
- All trash chute shafts shall be min. 1 hour rated.
- Recommendation: provide a minimum of two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
- Any trash rooms shall be min. 1 hour rated all sides and above.

BD5. The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.

BD6. Temporary Certificates of Occupancy will not be routinely issued and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO.'s.

BD7. See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.

BD8. This project is subject to the provisions of the City of Santa Clara 2022 Reach Code, effective January 2022 See Ordinance No. 2034 and/or Title 15 of the Santa Clara City Code.

- Chp. 15.36 – Energy Code for “all electric” provisions for new construction.
- Chp. 15.38 – Green Building Code for additional Electric Vehicle Charging requirements for new construction.

BD9. Due to limited review experience in structure exceeding the height limit of 160 feet in the City, Building Official reserves the right to require structural peer review for this project. Final determination will be made when the Building permit application is submitted.

HOUSING & COMMUNITY SERVICES DIVISION

H1. Project is subject to the Phase I incremental affordable housing requirements as set out the Tasman East Specific Plan, which requires a total of 15.81 affordable units to be provided on site. This is based on the 198 proposed units. The calculation of the affordable housing requirements results in a fractional unit (.81); the Applicant shall either pay an in-lieu fee of $255,463.43 or provide an additional unit to satisfy the requirement. There is currently no impact fee for the retail space proposed as it is under 5,000sf. If the retail space exceeds 5,000sf, an impact fee will be assessed at $6.47/sf. Fees must be paid prior to the issuance of the occupancy certificate of the building. Please note that the in-lieu and impact fees are currently estimates and may change if there are changes to the proposed plans. The Applicant shall provide units to affordable households made available at affordable rental prices to extremely low, very low, low and/or moderate-income households as long as the distribution of affordable units averages to a maximum of 100 percent of Area Median Income.

H2. Prior to issuance of Building Permits, the Developer shall enter into an Affordable Housing Agreement (AHA) with the City that will determine the affordable rents and apply all terms and covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Community Development. Satisfaction of the affordable housing obligation shall be memorialized in the AHA and subject to City Council approval. There will be a fee for the AHA preparation in the amount of $5,610 that will be due prior to execution of the AHA. Additionally, there is an annual monitoring fee per affordable unit in the amount $122. Please note all fees are based on the current Municipal Fee Schedule in effect at the time the project is approved and must be paid prior to the issuance of the occupancy certificate of the building. If note, if project does not receive approval before 7/1/23, the FY23-24 Fee schedule will apply. Fractional unit in-lieu fee will be $284,188,26, AHA preparation fee $5,868 and annual monitoring fee $127 per affordable unit.

PLANNING DIVISION

P1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. As this project involves land area of one acre or more, the Developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A stormwater pollution prevention plan is also required with the NOI.

P2. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, trash enclosure details, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.

P3. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project for both the private property and adjacent public right-of-way. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.

P4. A master sign program shall be required for the project. This can be submitted as a separate architecture application and shall be approved prior to the occupancy of the building.

P5. The project shall be consistent in all aspects of the Tasman East Focus Area Plan.

P6. Minor changes to the building, landscaping, or other minor plan elements would be subject to Planning Division review and approval of a Minor Amendment to an Approved Project, or through Architectural Review, subject to the discretion of the Director of Community Development.

P7. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.

P8. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.

P9. An erosion control plan shall be prepared, and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.

P10. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any

required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.

P11. The Final Storm Water Management Plan (SWMP) must be certified by a third-party consultant from SCVURPP's current list of qualified consultants. Five copies of the approval letter from the certified third-party review (wet stamped and signed) must be submitted prior to the issuance of grading or building permit.

P12. Prior to the issuance final occupancy, the applicant shall enter into Operations and Maintenance (O&M) agreement with the City. The project operator is responsible for the operations and maintenance of the SWMP and stormwater BMPs consistent with the O&M agreement throughout the life of the project. Green infrastructure shall be installed within the public right-of-way consistent with RWQCB requirements.

P13. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

P14. Construction Management Plan. The owner or designee shall submit a construction management plan addressing impacts to the public during construction activities including: showing work hours, noticing of affected businesses, construction signage, noise control, storm water pollution prevention, job trailer location, contractor parking, parking enforcement, truck hauling routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. The plan shall be submitted to the Director of Community Development or designee for approval prior to issuance of demolition and building permits.

P15. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays, Sundays and State and federal holidays for projects within 300 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and prohibited on Sundays and State and federal holidays.

P16. The applicant shall pay the Specific Plan Fee for the project prior to the issuance of an approval by the Development Review Hearing. The fee is to defray the cost of preparation, adoption, administration of the specific plan.

P17. The Developer shall comply with the Mitigations Monitoring and Reporting Program (MMRP) identified in the Tasman East Specific Plan Environmental Impact Report (SCH No. 2016122027).

P18. Air Quality Project Conditions.

a. Design the site to limit exposure from sources of TACs and fine particulate matter (PM2.5) emissions. The final site layout shall locate operable windows and air intakes as far as possible from the Union Pacific Railroad line/Lafayette Street and Tasman Drive.

b. To the greatest degree possible, plant vegetation along the project site boundaries with Union Pacific Railroad line/Lafayette Street and Tasman Drive and around outdoor use areas. This barrier would include trees and shrubs that provide a dense vegetative barrier.

c. Install air filtration at units that have predicted PM2.5 concentrations above 0.3 µg/m3. Air filtration devices shall be rated MERV13 or higher. Alternately, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below significance thresholds.

d. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.

e. Ensure that any lease agreements and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

f. Require that, prior to building occupancy, an authorized air pollutant consultant or HVAC engineer verify the installation of all necessary measures to reduce cancer risk below 10

chances per million from any source and PM2.5 concentrations above 0.3 µg/m3 for any source and 0.8 µg/m3 for all sources.

g. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

h. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

i. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a six- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

j. Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Community Development demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 70 percent reduction in DPM exhaust emissions. To achieve this reduction the construction plan would include the following:

(i) All construction equipment larger than 25 horsepower, operating on-site for more than two days continuously or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines with the inclusion of particulate matter emissions control equivalent to California Air Resources Board (CARB)-certified Level 3 diesel emission control devices that achieve a 70 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment or equivalent.

(ii) Electrical power lines shall be installed during early construction phases to avoid use of diesel generators, or

(iii) As an alternative to the measures above, the project applicant could request a plan from a qualified air quality specialist demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 70 percent or greater. Such a plan shall be reviewed and approved by the Director of Community Development prior to construction. Elements of the plan could include a combination of the following measures.

- Implementation of the first bullet (use of Tier 4 or alternatively fueled equipment),
- Implementation of the second bullet (installation of electrical power lines),
- Use of electrically-powered equipment,
- Forklifts and aerial lifts for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build out plans to lengthen phases, and Implementation of different building techniques that result in less diesel equipment usage.

P19. Biological Resources Project Conditions.

a. All free-standing glass railings adjacent to planted vegetation (i.e., amenity terraces on floors six and 21) shall be 100 percent treated with bird-safe treatment.

b. Extensive glazing within 60 feet above ground and on the floors above and below the sixth and 21st floor amenity terraces shall be treated with a bird-safe glazing treatment such that no more than 10 percent of the surface area have untreated glazing.

c. Landscape vegetation with flowers and fruits shall be removed from any planted areas immediately adjacent to untreated glazed areas.

d. There is potential for bird collisions on floors one to five (i.e., within approximately 60 feet of the ground). Specifically, on floors one and two of the eastern façade and on floors one to five of the

southern façade as these areas would be located adjacent to landscape vegetation and would consist of extensive glazing. One of the following two alternatives for glazing treatment shall be implemented

(i) No more than 10 percent of the surface area of the building façades combined shall have untreated glazing between the ground and 60 feet above ground. The applicant can determine which areas have untreated glazing; however, it is recommended that untreated glazing be minimized on the southern façade (where collision risks would be the highest); or

(ii) No more than 10 percent of the surface area of the southern and eastern building façades outlined in red on Figures 10 and 11 of Appendix B of this document and below shall consist of untreated glazing. This alternative focuses on the areas where collision would be the highest and would provide less flexibility regarding where unglazed treatment would occur.

Any untreated glazed areas (i.e., 10 percent untreated areas) shall be broken up into sections no greater than 24 square feet in size by mullions or bird-safe treatments.

e. No more than 10 percent of the surface area of these combined façades (as outlined in yellow on Figures 10, 12, and 13 of Appendix B of the CEQA Addendum) shall have untreated glazing. All remaining untreated glazed areas shall be broken up into sections no greater than 24 square feet in size by mullions and bird-safe glazing treatments.

P20. Noise Project Conditions.

a. The proposed retail space and residential units located on floors two to five shall have windows and doors with a Sound Transmission Class (STC) rating of 35 or greater to meet the interior noise threshold established by California Green Building Standards Code (CALGreen) requirements.

b. The proposed residential units along the western (sixth floor and above) and portions of the northern and southern building façades closest to Lafayette Street shall have windows and doors with a STC rating of 32 or greater to meet the interior noise threshold established by the City.

c. The remaining building façades shall have windows and doors with a STC rating of 28 or greater.

d. A suitable form of force-air mechanical ventilation, as determined by the local building official, shall be provided to all dwelling units on-site so that windows can be kept closed at the occupant's discretion.

e. If substantive changes are made to the design of the project prior to building department submittal, a qualified acoustical consultant shall confirm the noise insulation recommendations based on the final site plans, building elevations, and floor plans of the proposed building. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

P21. The Developer/ Owner shall develop and implement a Transportation Demand management (TDM) program.

P22. On the annual anniversary of project occupancy, the Developer/Owner shall prepare and provide to the Planning Division an annual report outlining the performance of the TDM.

P23. Prior to the issuance of the occupancy permit, the applicant shall prepare and receive approval on 20 percent vehicle miles traveled (VMT) reduction strategy, 10 percent of which would come from a Transportation Demand Management program (TDM).

FIRE

F1. 25-foot Emergency Vehicle Access Easement on the East side of the building or an alternate judgement from the City Attorney

F2. 25-foot Emergency Vehicle Access Easement on the North side of the building or an alternate judgement from the City Attorney

F3. The final TMAP (PLN23-00216) shall correctly represent the EVAE (or alternative with city attorney approval) on the North and East side of the building.

F4. An Alternate means permit (to be submitted and reviewed at same time as Building Permit) will be required detailing mitigation for the lack of aerial access. Normal mitigations may include an additional Fire Service Access Elevator, redundant fire sprinkler risers, and active smoke control system.

F5. Please note all conditions will be required to be satisfied prior to Building Permit issuance.

F6. FDC to be moved to address side of the building on Patrick Henry.

F7. Prior to Building Permit Issuance, a Phase II environmental assessment is required to be submitted to CRRD for review. If hazards are present that require site mitigation, cleanup, or management of chemical contaminants in soil, soil vapor, or groundwater a separate permit from one of the regulatory agencies below will be required. The type and extent of contamination on site(s) will govern which of the regulatory agencies noted below can supervise the cleanup: Department of Toxic Substances Control (DTSC); State Water Resources Control Board; or Santa Clara County, Department of Environmental Health.

F8. If the project intends to contract with a State or County Agency for onsite/offsite environmental remediation activities the following documentation shall be provided to the Fire Prevention & Hazardous Materials Division prior to issuance of a Building Permit for demolition or grading: Oversight agency case number; and Oversight mangers contact name, phone number.

F9. Prior to Building Permit Issuance, a Hazardous Materials Inventory Statement is required to be submitted and reviewed.

F10. Prior to Building Permit Issuance, a permit for Construction Safety & Demolition shall be submitted to the fire department for review and approval in compliance with our Construction Safety & Demolition standard.

F11. Prior to Building Permit Issuance, provide documentation from the City of Santa Clara Water & Sewer Department that the minimum required fire-flow can be met. Fire Department fire-flow will be based on the current California Fire Code. The most restrictive departments requirement shall apply.

F12. Prior to Building Permit Issuance, building plans shall show the required number, location and distribution of fire hydrants for the buildings will be based on the current California Fire Code, Appendix C as amended. The required number of fire hydrants will be based on the fire-flow before the reduction for fire sprinklers. Both public and private fire hydrants may be required

F13. Prior to the issuance of the Building Permit, a construction permit from the fire department apparatus access roads is required to be submitted for review and approval. Roadways must be provided to comply with all the following requirements:

F14. Fire apparatus access roadways shall be provided so that the exterior walls of the first story of the buildings are located not more than 150 feet from fire apparatus access as measured by an approved route around the exterior of each building. In addition, aerial apparatus roadways must be located so aerial apparatus will have clear access to the “entire” face/sides of the building. The minimum number of sides is project-specific and depends on the building configuration, building design, occupancy, and construction type, etc. As part of Building Permit Issuance, an alternative materials, design, and methods of construction and equipment permit application will need to be submitted for review and approval incorporating applicable mitigation measures as determined by the fire department for the lack of compliance. Please note acceptable mitigation methods may have been discussed during the planning stage. Those mitigations are not guaranteed until a formal alternate means permit is submitted

concurrently with the Building Plans. Conversely, an acceptable mitigation method may not have been discussed and will be evaluated under an alternate means permit at the building permit stage.

F15. For all other areas, the “minimum” unobstructed vertical clearance shall not be less than 13 feet 6 inches.

F16. The “minimum” width of aerial roadways for aerial apparatus is 26 feet.

F17. The minimum inside turning radius shall be 30 feet.

F18. The “minimum” width of roadways for aerial apparatus is 26 feet. Ariel access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building.

F19. Overhead utility and power lines easements shall not be located over fire apparatus access roads or between the aerial fire apparatus roads and the buildings to avoid the possibility of injury and equipment damage from electrical hazards.

F20. Fire apparatus access roadways shall be all-weather surface(s) designed to support a gross vehicle weight of 75,000-pounds.

F21. Trees at full development must not exceed 30’ in height and not impair aerials apparatus operations to sweep opposing sides of a building. Other obstructions such as site lighting, bio-retention, and architectural features are reviewed case-by-case to ensure they do not obstruct aerial and ground ladder access.

F22. Traffic control/calming devices are not permitted on any designated fire access roadway unless approved. A separate Fire Department permit is required for any barrier devices installed alone fire department apparatus access roads.

F23. Prior to any Building Department Issuance, all fire department apparatus access roadways on private property are required to “be recorded” with the County of Santa Clara as Emergency Vehicle Access Easements (EVAE’s) and reviewed by the Fire Department. No other instruments will be considered as substitutions such as P.U.E, Ingress/Egress easements and/or City Right-of-Ways.

F24. Prior to Building Permit Issuance, any EVAEs or fire protection equipment (including but not limited to fire service undergrounds, sprinkler piping, fire alarm equipment, fire pumps, ERRCS) that cross property lines or is not located on the parcel of the building it serves shall have a CC&R legally recorded detailing who is responsible for maintenance and repair of the EVAE or fire protection equipment.

F25. Prior to Building Permit Issuance, provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard.

F26. Prior to any Building Permit issuance, an alternate means or methods permits to mitigate any code deficiency must be submitted and approved. Please submit this permit concurrently with the building plans. Please note specific mitigations may have been discussed during the PCC process. None of these discussions are binding and can only be formally approved through submitting an AMM permit. The AMM permit is formally documenting that and still needs to be submitted.

PARKS & RECREATION

PR1. This memo assumes the Project is not a subdivision and the Mitigation Fee Act provisions will apply. The project will generate an estimated 475 residents (2.24 persons/household x 198 units). Based on the MFA standard of 2.53 acres/1,000 residents, the amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 1.2355-acres. The equivalent fee due in lieu of parkland dedication is therefore $8,607,456. Final calculations will depend upon the actual number and type of units and the mix of parkland dedicated and remaining fee due, at the discretion of the City.

PR2. In lieu fees imposed under Chapter 17.35 shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.

PR3. Application for Credit. It does not appear the project will be able to meet the requirements for potential credit.

PR4. Dwelling Unit Tax. According to City Code Chapter 3.15, a dwelling unit tax is also due based upon the number of units and additional bedrooms. The Project mix includes 115 one-bedroom units, and 65 two-bedroom units, and 18 three-bedroom units for a total DUT of $3,475.

POLICE

PD1. The property should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime. Consider not having any screening material on the fence so passing Police Patrol checks will be able to see into the site.

PD2. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. Consider illuminated numbers during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street. Where multiple units or buildings occupy the same property, each unit/building address shall be clearly visible. A monument sign, preferably at all entrances to the property, should be prominently displayed showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.

PD3. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the address shall be displayed to both the front and rear of the individual buildings. Where an alley, driveway, etc. provided vehicular access, address numbers shall be clearly visible from that access.

PD4. Residences with rear alley entrance doors shall be numbered with the same address numbers or suite numbers as the front doors. Numbers that are a minimum height of 4" are recommended.

PD5. There shall be positioned near the entrance an illustrative diagram of the complex, which shows the location of the viewer and unit designations within the complex, including separate building designations. This diagram shall be illuminated and should be protected by vandal and weather resistant covers.

PD6. Each distinct unit within the building shall have its address displayed on or directly above both front and rear doors.

PD7. When there is an alley or driveway to the rear of the residential, business or commercial establishment that provides pedestrian or vehicle access, that area should be fenced and locked after hours. A 'Knox Box' or key coded system shall be used for police and fire emergency access.

PD8. Landscaping should follow the National Institute of Crime Prevention standards. That standard describes bushes/shrubs not exceeding 2' in height at maturity, or maintained at that height, and the canopies of trees should not be lower than 6' in height. Crime deterrent vegetation is encouraged along the fence and property lines and under vulnerable windows.

PD9. Lighting for the project to be at the IES (Illuminating Engineering Society of North America) standards and include the features listed below: White light source, Pedestrian Scale, Full cut-off or shoebox design, Unbreakable exterior, Tamperproof Housings, Wall mounted lights/10' high. These features increase natural surveillance, support and/or enhance security camera capabilities, and increase Police Patrol effectiveness.

PD10. Any required enclosure fencing (trash area, utility equipment, etc.) would preferably be see-thru. If for aesthetic reasons prohibit that, the fencing should have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.

PD11. If the project includes any benches, these benches should not be longer than 5 feet in length, and should have arm rests at both ends. If the benches are longer than 5 feet in length, there should be a divider (arm rest or similar) in the middle of the bench in addition to the arm rests on both ends. This

helps prevent unlawful lodging and/or skateboarding. Another option to benches could be cubes, knee walls, or other creative types of seating possibilities.

PD12. The developer should install skate stoppers on any low clearance wall of 36 inches in height or lower to prevent vandalism/damage to the wall from skateboarding or similar activities. If there is outdoor seating associated with a restaurant or similar business which is near vehicle parking stalls, the outdoor space will be designed to ensure the safety of the public from possible vehicular related incidents.

PD13. All exterior doors should be adequately illuminated at all hours with their own light source.

PD14. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.

PD15. All elevators should be well lit and equipped with a security mirror to provide interior and exterior visibility prior to entry or exit.

PD16. Consider convex mirrors for elevator cabs and at stairwell landings in order to enhance natural surveillance for the user of the elevator or stairs. It is highly desirable to design an elevator shaft and cab to be transparent, making occupants of the cab visible from the outside. All elevators should be well lit and equipped with a security mirror to provide interior & exterior visibility prior to entry or exit.

PD17. Other line of sight obstructions (including recessed doorways, alcoves, etc.) should be avoided on building exterior walls and interior hallways.

PD18. All business, commercial or multi-unit residential establishments, of whatever nature, should have an electronic intruder alarm system installed. The system should cover the interior and perimeter of structures determined to be a value target. Also, consideration should be given to exterior areas that are or contain value targets, such as a product display lot, company vehicle parking area, etc.

PD19. The installation and use of interior and exterior security cameras and recording devices is highly encouraged.

PD20. The parking structure/site should be equipped with a centrally located emergency panic alarm system that reports to a central office. If more than one button/call station is installed, the emergency system should always be in visual distance from another emergency call station. There should not be more than 300 feet separating each call station, which is the current industry standard.

PD21. Exterior stairs shall be open style whenever structurally possible. The stairs should be well lit.

PD22. “White” light meeting the IES standard should be considered. There should be no “dark” areas inside the structure.

PD23. The interior of the parking structure should be painted a light, highly reflective color. This increases the natural lighting available and can help prevent dark areas that attract criminal activity.

PD24. All entrances to the parking areas (structure, surface, subterranean, etc.) shall be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code section 22658(a) for guidance)

PD25. Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns, and other open construction should be considered over a solid wall design.

PD26. Consider storage, maintenance, and trash rooms within the parking garage having doors which cannot be locked from the inside and that close and lock quickly and automatically upon exit.

PUBLIC WORKS

ENGINEERING

E1. Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.

E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be submitted within a Single Encroachment Permit to be reviewed and issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

E3. Submit public improvement/encroachment permit plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements directly to the Public Works Department. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.

E4. This Project is subject to the Tasman East Specific Plan Public Infrastructure Fee (Fee). The Fee is based on a per new residential unit basis. The Fee is subject to annual escalation per the Engineering News Record and is due prior to issuance of Building Permits. The City will credit and/or reimburse the developer for the construction of the Tasman East Specific Plan Public Infrastructure improvements included within the scope of the Fee and if constructed with the Project. These improvements are to be included within the Encroachment Permit issued for the Project. Reimbursement agreements are subject to Council approval.

E5. If the developer submits for a Building Permit that causes the total dwelling units to equal or exceed the following thresholds for the total Building Permit submittals of dwelling units within the entire Tasman East Specific Plan area, the developer shall design and construct the following traffic mitigation improvements:

- 3,150 dwelling units - Lafayette Street and Calle Del Mundo (new traffic signal construction)
- 3,600 dwelling units – Great America Parkway and State Route 237 (configuration of southbound approach to 1 right turn and 1 through right lane)
- 3,600 dwelling units – Lafayette Street and Calle De Luna (traffic signal modification to convert westbound approach to 1 left turn and 1 right turn lane).

The above traffic mitigation improvements shall be completed and placed into service prior to developer submitting any request for occupancy.

E6. City will determine cost sharing of public improvements for the Tasman East Specific Area Plan per the Infrastructure Impact Fee.

E7. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.

E8. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.

E9. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.

E10. All storm drain mains and laterals, sanitary sewer mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.

E11. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.

E12. Dedicate required on-site easements for any new public utilities, and/or emergency vehicle access by means of subdivision map or approved instrument at time of development.

E13. Dedicate sidewalk easements along the project frontage where public sidewalks extend into private property. Sidewalk easements are to be 1' behind proposed back of walk where there is landscaping behind sidewalk. Sidewalk easement where hardscape is behind sidewalk is to be at back-of-walk. Cold joint is required between public sidewalk and private hardscape.

E14. If requested, Developer/property owner shall prepare and submit for City approval a maintenance plan for all sidewalk, curb and gutter, landscaping and irrigation system improvements installed within the public right-of-way prior to encroachment permit issuance. Such plan shall include at a minimum,

maintenance requirements for trees and shrubs, in acknowledgement of developer's/property owner's obligation under Chapter 12.30 and 17.15.

E15. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction.

E16. After City Council approval of the Tentative Map, submit the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.

E17. Pavement treatment along Calle De Luna shall be full depth reconstruction 4"AC over 14" AB to the center line of the street.

E18. Pavement treatment shall be slurry seal with digouts for the half street width of Lafayette Street to the hardscape median along the project frontage. This is not included in the infrastructure fee and shall be completed at the sole cost of the developer.

E19. The south half of Calle De Luna will be reconstructed with EP21-0185. Per the City pavement moratorium (Ordinance No. 1998), no pavement cuts are permitted for 5 years after 12/31 of the year the encroachment permit work is completed. Refer to https://www.santaclaraca.gov/our-city/departments-g-z/public-works/maintenance-operations/street-maintenance/pavement-preservation-ordinance for more information.

E20. Traffic improvements must comply with the City of Santa Clara Standard Specifications for Public Works Construction

E21. Residential bicycle parking shall be 66 Class I spaces (one per 3 dwelling units) and 14 Class II spaces (one per 15 dwelling units) per 2007 VTA Bicycle Technical Guidelines based on 198 total residential units.

E22. Class I and Class II bicycle parking, as defined in SCMC 18.74.075, shall be conveniently accessible from the street, within 200 feet of a building entrance and/or highly visible areas.

E23. Landscape improvements within 10 feet of a driveway must be less than 3 feet or greater than 10 feet per City Standard Detail TR-9.

E24. All on-site structures must be clear of Driveway and Corner Visibility Clearance Areas per City Standard Detail TR-9. Show driveway and corner vision triangles on site plan.

E25. Trash collection shall be conducted on-site.

E26. Provide loading and unloading zone on-site

E27. Design and construct minimum 5-foot wide sidewalk.

E28. Design and construct driveway in accordance with City Standard Detail ST-8.

E29. The project shall pay its fair share of the traffic mitigations identified in Tasman East Specific Plan EIR/TIA. The project will pay its fair share towards the 100% project mitigations identified in the Tasman East Specific Plan/TIA.

E1. At project frontage corner, construct two curb ramps in accordance with Caltrans Std Plan A88A, Case A. Curb ramps shall be aligned with crosswalks.

STREETS DIVISION

Right of Way Landscape

L1. Include City of Santa Clara Tree Preservation/City Arborist specifications on all improvement plans.

L2. No cutting of any part of public or private trees, including roots, shall be done without securing prior approval of the City Arborist. Tree trimming/removal shall be done in accordance to the City of Santa Clara Tree Preservation/City Arborist specifications and with direct supervision of a certified arborist (Certification of International Society of Arboriculture).

L3. Identified existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City of Santa Clara prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.

Solid Waste

SW1. The applicant shall complete and provide the Post-Construction Solid Waste Generation Estimation and Collection Form, which includes the estimation of trash and recycling materials generated from the

project. Use the City's Solid Waste Guidelines for New and Redevelopment Projects as specified by the development type. Contact the Public Works Department at Environment@SantaClaraCA.gov or (408) 615-3080 for more information. Post Construction Solid Waste Generation and Collection Form to indicate how landscape waste will be addressed (either self-hauled by landscape company or collected in separate yard waste container provided by Mission Trail Waste Systems).

SW2. The applicant shall provide a site plan showing all proposed locations of solid waste containers, chutes, compactors, trash enclosures and trash staging areas. The site plan shall show the route or access for trash and recycling collectors (trucks) including vertical clearance, turning radius and street/alley widths. All plans shall comply with the City's Solid Waste Guidelines.

SW3. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at http://santaclara.wastetracking.com/.

SW4. Prior to obtaining a Temporary or Final Certificate of Occupancy, individual weight tickets for all materials generated for discard or reuse by the project during demolition and construction activities shall be uploaded to Green Halo and submitted for review and approval by Environmental Services. At a minimum two (2) weeks review time is required.

SW5. This project is subject to the City's Accumulation, Transportation and Disposal of Solid Waste Ordinance (Chapter 8.25 of the Municipal Codes), which requires the handling and disposal of waste by authorized service haulers. Insert the General Notes for the Construction & Demolition (C&D) Waste Management into construction plans in accordance with the City's municipal codes prior to the issuance of a Building or Grading permit. Provide the Green Halo waste online tracking number to Building staff prior to the issuance of a demolition or building permit.

SW6. This property falls within the City's exclusive franchise hauling area. The applicant is required to use the City's exclusive franchise hauler and rate structure for any hired debris boxes. Prior to the issuance of a Public Works clearance, the project applicant shall complete and sign the Construction and Demolition (C&D) / Waste Management Rules and Regulations Form.

SW7. All refuse from all residential, commercial, industrial and institutional properties within the city shall be collected at least once a week, unless otherwise approved in writing (SCCC 8.25.120) All project shall submit to the Public Works Department the preliminary refuse service level assessment for approval.

Stormwater

ST1. The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans. Include the SCVURPPP Countywide Construction BMPs Plan Sheet with the plans.

ST2. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.

ST3. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.

ST4. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.

ST5. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.

SILICON VALLEY POWER

SVP1. Clearances: (Make sure job notes do not conflict with SVP clearance requirements)

a. EQUIPMENT

i. Ten (10) foot minimum clearance is required in front of equipment access doors. (UG1000 sheet 11)

ii. Five (5) foot minimum clearance from pad is required on sides without equipment access doors. (UG1000 sheet 11)
iii. Eighteen (18) foot minimum width, shall be provided and maintained on one side of the equipment pad to allow an electric dept. line truck to drive up next to the pad for installation and maintenance of equipment. (UG1000 Sheet 11).
iv. Barrier pipes are required only on sides accessible to vehicles. (UG1000 Sheet 12).
1. Thirty (30) inches from side of equipment sides.
2. Forty Eight (48) inches in front of access doors.
a. Barrier Pipes in front of access doors shall be removable.

b. CONDUITS
i. Five (5) foot minimum longitudinal clearance between new conduits or piping systems (open trench installation) and any existing or proposed SVP conduit system. This is for longitudinal. (UG1250 sheet 5)
ii. Twelve (12) inch minimum vertical clearance between new conduit/pipes installed perpendicular to existing SVP conduits for open trench installations. (UG1000 sheet 36, UG1250 Sheet 6)
iii. Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)
iv. Three (3) foot minimum clearance is required between sign posts, barrier pipes or bollards, fence posts, and other similar structures. (UG1250 sheet 10).
v. Five (5) foot minimum from new splice boxes, pull boxes, manholes, vaults, or similar subsurface facilities. (UG1000 sheet 8)
vi. Five (5) foot minimum clearance from walls, footings, retaining wall, landscape planter, tree root barrier or other subsurface wall or structure. (UG1250 sheet 9).
vii. Five (5) foot minimum clearance is required between fire hydrant thrust block. The thrust block extends 5' foot on either side of the fire hydrant in line with the radial water pipe connected to the hydrant.

c. VAULTS/MANHOLES
i. Ten (10) foot minimum clearance is required between adjacent Vaults or Manholes.
ii. Five (5) foot minimum clearance is required between adjacent conduits.
iii. Minimum 36" from face of curb, or bollards required.

d. Poles (Electrolier, Guy Stub poles, service clearance poles, self-supporting steel poles and lighting poles.)
i. Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)

e. Guy Anchors
i. Five (5) foot minimum clearance is required between center of anchor line and any excavation area. (UG1250 sheet 15).

f. Trees
i. OH 1230 for Overhead Lines
ii. SD 1235 for Tree Planting Requirements near UG Electric Facilities

SVP2. Reference listed SVP standards for clearances.
a. Installation of Underground Substructures by Developers
b. UG1250 – Encroachment Permit Clearances from Electric Facilities
c. UG0339 – Remote Switch Pad
d. OH1230 – Tree Clearances From Overhead Electric Lines
e. SD1235 – Tree Planting Requirements Near Underground Electric Facilities

SVP3. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.

SVP4. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
SVP5. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
SVP6. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
SVP7. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
SVP8. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
SVP9. If the "legal description" (not "marketing description") of the units is condominium or apartment, then all electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. If they are townhomes or single-family residences, then each unit shall have it's own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
SVP10. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
SVP11. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
SVP12. Any relocation of existing electric facilities shall be at Developer's expense.
SVP13. Electric Load Increase fees may be applicable.
SVP14. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
SVP15. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at $200,000 or more or any series of non-residential private improvements made within a three-year period valued at $200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
SVP16. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
SVP17. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
SVP18. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-owned dry utilities can be in a UGEE. Other facilities can be in a

joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.

SVP19. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.

SVP20. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.

SVP21. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. *Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.*

SVP22. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.

SVP23. All interior meter rooms at ground level are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.

SVP24. High Rise Metering and Multi-Floor Infrastructure Requirements
   a. Refer to UG0250 – High Density Residential Metering Requirements
   b. Refer to FO-1901 – Fiber Optic Splicing and Testing Methods

SVP25. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka "real dirt"), and cannot be supported on parking garage ceilings or placed on top of structures.

SVP26. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.

SVP27. In events where electric load demand exceeds 2MVA or service size exceeds 4000 Amps at 480V for a building, the Customer shall take service at 12KV. If electric load for a single metered location service exceeds 4.5MVA, additional 12KV service(s) may be provided. All 12KV utility connection points terminate at the Customer Switchgear. UGEE easement up to the Customer Switchgear is required, along with an 18' drivable space. 10' working clearance is required in front of and behind the switchgear. 5' working clearance is required on the sides of the switchgear (with no panels). Customer 12KV Switchgear must be located outdoors on "real dirt" unless otherwise agreed upon with SVP. SVP owns and maintains the cable/conduit up to the customer switchgear.

SVP28. In events where electric service is provided at 120/208V or 277/480V the utility connection point is at the secondary compartment of SVP transformers. Customer owns and maintains the cable and conduits up to the SVP transformers.

SVP29. No cross-parcel distribution is allowed. SVP service points must be within the parcels that they serve.

WATER & SEWER

W1. Recycled Water Use: Pursuant to Chapter 13.15, Water, Article IV. Regulation of Recycled Water Service and Use, of the Municipal Code, the project is required to use recycled water for all non-potable uses where recycled water is made available and where provided for by Recycled Water regulations. This project is required to extend and connect to the City's existing Recycled Water System.

W2. Recycled Water Design: Each Recycled Water land use (irrigation, dual-plumbing, cooling system, industrial processes, etc.) shall have a separate metered service connection to the main. Applicant

shall verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.

W3. On-site Recycled Water Construction: Construction and installation of all on-site recycled water system equipment shall not begin until the Compliance Division of Water and Sewer Utilities has approved the on-site recycled water design. Please note on-site designs are generally not the same as the Building Permit plans. On-site recycled water plans require SBWR and California State Water Resources Control Board, Division of Drinking Water signatures for final approval.

W4. On-site Recycled Water Inspection: Inspections are required at all on-site recycled water systems being installed prior to backfilling trenches or cover in walls and ceilings. Request a recycled water inspection by email watercompliance@santaclaraca.gov or call (408) 615-2002. Please provide the site location, SBWR project ID, and date and time preferences. These inspections are in addition to the Building Permit inspections.

a. Need to verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.

W5. Potable Water Main: The applicant shall replace the existing AC water main on Lafayette Street with a new 12” DIP water main. The water main replacement shall begin and end at a valve connection and shall extend, at a minimum, the entire length of the property's frontage or as determined by the Development Impact Analysis.

W6. Recycled Water Main: The project shall install a new 8" DIP recycled water main extending from the point of connection on Lafayette Street near the intersection of Calle De Luna to the northern property line of the project site.

W7. Encroachment Permit: Prior to issuance of Building Permits, the applicant shall submit an encroachment permit application and design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition, prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.

W8. Utility Design Plans: Utility Design Plans shall indicate the pipe material and the size of existing water, recycled water and sewer main(s). The plans shall show the nearest existing fire hydrant and the two nearest existing water main line gate valves near the project area. The plans shall show meter and backflow configurations to scale and per City of Santa Clara Water & Sewer Utilities Standard Details. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present; two feet behind face of curb if no sidewalk is present, per City Std Detail 18. The plans shall provide the profile section details for utilities crossing water, sewer, or recycled water mains to ensure a 12” minimum vertical clearance is maintained.

W9. Utility Separations: Applicant shall adhere to and provide a note indicating that all horizontal and vertical clearances comply with State and local regulations. The applicant shall maintain a minimum 12” of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10’ from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas and electric utilities, and 5’ from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities). No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer, potable water and/or recycled water utilities and easements.

W10. Separate Services: Applicant shall submit plans showing proposed water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water and recycled water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on

existing fire service line(s) is prohibited. Approved backflow prevention device(s) are required on all potable water services.

W11. City Standard Meters and Backflows: All meters and backflows for all water services (new and existing) shall meet the current City of Santa Clara Water & Sewer Utilities Standard Details. Plans shall show meter and backflow configurations to scale.

W12. Existing Services: The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If existing services will be used, all existing meters and backflow devices shall be upgraded to meet current City standards. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project. The applicant shall bear the cost of any relocation or abandonment of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.

W13. On-Site Storm Drain Treatment: Prior to issuance of Building Permit, the applicant shall submit plans showing any onsite storm water treatment system. The plan shall include a section detail of the treatment system. No water, sewer, or recycled water facilities shall be located within 5-feet of any storm water treatment system.

W14. Water Usage: Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned, and new separate dedicated water services shall be provided for each use (domestic and irrigation).

W15. Landscaping: All the landscaping for the project shall comply with the California Water Conservation in Landscaping Act, Government Code Section 65591 et. seq. All plants shall be California native, non-invasive, low water-using or moderate water-using. High water-using plants and nonfunctional turf are prohibited.

W16. Prior to issuance of Building Permits, the applicant shall submit plan details for all water features (including but not limited to fountains and ponds) designed to include provisions for operating the system without City potable water supply and capable of being physically disconnected from source of potable water supply during City declared water conservation periods, to the satisfaction of the Director of the Water & Sewer Utilities. Decorative water features may be permanently connected to the City's recycled water supply.

W17. Easements: Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.

W18. Underground Fire Permit: Prior to issuance of Building Permits, applicant shall submit an underground fire permit unless otherwise waived by the Fire Department. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408)615-2000. A dedicated fire service line, with an approved backflow prevention device, shall be used for on-site fire hydrants. Fire service lines required for commercial and industrial use shall be sized appropriately per fire flow demand and code requirements.

W19. Record Drawings: Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities Department.

W20. Water Shortage Response Actions: Pursuant to the City of Santa Clara's Urban Water Management Plan, during times of drought or water shortage, the City implements water shortage response actions in accordance with the level of water shortage declared. All construction activities and all new irrigation connections are subject to the Water Shortage Response Actions in effect at the time of construction and connection of the irrigation service.

Water Shortage Response Actions for Stage 2 and higher include water use restrictions that limit the use of potable water such as:

a. prohibiting the installation of new potable water irrigation services. new irrigation connections, construction, and dust control.
b. restrict the use of potable water used for construction and dust control if recycled water is available.

This project is subject to all the requirements and restrictions of the Water Shortage Response Actions in place or adopted during the duration of the project. For more information, visit the City of Santa Clara Water & Sewer Utilities website at www.santaclaraca.gov/waterconservation

SAN JOSE AIRPORT PLANNING AND DEVELOPMENT

A1. The 04/07/2023 plan set identifies a proposed maximum building height (top of mech. screen) of 249 feet above ground level (AGL) / 259 feet above mean sea level (AMSL). Federal regulations applicable to this project site require that any proposed structure higher than approximately 170 feet AGL / 180 feet AMSL must be submitted to the FAA for airspace safety review via applicant filings of a "Notice of Proposed Construction or Alteration" (FAA Form 7460-1).

- The Airport recommends that the applicant file Form 7460-1 notices with the FAA for each roof-top corner and the top point of the structure (if not coincident with a roof-top corner). The location and elevation data on the forms should be prepared by a licensed civil engineer or surveyor at a "1-A" accuracy standard using NAD83 latitude/longitude coordinates out to hundredths of seconds and NAVD88 elevation rounded off to net highest foot.
- In conformance with Santa Clara General Plan policy (5.10.5-P33), FAA "Determinations of No Hazard" should be issued prior to PLN23-00216 approval, with any conditions set forth in the FAA determinations, such as roof-top obstruction lighting or construction-related notifications, incorporated into PLN23-00216 as permit conditions of approval.

A2. If the proposed project is approved, permit conditions of approval to be fulfilled prior to issuance of a building permit would include property owner dedication of an Avigation Easement (City of Santa Clara General Plan policy 5.10.5-P32) to the City of San Jose, as this project is in the Santa Clara County Airport Land Use Commission, Airport Influence Area (AIA).

A3. Federal regulations applicable to this project require that any proposed temporary structure (construction cranes or similar) must also be submitted to the FAA for airspace safety review via applicant filings of a "Notice of Proposed Construction or Alteration" (FAA Form 7460-1).

A4. For any staff or applicant questions regarding the above comments contact San Jose Airport Planning & Development: Ryan Sheelen, at 408-392-1193, rsheelen@sjc.org or John Wilson at 408-392-1136, jwilson@sjc.org.

ADDENDUM TO THE TASMAN EAST SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 5185 LAFAYETTE STREET (PARCEL 11) PROJECT

October 2023

1.1 PURPOSE OF ADDENDUM

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is certified and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

On September 13, 2018, the City of Santa Clara certified the Tasman East Specific Plan Final Environmental Impact Report (TESP FEIR) and approved the Tasman East Specific Plan (TESP) project. The TESP was envisioned by the City to create a Transit-Oriented Development Mixed-Use Neighborhood. The TESP supports existing and planned land uses in the project area. The FEIR analyzed the development of up to 4,500 dwelling units, approximately 106,000 square feet of retail space (including a 25,000 square foot grocery store) and a 600-student school in the City of Santa Clara.

The intent and purpose of the TESP FEIR was to provide program-level environmental review for the TESP. This addendum tiers from the TESP FEIR and provides site-specific analysis for the proposed project and assesses consistency of the project with the TESP.

CEQA Guidelines Section 15162 states that when an Environmental Impact Report (EIR) has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows any of the following:

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

CEQA Guidelines Section 15164 states that the Lead Agency (City of Santa Clara) or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 (see above) calling for preparation of a subsequent EIR have occurred.

This addendum analyzes the 5185 Lafayette Street (Parcel 11) Project under Section 15162. The proposed project would redevelop approximately 0.90 acres located within the western portion of the TESP area which is currently developed with one light industrial building (approximately 13,720 square feet) and associated surface parking lot. The project would construct a 21-story, residential building with up to 198 residential units and approximately 3,008 square feet of retail.[1]

Based on the proposed project description and knowledge of the project site (based on the environmental review prepared for the TESP FEIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the TESP FEIR and would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the FEIR. For these reasons, an addendum to the TESP FEIR has been prepared for the proposed project.

This addendum will not circulate for public review, but will be attached to the TESP FEIR, pursuant to CEQA Guidelines Section 15164(c).

A copy of the TESP FEIR is available in the City of Santa Clara at 1500 Warburton Avenue, during normal business hours, or on the City's website at www.santaclaraca.gov.

[1] Retail is shown on the ground floor of the plan set. Per the project applicant, the space would be either retail or a private club for residents. For the purposes of this analysis, it is assumed that retail is proposed.

SECTION 2.0 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The project would redevelop approximately 0.9 acres [Assessor's Parcel Numbers (APN) 097-46-011)] along the central western portion of the TESP area. The TESP area is approximately 46.0 acres of land within the City of Santa Clara that was originally comprised of approximately 708,000 square feet of light industrial/commercial/office space in an existing industrial area. The TESP area is bounded by the former Santa Clara Golf & Tennis Club to the north, the Guadalupe River to the east, Tasman Drive to the south, and Lafayette Street to the west. Please refer to Figure 2.1-1 for an aerial photograph of the project site and surrounding land uses.

2.2 PROPOSED PROJECT

2.2.1 Proposed Development

The project site is developed with an approximately 13,720-square foot light industrial building and associated surface parking lot on the western side of the TESP area. As proposed, the project would demolish the existing building and construct a 21-story, residential building as described below. Please refer to Figures 2.2-1 to 2.2-3 for the site plan and elevations.

The proposed building would consist of 198 residential units with approximately 3,008 square feet of ground floor retail[2] and would have a residential density of 220 dwelling units per acre (du/ac).[3] The proposed building would be a maximum height of 219 feet to the roofline. Parking would be provided within two levels of below-grade parking and within the building on floors two to five. A small number of residential units would also be located on floors two to five. Floors six to 21 would consist of residential units ranging from nine units to 13 units.

The project would provide up to 8,264 square feet of usable open space. A gateway plaza and covered patio and dining area are proposed on the ground floor and an outdoor fitness area and yoga patio are proposed on the sixth floor. Amenities proposed on the 21st floor would include a pool and spa, cabanas, BBQ area, entertainment room, and dining terrace. In addition, each residential unit would include a balcony/patio.

Currently, the project site can be accessed via two driveways (one along Lafayette Street and one along Calle De Luna) which would be retained. A total of 310 vehicular parking spaces and 110 bicycle parking spaces are proposed.

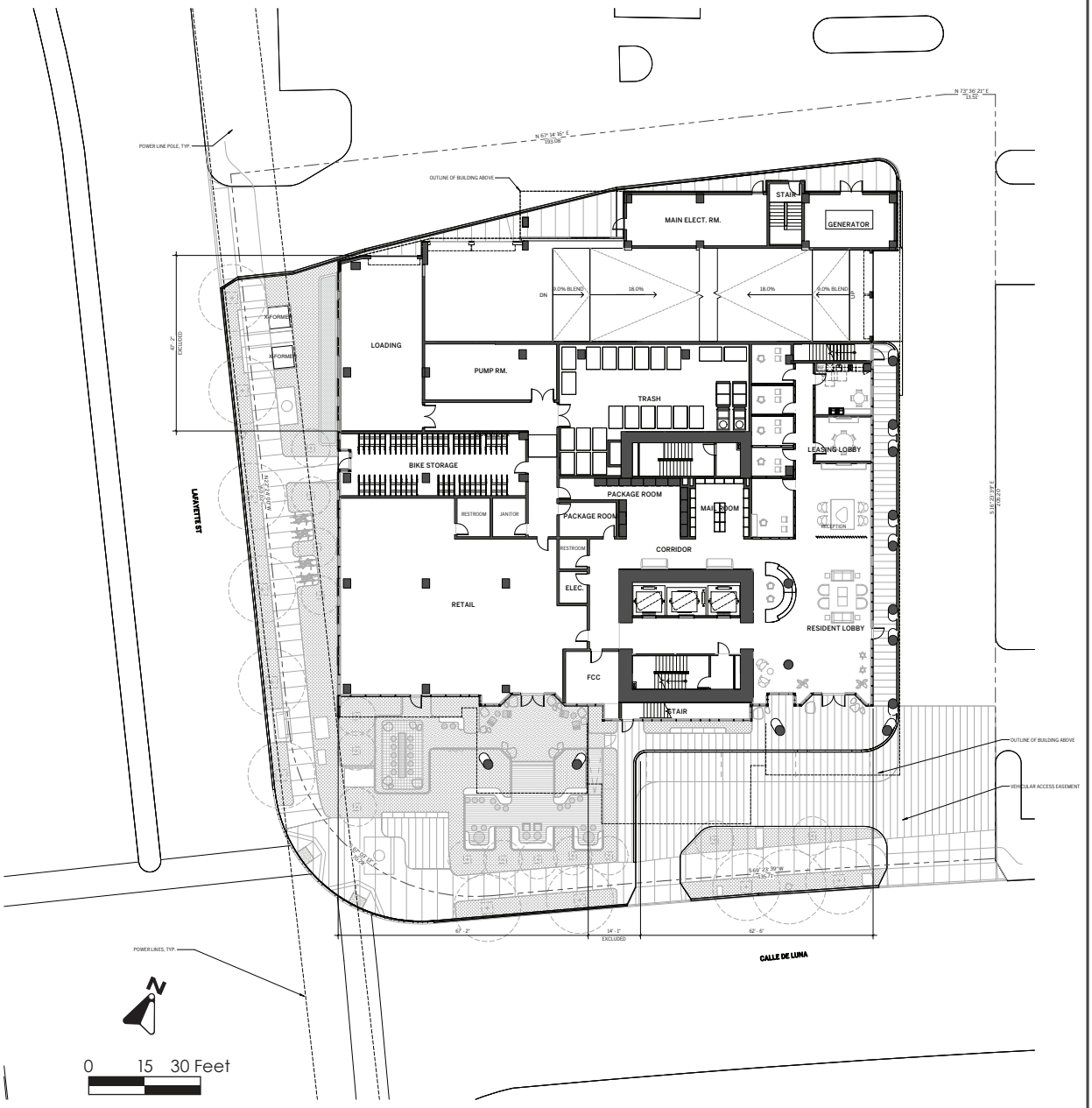
2.2.2 Green Building Measures

The proposed project would be required to be built in accordance to the California Green Building Standards Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption, and the City's Reach Code. The project is required to achieve the minimum Leadership in Energy and Environmental Design (LEED) certification or equivalent, such as Build It Green.

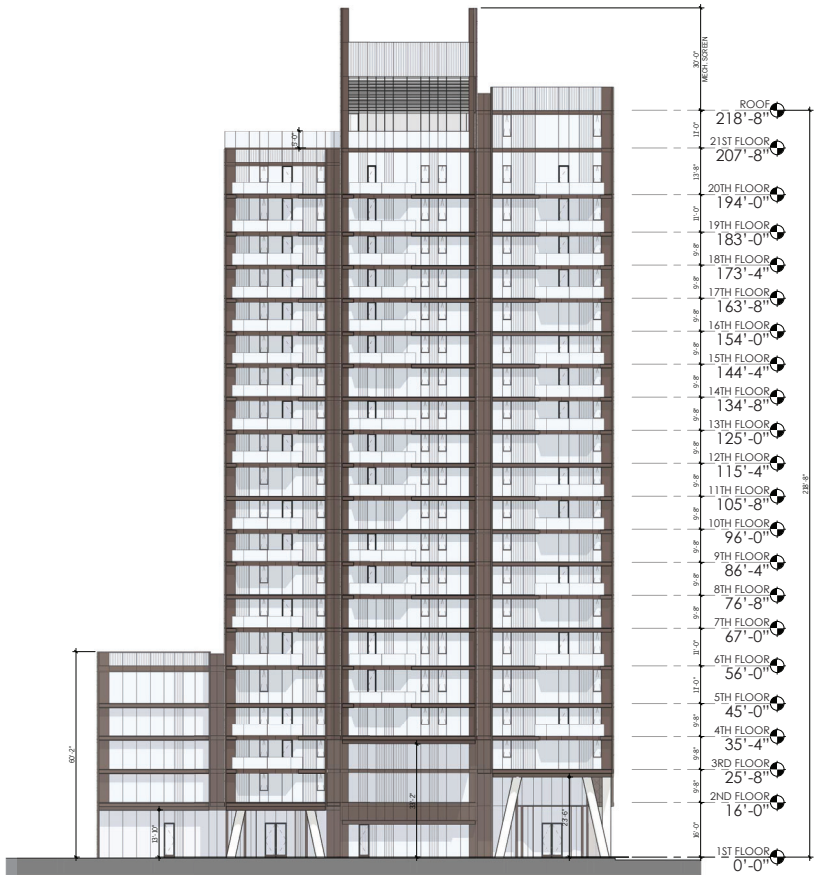
[2] Retail is shown on the ground floor of the plan set. Per the project applicant, the space would be either retail or a private club for residents. For the purposes of this analysis, it is assumed that retail is proposed.
[3] 198 proposed residential units in total / 0.9-acres = 220 du/ac.

FIGURE 2.1-1

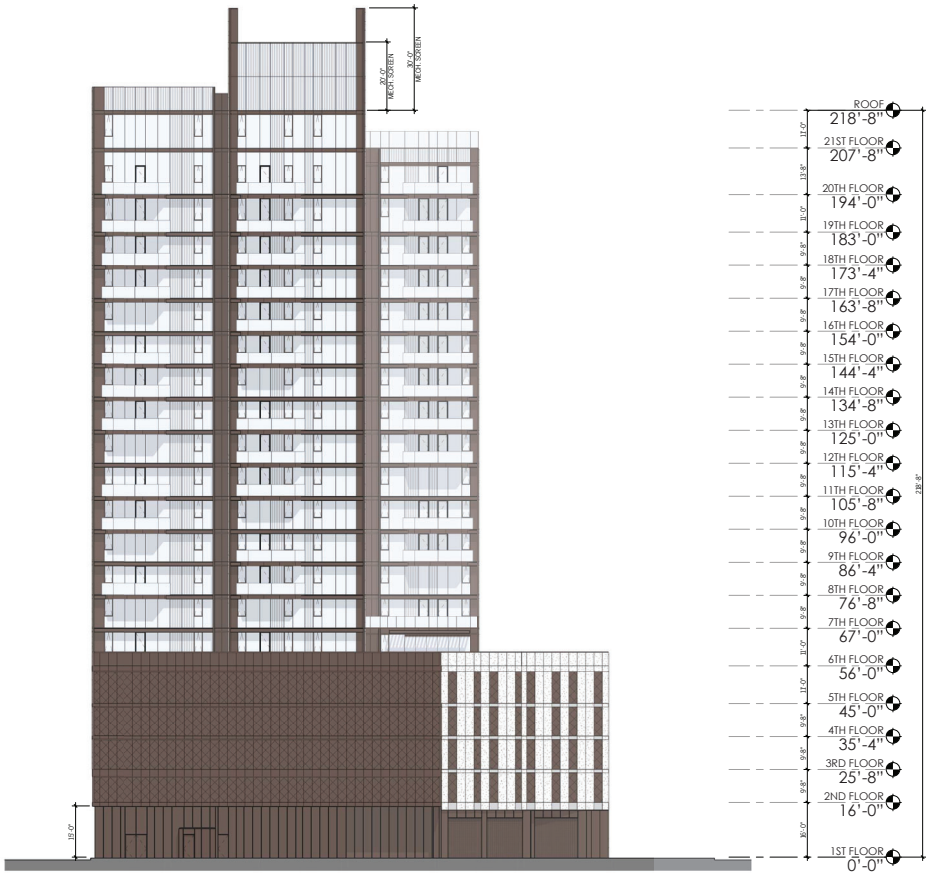
AERIAL PHOTOGRAPH AND SURROUNDING LAND USES



SITE PLAN - GROUND LEVEL | FIGURE 2.2-1



SOUTH ELEVATION



NORTH ELEVATION

ELEVATIONS – SOUTH & NORTH

FIGURE 2.2-2

WEST ELEVATION

EAST ELEVATION

ELEVATIONS – WEST & EAST

FIGURE 2.2-3

As proposed, the project would include the following green building design features:

- Stormwater treatment on-site
- Provide 110 bicycle parking spaces on-site
- Provide unbundled parking and a rideshare area on-site
- Utilize materials on the roof and all hardscape areas that would reduce the heat island effect
- Provide thermal comfort controls for all residential units
- Sixty-five percent construction and demolition waste management, consistent with the City of Santa Clara Construction & Demolition Debris Recycling Program
- Energy Star appliances

2.2.3 Transportation Demand Management Plan

Transportation Demand Management (TDM) programs are intended to reduce vehicle trips and parking demand by promoting the use of multimodal transportation options. As discussed in the TESP FEIR, the City's Climate Action Plan (CAP) requires that all residential development within the TESP develop and implement a plan for a minimum 20 percent reduction in Vehicle Miles Traveled (VMT) with a minimum of 10 percent being achieved through a TDM Plan. Consistent with this mandate, the project would include the following TDM Measures.

Table 2.2-1: Required/Proposed TDM Measures

Required TESP Measures
Limited parking supply; dedicated electric-vehicle (EV) parking
Unbundled residential parking
Participation in the Tasman East Transportation Coordination Group (TETCG); includes transit passes, bikeshare programs, bicycle repair facilities, and commute information/marketing
Transportation coordinator; trip monitoring and reporting
Bicycle parking and amenities; electric scooter corrals
Project-Specific Measures
On-site amenities
Secure bicycle parking
Source: Gomez, Rob. Development Director, Ensemble Real Estate Investments. July 5, 2023.

2.2.4 General Plan and Zoning Designations

The project site has a General Plan land use designation of *Transit Neighborhood* (100-350 du/ac), which allows multi-family residential uses and supportive commercial and public/quasi-public uses. This density range is intended to take advantage of proximity to transit, offering an urban feel, including a positive public realm within a right-of-way accommodating all modes of transportation. Building forms are typically mid- to high-rise buildings featuring structured or below-grade parking, as well as shared outdoor space. Under the TESP, all sites of one acre or more in size are required to accommodate a minimum density of 100 du/ac. Each parcel of less than one acre in size is required to accommodate a minimum of 60 du/ac.

The site is zoned *Transit Neighborhood* (TN), which allows for development of a high-density residential neighborhood with a mix of uses at the ground floor. Consistent with the General Plan

designation described above, residential densities within the TN zoning district would range from a minimum of 60 du/ac on sites less than one acre in size to a minimum of 100 du/ac for sites of one acre or larger in size with no maximum density for individual parcels, all the while maintaining an overall unit cap of 4,500 units for the entire TESP area.

The proposed residential development would have a density of 220 du/ac, consistent with the *Transit Neighborhood* General Plan and zoning designations. The addition of 198 residential units would not exceed the TESP unit cap of 4,500 units.

SECTION 3.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

The discussion below describes the environmental impacts of the proposed project compared to the impacts of the approved TESP FEIR. Also noted are any changes that have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously certified FEIR. This Addendum only addresses those resource areas which could potentially have new impacts or impacts of greater severity (specific to the project site) than were addressed in the TESP FEIR. Based on the project's consistency with the development assumptions and General Plan and zoning designations, the proposed project would have the same impacts with regard to the following environmental issues:

- Aesthetics
- Agricultural Resources
- Cultural Resources/Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

All relevant best management practices, conditions of approval, and mitigation measures identified in the TESP FEIR for these resource areas are incorporated by reference and would be required by the project.

The proposed project includes the construction of a 21-story, residential building with up to 198 residential units and approximately 3,008 square feet of ground floor retail. This Addendum analyzes the impacts of the proposed project and consistency with the TESP FEIR regarding the following environmental issues:

- Air Quality
- Biological Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise and Vibration

3.1 EXISTING SETTING

The project site and area consist of light industrial, commercial, and new residential buildings in the City of Santa Clara. The project site is bounded by Lafayette Street to the west, light industrial buildings to the north and east, and Calle De Luna and a site, located at 2300 Calle De Luna, that is currently under construction to the south. Since approval of the TESP project in 2018, there are currently three residential projects (e.g., 2343 Calle Del Mundo, 2300 Calle De Luna, and 5123 Calle Del Sol) within the TESP area that are currently under construction. In addition, the 2233 Calle Del Mundo Residential Project, File No. PLN2018-13446, is currently built and units are being leased.

3.2 AIR QUALITY

The following analysis addresses the potential air quality impacts that would result from construction and operation of the proposed project.

3.2.1 Findings of the Previously Certified FEIR

3.2.1.1 *Construction Emissions*

Construction activities from full build out of the TESP may generate dust and other particulate matter (PM_{10} and $PM_{2.5}$) that could temporarily impact nearby land uses, particularly sensitive receptors. In addition, construction equipment and associated heavy-duty truck traffic would generate diesel exhaust, a known toxic air contaminant (TAC) which would pose a community risk to nearby sensitive receptors. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to fine particulate matter ($PM_{2.5}$).

Construction exhaust emissions include those from equipment (i.e., off-road) and traffic (on-road vehicles and trucks). Off-road construction equipment is often diesel-powered and can be a substantial source of nitrogen oxide (NO_X) emissions, in addition to PM_{10} and $PM_{2.5}$ emissions. Architectural coatings and application of asphalt pavement are dominant sources of reactive organic gas (ROG) emissions. The combination of temporary dust from activities and diesel exhaust from construction equipment and related traffic may exceed Bay Area Air Quality Management District's (BAAQMD's) project-level thresholds on a project-by-project basis. Additionally, NO_X emissions during grading and soil import/export may exceed the BAAQMD NO_X emission thresholds. The TESP FEIR identified the following air quality impact.

Impact AQ-1: The project would result in significant construction air pollutant emissions due to dust generation and emissions of TACs and criteria pollutants during construction.

The following mitigation measures were included in the approved project to control dust and reduce construction TAC and criteria pollutant emissions during construction:

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

- All exposed unpaved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the construction firm regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. generators).

MM AQ-1.2: Construction criteria pollutant and TAC quantification will be required on a project-level basis for individual development projects once those details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions. The analysis must be submitted for City review and approval, once complete. Health risks from construction TACs shall be reduced below 10 in one million excess cancer cases, a hazard index of 1.0, and $PM_{2.5}$ emissions of 0.3 $\mu g/m^3$. Criteria pollutant emissions shall not exceed BAAQMD construction criteria pollutant emissions thresholds.

Reduction in emissions can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection for low emissions;
- Use of alternative fuels, engine retrofits, and added exhaust devices;
- Low-volatile organic compound paints;
- Modify construction schedule; and

- Implementation of BAAQMD Basic and/or Additional Construction mitigation measures for control of fugitive dust.

Implementation of mitigation measures AQ-1.1 and AQ-1.2 would ensure that construction emissions impacts from individual development projects under the TESP would be reduced to a less than significant level.

3.2.1.2 *Operational Emissions*

The TESP FEIR concluded that full build out of the TESP would result in long-term area and mobile source emissions from operation of subsequent development. Build out of the TESP would exceed the BAAQMD significance thresholds for ROGs and NO_x. The TESP FEIR identified the following air quality impact.

Impact AQ-2: The operation of the project would result in significant operational ROG and NO_x emissions thereby contributing to regional ozone impacts.

The following mitigation measures were included in the approved project to reduce operational ROG and NO_x emissions impacts:

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

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

MM AQ-2.3: Developed parcels shall require within their covenants, conditions, and restrictions (CC&Rs) and/or ground leases requirements for all future interior spaces to be repainted only with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits in South Coast AQMD Rule 1113; however, many manufacturers have reformulated to levels well below these limits. These are referred to as "Super-Compliant" Architectural Coatings.

Even with implementation of the identified mitigation measures, operational ROG and NO_x emissions from operation of the project would remain significant and unavoidable.

3.2.1.3 *Toxic Air Contaminants*

CEQA does not address the effects of existing environmental conditions on a project. Nevertheless, the City of Santa Clara addressed the effect of existing local emission sources on future residents in the TESP area as a planning consideration.

The TESP FEIR identified three sources of TACs and $PM_{2.5}$ emissions. The Union Pacific Railroad (UPRR), Lafayette Street, and Tasman Drive would affect the western portion of the site, within 270 feet of the rail line, and the southern portion of the site, within 110 feet of the Tasman Drive edge of travel lane. Any development proposed within the identified affected areas would expose future sensitive receptors on-site to significant cancer risk and/or $PM_{2.5}$ concentrations. Therefore, the following conditions of approval were included in the approved project.

Conditions of Project Approval:

- Design the site to limit exposure from sources of TACs and fine particulate matter ($PM_{2.5}$) emissions. The final site layout shall locate operable windows and air intakes as far as possible from the Union Pacific Railroad line/Lafayette Street and Tasman Drive.
- To the greatest degree possible, plant vegetation along the project site boundaries with Union Pacific Railroad line/Lafayette Street and Tasman Drive and around outdoor use areas. This barrier would include trees and shrubs that provide a dense vegetative barrier.
- Install air filtration at units that have predicted $PM_{2.5}$ concentrations above 0.3 $\mu g/m^3$. Air filtration devices shall be rated MERV13 or higher. Alternately, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below significance thresholds.
- As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Ensure that any lease agreements and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.
- Require that, prior to building occupancy, an authorized air pollutant consultant or HVAC engineer verify the installation of all necessary measures to reduce cancer risk below 10 chances per million from any source and $PM_{2.5}$ concentrations above 0.3 $\mu g/m^3$ for any source and 0.8 $\mu g/m^3$ for all sources.

3.2.2 Air Quality Impacts Resulting from the Proposed Project

A Construction Air Quality Analysis and Health Risk Assessment was prepared by *Illingworth & Rodkin, Inc.* in August 2023. A copy of this report is provided in Appendix A of this document.

3.2.2.1 *CEQA Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of Santa Clara has carefully considered the thresholds updated by BAAQMD in April 2023 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The City has also applied these thresholds consistently across its environmental documents. The BAAQMD CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 3.2-1. Table 3.2-2 below lists the BAAQMD health risk and hazards thresholds for single-source and cumulative-sources.

Table 3.2-1: BAAQMD Air Quality Significance Thresholds

Criteria Air Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG and NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	BMPs	Not Applicable	

Notes: ROG = reactive organic gases, NO_x = nitrogen oxide, PM_{10} = course particulate matter or particulates with a diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with a diameter of 2.5µm or less, CO = carbon monoxide.
Source: Bay Area Air Quality Management District. *2022 CEQA Air Quality Guidelines*. April 2023.

Table 3.2-2: BAAQMD Health Risk and Hazards Thresholds

Health Risk	Single Source	Combined Cumulative Sources
Cancer Risk	10 per one million	100 per one million
Non-Cancer Hazard Index	1.0	10.0
Annual $PM_{2.5}$ Concentration	0.3 $\mu g/m^3$	0.8 $\mu g/m^3$

Notes: $\mu g/m^3$ = micrograms per cubic meter, $PM_{2.5}$= fine particulate matter or particulates with a diameter of 2.5 micrometers or less.
Source: Bay Area Air Quality Management District. *2022 CEQA Air Quality Guidelines*. April 2023.

3.2.2.2 *Construction Period Emissions – Criteria Pollutants*

Construction period criteria pollutants were estimated using the California Emissions Estimator Model (CalEEMod) Version 2022. The proposed land uses were input into CalEEMod, which included 198 dwelling units and 192,702 square feet[4] entered as "Apartments High-Rise," and 310 parking spaces entered as Enclosed Parking with Elevator." In addition, it was assumed that construction of the project would begin in August 2024 for 34 months, or 741 construction workdays. Table 3.2-4 below shows the average daily emissions from criteria pollutants during the construction period. The model, assumptions, and results are described further in Appendix A of this document.

Table 3.2-3: Construction Period Criteria Pollutant Emissions

Year	ROG	NO_x	PM_{10}	$PM_{2.5}$
Construction Emissions (tons)				
2024	0.02	0.37	0.01	0.01
2025	0.16	1.05	0.03	0.03
2026	1.06	0.75	0.02	0.02
2027	0.43	0.21	<0.01	<0.01
Average Daily Construction Emissions (pounds/day)				
2024 (109 construction workdays)	0.43	6.72	0.20	0.17
2025 (261 construction workdays)	1.25	8.07	0.24	0.22
2026 (261 construction workdays)	8.13	5.74	0.13	0.12
2027 (109 construction workdays)	7.86	3.86	0.07	0.06
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Exceed Threshold?	**No**	**No**	**No**	**No**

As shown in the table above, construction period criteria pollutant emissions associated with the proposed project would not exceed the BAAQMD significance thresholds. Therefore, the project would not result in a significant impact from construction emissions. All projects proposed under the TESP would be required to comply with mitigation measure AQ-1.1 which includes Best Management Practices (BMPs) to reduce fugitive dust from construction activities. In addition to those BMPs, the project would be required to comply with the following measures, which are consistent with the latest BAAQMD BMPs, as a conditions of project approval.

Conditions of Project Approval:

- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a six- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

[4] Retail is shown on the ground floor of the plan set. Per the project applicant, the space would be either retail or a private club for residents. Because the 3,008-square feet of retail or private club was accounted for in the total residential square footage, the construction emission estimates would not change regardless of the use.

With implementation of AQ-1.1 and the additional BMPs, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified construction criteria pollutant air quality impacts.

3.2.2.3 *Construction – Community Risk Impacts*

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, a known TAC. A community health risk assessment was prepared to evaluate the potential health effects of sensitive receptors at the nearby residences from diesel particulate matter (DPM) and $PM_{2.5}$.

Construction emissions from the off-road construction equipment and exhaust emissions from on-road vehicles were modeled using CalEEMod. The U.S. Environmental Protection Agency (EPA) American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) was used to predict DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site. The model, assumptions, and results are described further in Appendix A.

The maximum-exposed individual (MEI) would be located on the third floor of a multi-family development that is currently under construction at 2300 Calle Del Luna, circled in red as shown in Figure 3.2-1 below. Since the development is still under construction, it is estimated that the MEI would be exposed to maximum cancer risk in 2025.

Figure 3.2-1: Location of Sensitive Receptors

The following table provides a summary of the maximum health risk impacts from project construction.

Table 3.2-4: Construction Risk Impacts at Construction MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Project Construction - Unmitigated	**30.23 (infant)**	0.13	0.02
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Threshold? Unmitigated	**Yes**	**No**	**No**

As shown above, the cancer risk would exceed BAAQMD's significance threshold of 10 cases per million for cancer risk without mitigation. The $PM_{2.5}$ concentration and hazard index (HI) would not exceed BAAQMD's significance threshold. Per mitigation measure AQ-1.2 of the TESP FEIR, project-level construction TAC assessments are required for individual projects proposed under the TESP and, if necessary, measures to reduce emissions shall also be included to reduce emissions below BAAQMD thresholds.

In order to address the significant impact caused by the risk of excess cancer cases and to further reduce emissions using "construction equipment selection for low emissions," the proposed project shall be subject to the following condition of project approval.

Conditions of Project Approval:

- Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Community Development demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 70 percent reduction in DPM exhaust emissions. To achieve this reduction the construction plan would include the following:
    - All construction equipment larger than 25 horsepower, operating on-site for more than two days continuously or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines with the inclusion of particulate matter emissions control equivalent to California Air Resources Board (CARB)-certified Level 3 diesel emission control devices that achieve a 70 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment or equivalent.
    - Electrical power lines shall be installed during early construction phases to avoid use of diesel generators, or
    - As an alternative to the measures above, the project applicant could request a plan from a qualified air quality specialist demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 70 percent or greater. Such a plan shall be reviewed and approved by the Director of Community Development prior to construction. Elements of the plan could include a combination of the following measures.
        - Implementation of the first bullet (use of Tier 4 or alternatively fueled equipment),

- Implementation of the second bullet (installation of electrical power lines),
- Use of electrically-powered equipment,
- Forklifts and aerial lifts for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

With implementation of mitigation measures AQ-1.1 and AQ-1.2 from the TESP FEIR and the conditions of project approval listed above, the cancer risk would be reduced to 5.05 cases per million for infant exposure, which is below the BAAQMD significance threshold of 10 cases per million. As a result, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified impact.

3.2.2.4 *Operational Emissions – Criteria Pollutants*

Based on the conclusions of the TESP FEIR, all residential development proposed would be required to implement a TDM program and incorporate green building measures into the project. Consistent with mitigation measure AQ-2.1 identified in the TESP FEIR, the proposed project includes project-specific TDM measures to reduce residential VMT as required by the City's CAP. The CAP requires a minimum 20 percent reduction in VMT with a minimum 10 percent being achieved through a TDM plan. The TDM program shall be reviewed and approved by the Community Development Director prior to issuance of building permits.

The project applicant proposes the following TDM measures as shown in Table 3.2-5 below.

Table 3.2-5: Required/Proposed TDM Measures

Required TESP Measures
Limited parking supply; dedicated EV parking
Unbundled residential parking
Participation in the Tasman East Transportation Coordination Group (TETCG); includes transit passes, bikeshare programs, bicycle repair facilities, and commute information/marketing
Transportation coordinator; trip monitoring and reporting
Bicycle parking and amenities; electric scooter corrals
Project-Specific Measures
On-site amenities
Secure bicycle parking

Source: Gomez, Rob. Development Director, Ensemble Real Estate Investments. July 5, 2023.

Additionally, consistent with mitigation measures AQ-2.2 and AQ-2.3 of the TESP FEIR, the project would include the following green building measures.

- Stormwater treatment on-site
- Provide 110 bicycle parking spaces on-site
- Provide unbundled parking and a rideshare area on-site

- Utilize materials on the roof and all hardscape areas that would reduce the heat island effect
- Provide thermal comfort controls for all residential units
- Sixty-five percent construction and demolition waste management, consistent with the City of Santa Clara Construction & Demolition Debris Recycling Program
- Energy Star appliances

With implementation of the TDM program and green building measures, the project would have a less than significant impact on operational ROG and NO_x emissions. While full build out of the TESP would have a significant and unavoidable operational criteria pollutant emissions impact, the proposed project is consistent with the development projections in the TESP FEIR and would not result in any new impacts or substantially increase the severity of the previously identified air quality impacts.

3.2.2.5 *Operation – Community Risk Impacts*

A 600-kilowatt (kW) emergency diesel generator powered by an 804-horsepower (HP) engine is proposed at the northeast corner on the ground floor and a 100-hp fire pump is proposed in the basement. The fire pump would be electrically powered and would not produce TAC emissions; therefore, the fire pump is not discussed further.

For the purposes of this analysis, it was assumed that the generator would be operated for testing and maintenance purposes only. The California Air Resources Board (CARB) and BAAQMD requirements limit these engine operations to 50 hours each per year for testing and maintenance. During testing periods, the engine would typically run for less than one hour. The emissions from operation of the generator were estimated using the CalEEMod model. The AERMOD dispersion model was used to estimate the potential increased cancer risk and $PM_{2.5}$ impact from operation of the generator and the exposure duration was adjusted to account for the receptors being exposed to construction for the first three years of the 30-year period. Refer to Appendix A for the dispersion modeling adjustments and assumptions. Table 3.2-6 below provides a summary of the construction and operational risk impacts at the off-site MEI and Figure 3.2-1 above shows the location of the generator and off-site receptors.

Table 3.2-6: Construction and Operation Risk Impacts at Off-Site MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction (Years 0-3) Unmitigated	**30.23 (infant)**	0.13	0.02
Project Generator (Years 3-30) Unmitigated	1.14 (child)	<0.01	<0.01
Total/Maximum Project Impact (Years 0-30) Unmitigated	**31.37**	0.13	0.02
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Threshold? Unmitigated	**Yes**	**No**	**No**

As shown in the table above, the maximum cancer risk for infants from construction and operation of the project (without mitigation) would exceed the BAAQMD significance threshold of 10 cases per

one million. The annual $PM_{2.5}$ and HI from construction and operation of the project would not exceed the BAAQMD significance thresholds of 0.3 micrograms per cubic meter (μ g/m^3) and 1.0, respectively. With implementation of mitigation measures AQ-1.1 and AQ-1.2 from the TESP FEIR and the conditions of project approval listed above, the total maximum cancer risk from construction and operation of the project would be reduced to 5.05 cases per one million. As a result, the proposed project would result in a less than significant operational TAC impact at the off-site MEI and would not result in any new impacts or substantially increase the severity of the previously identified air quality impacts.

3.2.2.6 *Combined Community Risk Impacts at Construction MEI*

Community health risk assessments typically look at all sources of TACs (including highways, streets, and stationary sources identified by BAAQMD) within 1,000 feet of a project site. Tasman Drive and Lafayette Street are mobile sources of TACs. The UPRR, approximately 115 feet west of the project site, would generate TAC and $PM_{2.5}$ emissions from diesel locomotives. Additionally, stationary sources identified in the TESP FEIR that could affect the plan area were also evaluated. Stationary sources that were deemed to pose no risk or would no longer pose a risk due to removal were not evaluated in the cumulative community risk impact assessment.

Roadway and Rail Line

The cancer risk, $PM_{2.5}$ concentration, and HI associated with traffic on Tasman Drive and Lafayette Street, as well as rail activity from the UPRR were estimated using BAAQMD raster files.[5]

Stationary Sources

Two stationary sources, a diesel generator and a metal finishing facility, were identified using BAAQMD's Permitted Stationary Sources 2021 geographic information system map website.

TESP Cumulative Projects

At the time the Construction Air Quality and Health Risk Assessment was prepared, seven projects were approved and three projects were pending within the TESP area including:

Approved Projects

- 2343 Calle Del Mundo
- 5123 Calle Del Sol
- 2200 Calle De Luna
- 2225 Calle De Luna/2232 Calle Del Mundo
- 2300 Calle De Luna
- 2233 Calle Del Mundo[6]
- 2302/2310 Calle Del Mundo

[5] The BAAQMD raster files provide screening-level cancer risk, $PM_{2.5}$ concentrations, and HI for roadways and rail lines within the Bay Area.
[6] Note that the approved project located at 2233 Calle Del Mundo is now fully constructed and operational. This would lessen the cumulative impact and would not change the conclusions of the analysis.

Pending Projects

- 2263 Calle Del Mundo
- 2101 Tasman Drive[7]
- 2354 Calle Del Mundo

While construction of these projects could be completed while project construction occurs, the cumulative impacts from these projects on the MEI were included to provide a conservative estimate of health risks (refer to Appendix A for more information). Figure 3.2-2 below shows the project site (outlined in blue), nearby sources of TACs, and the approved/pending TESP projects. Any project located outside the 1,000-foot influence area (outside the yellow circle) were not included in the cumulative analysis. Table 3.2-7 summarizes the TAC sources near the project site.

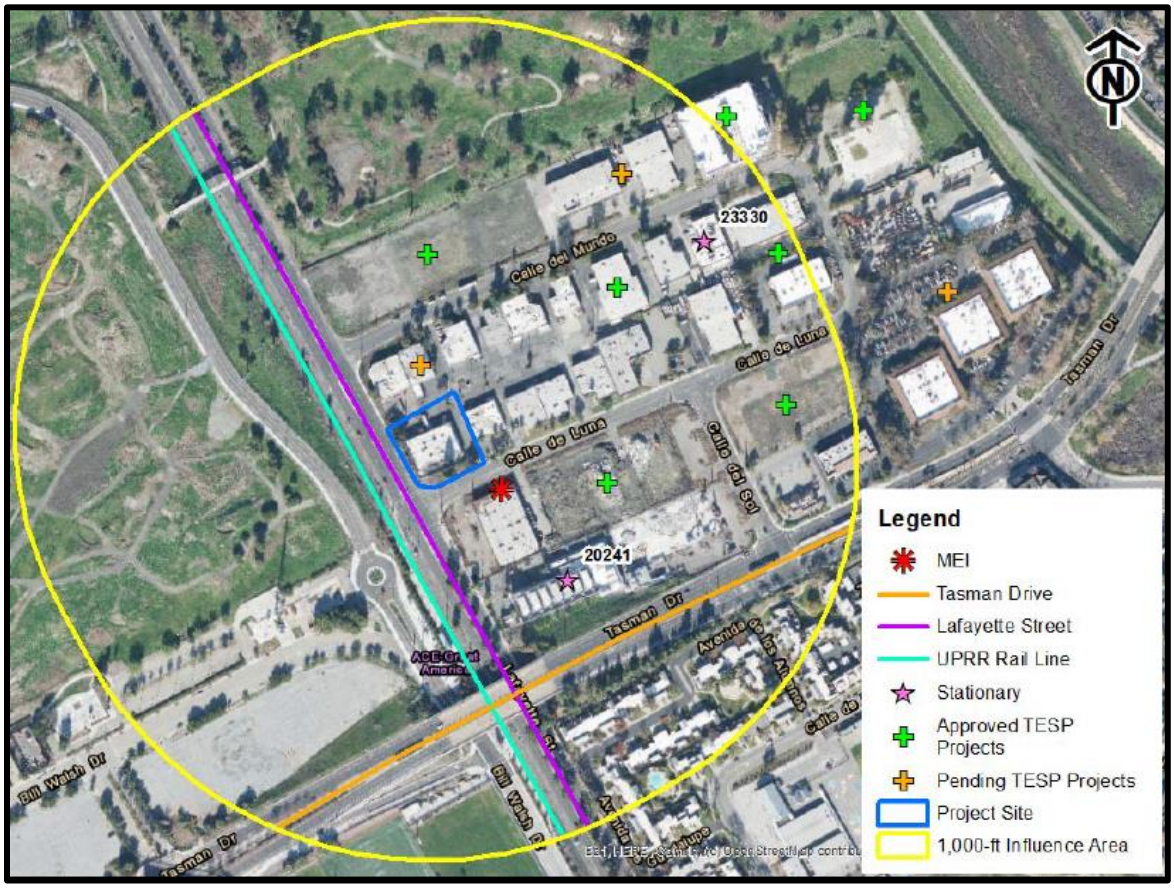


Figure 3.2-2: Project Site and Nearby Sources of TACs

[7] This project was approved recently in June 2023. While this project is approved, it was not included in the cumulative analysis because it is located outside the 1,000-foot influence area.

Table 3.2-7: Stationary and Mobile Sources Community Risk Levels			
Source	**Maximum Cancer Risk (per million)**	**Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)**	**Maximum Hazard Index**
Project Construction Unmitigated	31.37 (infant)	0.13	0.02
Tasman Drive and Lafayette Street	13.17	0.21	0.04
UPRR Line	12.91	0.02	<0.01
EPZ, Inc. (Facility ID#23330, Metal Finishing) at 790 feet	<0.01	<0.01	--
RS Alameda, LLC. (Facility ID#20241, Generator) at 250 feet	1.39	<0.01	<0.01
TESP Cumulative Projects*	24.80	0.17	0.04
Combined Total Unmitigated	<83.65	**<0.55**	<0.12
BAAQMD Threshold – Combined Sources	***>100***	***>0.8***	***>10.0***
Threshold Exceeded? Unmitigated	***No***	***No***	***No***
Note: * Estimated from the sum of readily available health risk assessments for each TESP project.			

As shown above, the project (without mitigation included) combined with other nearby sources would be below BAAQMD's significance threshold for combined sources at the construction MEI, consistent with the findings of the TESP FEIR. The proposed project would not result in any new impacts or substantially increase the severity of the previously identified air quality impacts.

3.2.2.7 *Toxic Air Contaminants – Planning Considerations*

Due to the location of the proposed project, future residences would be exposed to an elevated cancer risk and/or $PM_{2.5}$ concentrations. Based on Figure 3.2-3 below or Figure 3.2-1 of the TESP FEIR[8], MERV13 (or higher) filters would be required for all areas affected by air pollutant sources as a condition of project approval.

[8] City of Santa Clara. *Draft Environmental Impact Report Tasman East Specific Plan (SCH #2016122027)*. July 2018.

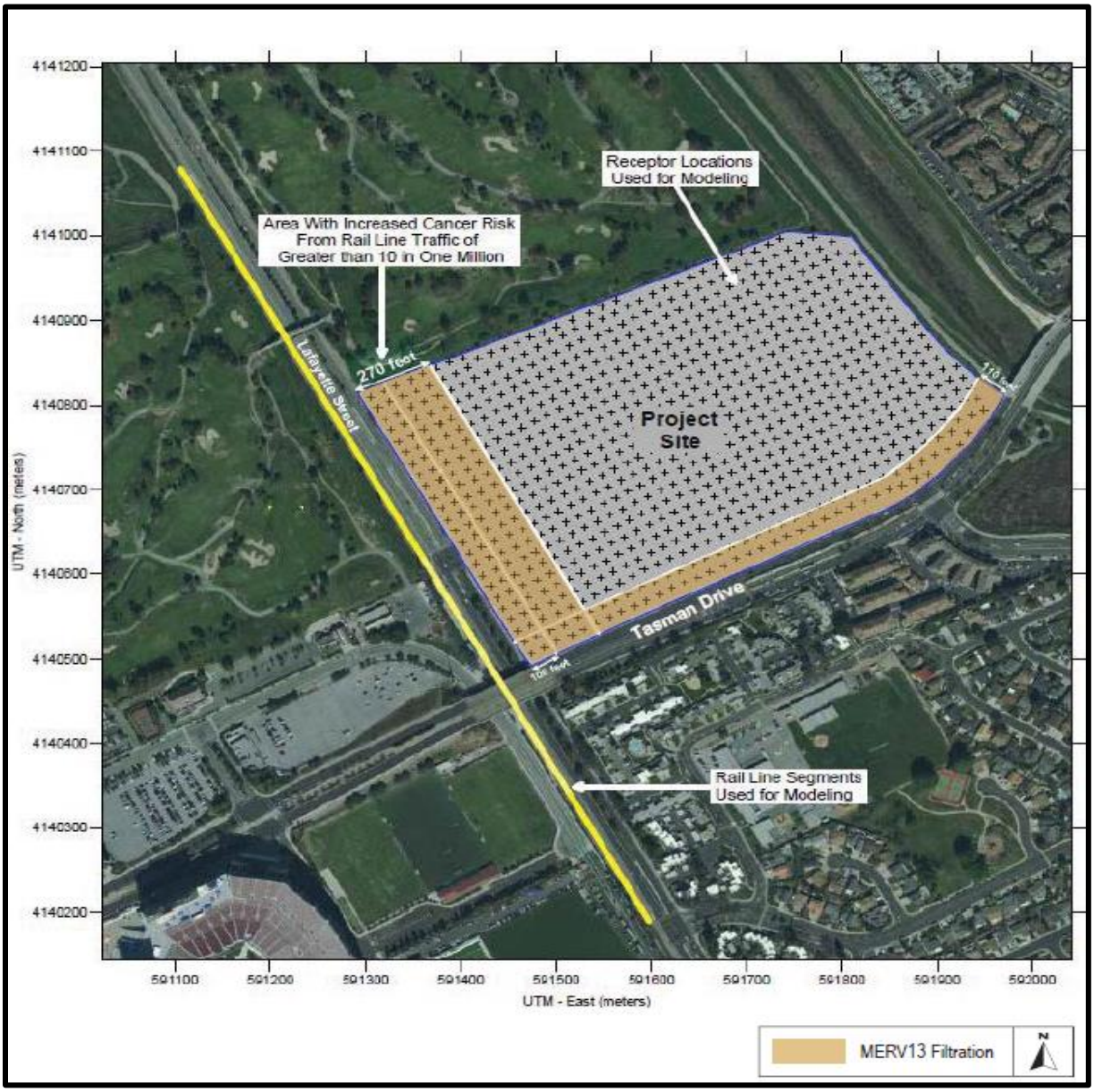


Figure 3.2-3: Residential Areas Requiring MERV13 Filtration

The TESP FEIR concluded that implementation of the condition of project approval would reduce the cancer risk and $PM_{2.5}$ concentrations below BAAQMD's significance thresholds for sensitive receptors.

3.3 BIOLOGICAL RESOURCES

The following analysis addresses the potential biological resources impacts that would result from implementation of the proposed project. Specifically, the analysis addresses impacts to birds (bird strikes) and loss of trees.

The project site is classified as developed land with no sensitive habitats or special-status species present. Therefore, implementation of the proposed project would not contribute to any identified impacts to protected habitats and special-status species and no further analysis is required.

Construction impacts on nesting birds would be the same on all project sites within the TESP area. The TESP FEIR identified mitigation measures required of all projects under the TESP to reduce impacts to nesting birds to less than significant levels. These mitigation measures are incorporated by reference and no further analysis is required.

3.3.1 Findings of the Previously Certified FEIR

3.3.1.1 *Bird Strikes*

Based on the approved project, numerous resident and migratory songbirds are known to occur at the Ulistac Natural Area, south of Tasman Drive, and a number of songbirds, waterbirds, and wetland-associated birds also occur along the Guadalupe River. Development proposed within the TESP area would be a maximum height of 220 feet. Some of the birds using habitats within the TESP, Guadalupe River, and Ulistac Natural Area are expected to strike the buildings, resulting in injury or death.

Impact BIO-3: The project proposes structures with lighting, glass windows, building facades, and vegetation which may result in impacts to migrant birds.

Implementation of the following mitigation measures would reduce impacts to the migratory birds to a less than significant level:

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

- Reduce the extent of glass on the facades of new buildings and additions to the extent feasible.
- Prohibit visibility of interior landscaped areas behind glass.
- No more than 10 percent of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground, unless located within 300 feet of the top of bank of the Guadalupe River within such boundary this requirement would extend to the entirety of the structure. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.
- Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies with unbroken glazed segments 24 square feet and larger where feasible.

If any such features are included in building designs, all glazing used in any such features will be 100 percent treated.

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

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

Mitigation measure BIO-3.1 incorporates bird-safe design elements into future building designs and reduces impacts to birds to the extent feasible. The TESP FEIR determined that with implementation of the identified mitigation measure, future development under the TESP would continue to result in a significant unavoidable avian collision impact.

3.3.1.2 *Increased Lighting*

Build out of the TESP would increase lighting compared to existing conditions. Wildlife species using the Guadalupe River and/or Ulistac Natural Area would be subject to increased predation, decreased habitat availability, and alterations of physiological processes if development under the TESP were to produce greater illuminance than the existing conditions.

Impact BIO-4: Increased artificial lighting may adversely impact bird species by increasing predation, decreasing habitat availability, and altering physiological processes.

The following mitigation measure would minimize lighting impacts on birds to a less than significant level:

MM BIO-4.1: To the extent consistent with the normal and expected operations of commercial and/or residential uses under the TESP, take appropriate measures to avoid use of unnecessary lighting at night, especially during the bird migration season (February through May and August through November). Such measures may include the installation of motion-sensor lighting, automatic light shut-off mechanisms, downward-facing exterior light fixtures, and others. Exterior lighting within the Specific Plan area will be shielded as needed to block illumination from shining upward, or outward into the Guadalupe River to the east or Ulistac Natural Area to the south. Lighting plans for each development site shall be reviewed and approved by the Community Development Director prior to the issuance of building permits.

Based on the TESP FEIR, implementation of the identified mitigation measure would minimize lighting and reduce lighting impacts to a less than significant level.

3.3.1.3 *Trees*

Implementation of the TESP would result in the removal of numerous trees within the TESP area. Existing trees throughout the TESP area include a mixture of non-native or not naturally-occurring, planted, ornamental species including eucalyptus, acacias, and London planes. The General Plan requires replacement of trees removed as part of a proposed development project.

The TESP FEIR concluded that removal of trees within the TESP area would not have a significant impact on wildlife because the trees are mostly landscape and non-native species that are not regionally limited. Given the substantial number of trees that would be removed by development proposed under the TESP, impacts to mature trees from future development under the TESP would result in a significant impact.

Impact BIO-10: Tree removal from redevelopment of individual parcels under the Specific Plan would result in a significant impact to mature trees.

The following mitigation measures were included in the approved project to reduce impacts from tree removal.

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

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

Implementation of mitigation measures BIO-10.1 and BIO-10.2 would reduce impacts to trees to a less than significant level.

3.3.2 Biological Resources Impacts Resulting from the Proposed Project

3.3.2.1 *Bird Strikes*

The TESP FEIR concluded that all new buildings, including the proposed project, would have the potential for bird strikes and are required to incorporate bird safe design features. In September 2023, *H.T. Harvey & Associates* prepared an Avian Collision Risk Assessment for the proposed project. A copy of this report is provided in Appendix B.

The following analysis outlines the project's design elements and its compliance with mitigation measure BIO-3.1.

Reduce the extent of glass on the façades of new buildings to the extent feasible.

The project would include extensive glazing on the building façades above the fifth floor (on the northern, eastern, and western façades), floors one and two (of the eastern façade), and on all levels of the southern façade. Per mitigation measure BIO-3.1, all new construction and building additions within the TESP area shall reduce the extent of glass on the façades to the extent feasible. The TESP FEIR recognized that "[m]ost often, bird collisions have been related to the extent of reflective and/or untreated glass on the building which provides the strongest opportunity for a collision," and to that end, the construction shall include treated glazing in areas of the building with high collision risk, as discussed further below. In addition, the building façades would be composed of opaque panels on the northern and eastern façades surrounding the parking garage on floors one to five. Glazing on the eastern and western façades consist of smaller windows broken up by opaque panels which helps reduce the total amount of glazing on the building. As a result, the project design would comply with this requirement.

Prohibit the visibility of interior landscaped areas behind glass

No interior landscaped areas are proposed behind glass and, as a result, the project design would comply with this requirement.

No more than 10 percent of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.

As originally proposed, no bird-safe glazing was proposed as part of the building design. Based on the Avian Collision Risk Assessment prepared for the project, the frequency of avian collisions to the proposed building on-site would be lower compared to other sites within the TESP area due to its distance to the Ulistac Natural Area (approximately 1,580 feet southeast) and to the Guadalupe River (approximately 1,790 feet east). The project proposes vegetation and trees in the exterior amenity spaces. Based on the extent and character of the vegetation planned for the site, the limited extent of the proposed open space areas, and the development that would be surrounding the site, any new landscape vegetation on-site would provide relatively limited resources for native birds regardless of the tree and plant species used. As stated in mitigation measure BIO-3.1, the City may waive or reduce any of the bird-safe design requirements based on analysis by a qualified biologist indicating that proposed buildings will not pose a collision hazard to birds. The assessment concluded that substantial impacts on birds colliding with the majority of the building façades would not occur because bird abundance in the vicinity would be relatively low, and therefore some of the bird-safe design requirements of mitigation measure BIO-3.1 are waivable.

Nevertheless, large numbers of birds are expected to fly through or past the area compared to other areas of the City, and therefore selected bird-safe treatments will be necessary. The assessment identified the following areas of high collision risk: 1) the extensive glazing on floors one to five (i.e., within 60 feet of the ground) of the southern façade located adjacent to the landscape vegetation and 2) feature-related hazards[9] (e.g., free-standing glass railings and transparent glass corners) adjacent to the proposed exterior vegetation.

Consistent with mitigation measure BIO-3.1, the project shall be required to include one of the following design alternatives as a condition of project approval.

Condition of Project Approval:

There is potential for bird collisions on floors one to five (i.e., within approximately 60 feet of the ground). Specifically, on floors one and two of the eastern façade and on floors one to five of the southern façade as these areas would be located adjacent to landscape vegetation and would consist of extensive glazing.

[9] A feature-related hazard is a potential bird collision hazard that should be treated regardless of whether the building is located near a high-quality bird habitat area.

One of the following two alternatives for glazing treatment shall be implemented:

- No more than 10 percent of the surface area of the building façades combined shall have untreated glazing between the ground and 60 feet above ground. The applicant can determine which areas have untreated glazing; however, it is recommended that untreated glazing be minimized on the southern façade (where collision risks would be the highest); **or**

- No more than 10 percent of the surface area of the southern and eastern building façades outlined in red on Figures 10 and 11 of Appendix B of this document and below shall consist of untreated glazing. This alternative focuses on the areas where collision would be the highest and would provide less flexibility regarding where unglazed treatment would occur.

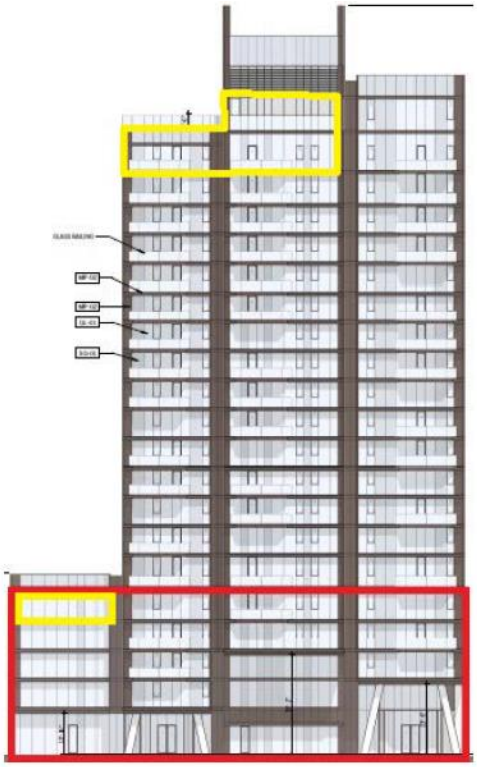


Figure 10. On the building's south façade, extensive areas of glazing within 60 feet of the ground are outlined in red, and areas immediately above and below terraces with landscape vegetation are outlined in yellow. These areas should be treated with a bird-safe treatment.

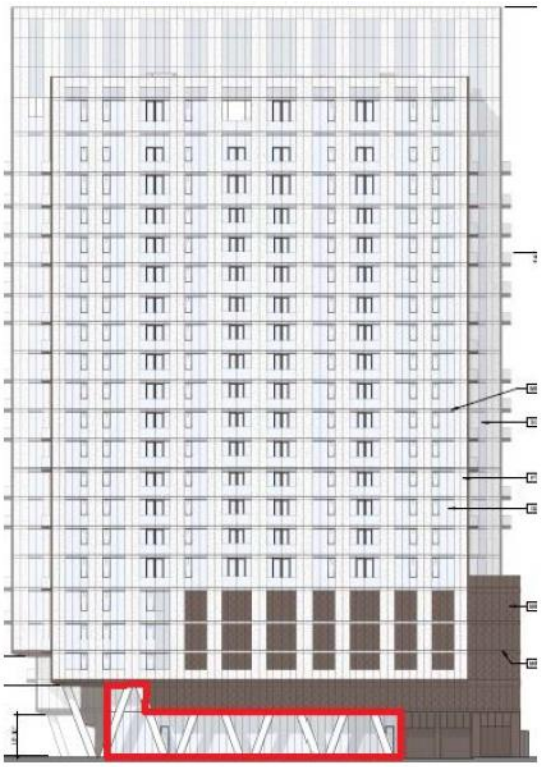


Figure 11. On the building's east façade, extensive areas of glazing within 60 feet of the ground are outlined in red. These areas should be treated with a bird-safe treatment.

Any untreated glazed areas (i.e., 10 percent untreated areas) shall be broken up into sections no greater than 24 square feet in size by mullions or bird-safe treatments. With implementation of one of the two design alternatives of this condition of project approval, the project would comply with the requirements listed under mitigation measure BIO-3.1.

Avoid free-standing clear glass walks, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies with unbroken glazed segments 24 square feet and larger where feasible. If any such structures are included in building designs, all glazing used in any such features will be 100 percent treated.

Free-standing glass railings are proposed on the private balconies and amenity decks. No glass enclosures are proposed. While there are transparent glass corners proposed, the majority of these corners would be small due to the presence of opaque materials adjacent to the corners. The opaque materials would further reduce the potential for bird collisions. As a result, the Avian Collision Assessment concluded that the requirement for 100 percent treatment of transparent building corners was waivable for these smaller corners.

A larger, transparent glass corner would be located at the southeast corner on floors one and two. Since vegetation would be planted on only one side of this corner, the potential for collisions at this location would be reduced. This corner is included in the areas already identified for treatment in the condition of approval listed above. The assessment concluded that no further treatment of glass corners would be required beyond inclusion of the transparent glass corner on floors one and two at the building's southeast corner in the treatment area per the condition of project approval mentioned above.

Reduce glass at tops of buildings, especially when incorporating a green roof into the building design.

The eastern and western building façades would consist of extensive opaque materials. While the majority of the façades below the amenity decks proposed on floors six and 21 would have opaque wall panels broken up by small individual windows, some areas above and below the amenity decks would consist of extensive glazing. These areas are outlined in yellow on Figures 10, 12, and 13 of Appendix B of this document and below on page 32 and discussed further below.

Although the northern and southern building façades would be heavily glazed, the overall project design would effectively reduce glazing at the top of the building where roofs with landscape vegetation are present. As a result, the project design would comply with this requirement.

If a green roof or green wall is incorporated into the building design, no more than 10 percent of the surface area of the building's combined façades within 12 vertical feet above and/or below the green roof or green wall shall have untreated glazing. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.

No green walls are proposed as part of the project; however, the project proposes roofs with landscape vegetation on the sixth and 21st floor amenity decks which would result in bird collisions as the proposed vegetation would attract birds. The façades above and below the sixth and 21st floor amenity terraces would consist of extensive opaque materials that reduce bird collision risk. As discussed previously, the areas outlined in yellow on Figures 10, 12, and 13 of Appendix B of this document and below on page 32 would consist of extensive glazing on the southern façade below the sixth floor amenity terrace. Consistent with mitigation measure BIO-3.1, the project shall be required to include the following condition of project approval.

Condition of Project Approval:

- No more than 10 percent of the surface area of these combined façades (as outlined in yellow on Figures 10, 12, and 13 of Appendix B of this document and below) shall have untreated glazing. All remaining untreated glazed areas shall be broken up into sections no greater than 24 square feet in size by mullions and bird-safe glazing treatments

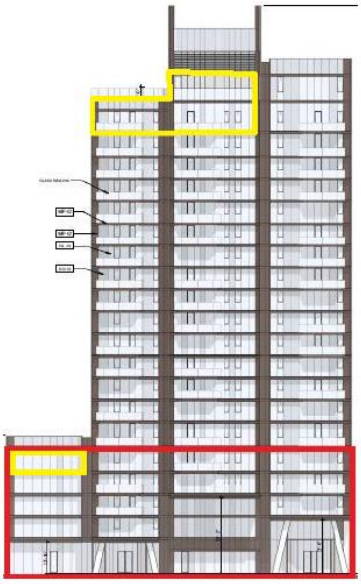


Figure 10. On the building's south façade, extensive areas of glazing within 60 feet of the ground are outlined in red, and areas immediately above and below terraces with landscape vegetation are outlined in yellow. These areas should be treated with a bird-safe treatment.

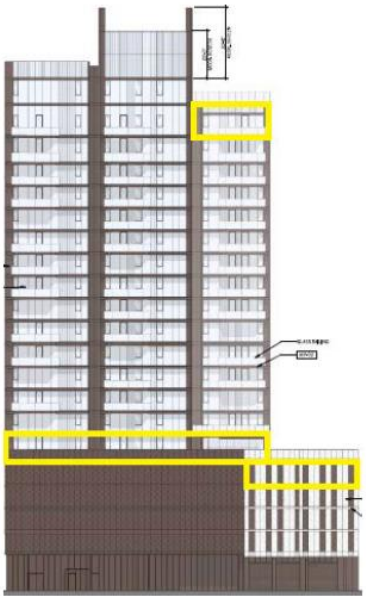


Figure 12. On the building's north façade, areas immediately above and below terraces with landscape vegetation are outlined in yellow. These areas should be treated with a bird-safe treatment.

Figure 13. On the building's west façade, areas above and below terraces with landscape vegetation are outlined in yellow. These areas should be treated with a bird-safe glazing treatment.

With implementation of this condition of project approval, the project would comply with the requirement listed under mitigation measure BIO-3.1.

Avoid the funneling of flight paths between buildings or trees towards a glazed building façade.

The building does not include any features that would funnel birds towards a glazed building façade. As a result, the project design would comply with this requirement.

Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions. For example, vegetation providing particularly valuable resources to birds (such as fruits) will be planted away from buildings with extensive glazing, and vegetation in general will be planted in such a way that it is not clearly reflected in windows. Water features would be located away from building exteriors to reduce the attraction of birds towards glazed façades.

No water features are proposed besides the pool on the 21st floor. As mentioned previously, vegetation and trees are proposed in the amenity spaces adjacent to building façades. Some of the vegetation is expected to produce food or flowers that would attract birds. Consistent with mitigation measure BIO-3.1, the project shall be required to include the following conditions of project approval.

Conditions of Project Approval:

- All free-standing glass railings adjacent to planted vegetation (i.e., amenity terraces on floors six and 21) shall be 100 percent treated with bird-safe treatment.
- Extensive glazing within 60 feet above ground and on the floors above and below the sixth and 21st floor amenity terraces shall be treated with a bird-safe glazing treatment such that no more than 10 percent of the surface area have untreated glazing.
- Landscape vegetation with flowers and fruits shall be removed from any planted areas immediately adjacent to untreated glazed areas.

With implementation of the conditions of approval above, the project would comply with this requirement of mitigation measure BIO-3.1.

Minimize exterior lighting to the extent feasible, except as needed for safety. All exterior lights shall be directed toward facilities in the Plan Area (e.g., rather than directed upward or outward) and shielded to ensure that light is not directed outward toward the Guadalupe River or Ulistac Natural Area.

The project's lighting plan is not yet available. To ensure that the project minimizes exterior lighting to the extent feasible, the project shall comply with the exterior LEED Pilot Credit 55 lighting requirement as follows:

- Exterior building fixtures that are not necessary for safety, building entrances, and circulation shall be automatically shut off from midnight until 6:00 AM. Manual override capability may be provided for occasional after-hour use.

- Exterior up-lighting in the project design shall be avoided.

The proposed project is located approximately 1,790 feet west of the Guadalupe River and approximately 1,580 west of the Ulistac Natural Area. The Avian Collision Risk Assessment concluded that unshielded exterior lighting in public areas would not spill outwards into these natural areas. As a result, shielding and direct lighting on-site would not be needed to comply with this requirement.

Occupancy sensors or other switch control devices shall be installed on interior lights, with the exception of emergency lights or lights needed for safety purposes. Exterior shades shall also be considered to reduce light pollution. On commercial buildings, these lights shall be programmed to shut off during non-work hours and between 10:00 PM and sunrise.

As discussed above, the project would comply with the exterior LEED Pilot Credit 55 lighting requirement. Due to the proposed buildings distances from the Ulistac Natural Area and Guadalupe River, and the assumption that residents would not use extensive night lighting, the lack of occupancy sensors within residential spaces would not result in substantial impact on birds. The project design would comply with this requirement.

While full build out of the TESP would have a significant and unavoidable bird strike impact, the proposed project is consistent with the TESP FEIR and, by itself, would not result in any new impacts or substantially increase the severity of the previously identified impact with implementation of the conditions of project approval.

3.3.2.2 *Increased Lighting*

As mentioned previously, the project's lighting plan is not yet available. It is reasonable to assume that the proposed project would include internal building lights, parking garage lights, pathway lights, security lights, and external building lights. While the TESP FEIR identified increased lighting on-site as an impact on bird species in the high value habitat areas on and adjacent to the TESP area, the project site is not located near these habitat areas and is already developed. Due to the project site's location and consistent with mitigation measure BIO-4.1, exterior lighting within the TESP area will be shielded as needed to block illumination from shining upward, or outward into the Guadalupe River and Ulistac Natural Area. Furthermore, the project would be subject to the City's architectural review process prior to issuance of building permits, consistent with mitigation measure BIO-4.1, to ensure that the project would not adversely impact bird species. As a result, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified impact.

3.3.2.3 *Trees*

A Tree Survey was prepared by Arbor Resources in March 2023.[10] The trees are listed in Table 3.3-1 and are shown in the figure below.

[10] Arbor Resources. *Tree Inventory Table*. March 30, 2023.

TREE LOCATION MAP

FIGURE 3.3-1

Table 3.3-1: Trees Surveyed			
Tree Number	**Common Name**	**Scientific Name**	**Diameter (in inches)**
1	Crape myrtle	*Lagerstroemia indica*	4, 4, 3, 2, 2
2	Crape myrtle	*Lagerstroemia indica*	7, 4
3	Blackwood acacia	*Acacia melanoxylon*	22
4	Blackwood acacia	*Acacia melanoxylon*	27
5	Chinese elm	*Ulmus parvifolia*	11
6	Chinese elm	*Ulmus parvifolia*	13
7	Chinese elm	*Ulmus parvifolia*	10
8	Chinese elm	*Ulmus parvifolia*	12
9	Chinese elm	*Ulmus parvifolia*	12
10	Mexican fan palm	*Washingtonia robusta*	18
11	Mexican fan palm	*Washingtonia robusta*	18
12	Chinese elm	*Ulmus parvifolia*	13
13	Chinese elm	*Ulmus parvifolia*	19
14	Chinese elm	*Ulmus parvifolia*	8
15	Canary Island pine	*Pinus canariensis*	30
16	Chinese elm	*Ulmus parvifolia*	10
17	Marina madrone	*Arbutus 'Marina'*	5, 4, 4, 3, 3, 3, 2
18	Blackwood acacia	*Acacia melanoxylon*	23

Consistent with mitigation measure BIO-10.2 and General Plan Policy 5.3.1-P10, any tree removed would be required to be replaced at a 2:1 ratio on-site. As proposed, all 18 on-site trees would be removed, and the project would be required to plant 36 new trees. Based on the plans provided by the applicant, the applicant proposes a total of 43 trees on-site, which is consistent with the City's tree replacement requirement. Therefore, the proposed project would not result in any new tree impacts or substantially increase the severity of the previously identified impact.

3.4 HAZARDS AND HAZARDOUS MATERIALS

The following analysis addresses the potential for soil and groundwater contamination on the project site. Given the age of the buildings in the TESP area, the TESP FEIR concluded that the buildings would likely contain asbestos and/or lead-based paint. Remediation of asbestos and lead-based paint must be in accordance with national regulatory guidelines and Cal/OSHA standards. The regulatory requirements are incorporated by reference and no further analysis is required.

Impacts on airport safety, schools, and emergency operation plans would be the same on all project sites within the TESP area given that the projects would have to be designed consistent with the development standards established by the TESP. The TESP FEIR found impacts to airport safety, schools, and emergency operation plans to be less than significant.

3.4.1 Findings of the Previously Certified FEIR`

Based on the TESP FEIR, the project site historically consisted of agricultural land including row crops and orchards. One leaking underground storage tank (LUST) case was discussed in the TESP FEIR. In addition, four facilities within the TESP area have been identified in the Regional Water

Quality Control Board's (RWQCB) Spills, Leaks, Investigations, and Cleanup (SLIC) database. Of the four on-site facilities, three are currently identified as open cases as discussed below.

Leaking Underground Storage Tank Cases

In 1988, a 2,000-gallon gasoline underground storage tank (UST) was removed from 2200 Calle De Luna. The LUST case has been closed by Santa Clara Valley Water District (SCVWD) as of 1995. The most recent sampling event found concentrations of total petroleum hydrocarbons as gasoline (TPHg) and benzene at the site.

Spills, Leaks, Investigations, and Cleanup (SLIC) Sites

In 1997, RWQCB closed the SLIC case at 2339 Calle Del Mundo, however, residual concentrations of volatile organic compounds (VOCs) remained in the soil and groundwater that pose a potential vapor intrusion concern. The VOC impacted groundwater appears to have migrated below the northerly adjacent landfill property.

VOCs were identified in the groundwater at 2301 Calle De Luna and have migrated below the easterly adjacent parcel at 2281 Calle De Luna. This open SLIC case is currently being overseen by the RWQCB.

The two remaining SLIC cases at 2278 Calle De Luna (Coatek, Inc.) and 2200 & 2222 Calle De Luna (Air Flight Service) are being overseen by the Santa Clara County Department of Environmental Health (SCCDEH). The Air Flight Service property was found to have elevated levels of TPH as diesel (TPHd) that are unrelated to the prior film processing done on the property. The Coatek, Inc. property was found to have elevated nickel and copper concentrations related to the industrial land use activities on the southern portion of the TESP area. Oil, grease, trichloroethene (TCE), TPH as motor oil (TPHmo), hexavalent chromium, and benzene concentrations were also found to be elevated above residential screening levels. Both facilities have entered into Voluntary Cleanup Agreements with SCCDEH.

All Purpose Landfill

The former Santa Clara All Purpose Landfill (landfill) is a closed municipal landfill with a footprint of approximately 136 acres located adjacent to the TESP area. Portions of the landfill have been converted into a public golf course, and the remainder is open space. The landfill consists of four parcels: 1, 2, 3/6, and 4. Parcel 2 is located adjacent to the north of the TESP area and Parcel 4 is across Lafayette Street to the west. Parcels 1 and 3/6 are located further to the north and northwest.

Groundwater beneath the landfill, primarily on Parcel 4, is impacted with VOCs. The primary VOCs detected in groundwater samples collected during the first quarter of 2016 were 1,1 dicholorethene, cis-1,2-dicholoroetehene (cis-1,2-DCE), trans-1,2-dicholoroethene, TCE, and vinyl chloride. The area of VOC impacted on parcel 4 is located cross-gradient from the site with respect to groundwater flow direction (northeast) and did not migrate below the Plan Area. Two groundwater monitoring wells are located on the southern border of the landfill (Parcel 2) and immediately north of the TESP area. Low concentrations of VOCs have been detected in ground water from both monitoring wells, one of which is located down-gradient of 2339 Calle Del Mundo, an identified SLIC site discussed above. Landfill gas investigations were conducted at the landfill and identified several VOCs in

landfill gas. Benzene, ethylbenzene, and vinyl chloride were reported in landfill gas at concentrations exceeding residential and commercial Environmental Screening Levels (ESLs).

Given the industrial use of the site and prior agricultural uses and LUST case, residual hazardous materials contamination is anticipated to be present on-site and could impact construction workers and adjacent land uses if disturbed during demolition or construction. The following mitigation measures are included in the TESP FEIR.

Impact HAZ-1: Existing hazardous materials contamination in soils and groundwater on the site has the potential to impact construction workers and adjacent land uses if disturbed during demolition or construction of new buildings and structures on the site.

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

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

MM HAZ-1.3: The need for vapor intrusion mitigation measures will be dependent upon the planned building design and the results of the Vapor Intrusion Investigation. Prior to redevelopment of the site, a report assessing the potential for vapor intrusion shall be submitted to and approved by the overseeing regulatory

agency. The assessment shall be conducted in general conformance with DTSC's *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance)* dated October 2011.

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

- *Corrective Action Plan.* An appropriate corrective action plan (e.g. remedial action plan, removal action workplace, etc.) shall be prepared that reflects the results of the above investigations. Site cleanup levels presented in the plan shall be based on a target cancer risk of 0.00001 or, for non-carcinogens, a target hazard quotient (THQ) of 1.0. The lower of the then-current DTSC, RWQCB, or EPA residential screening levels shall be used to interpret the TR and THQ levels or, alternatively, a site-specific human health risk assessment shall be prepared and approved by the overseeing regulatory agency. Higher cleanup goals may be acceptable, if approved in writing by the oversight agency. The project applicant shall provide an oversight agency's written approval of the corrective action plan to the City of Santa Clara prior to issuance of a demolition and/or grading permit. Leaving contaminated soil (above residential screening levels and, for metals, above background concentrations) in-place or re-using contaminated soil shall require the oversight agency's written approval. At a minimum, if contaminated soil is left in-place, a deed restriction or land use covenant shall detail the location of the soil. This document shall include a surveyed map of the location of the impacted soil and shall restrict future excavation in the impacted area unless approved in writing by an oversight agency.

- *Air Monitoring Plan*. This plan shall assess the potential for exposure of construction workers and neighboring occupants adjoining the property to COCs during construction activities; this plan shall specify measures to be implemented if COC concentrations exceed threshold values.

- *Vapor Intrusion Mitigation Plan and Associated Documents*. If the Vapor Instruction Investigation identifies the need for mitigation measures, a Vapor Intrusion Mitigation Plan shall be prepared that describes the measures to be a result of vapor intrusion. The Vapor Intrusion Mitigation Plan will require the project applicant to design the proposed occupied spaces with appropriate structural and engineering features to reduce risk of vapor intrusion into buildings. At a minimum, this design shall include: 1) passive sub-slab ventilation with a spray applied vapor barrier (and with the ability to convert the system from passive to active ventilation), 2) monitoring to ensure the long-term effectiveness of the remedy, and 3) the implementation of institutional controls. Other designs would be

acceptable is approved in writing by the overseeing regulatory agency. The Vapor Intrusion Mitigation Plan shall be submitted for agency review and approval. DTSC's October 2011 *Vapor Intrusion Mitigation Advisory* provides useful guidance in selecting, designing, and implementing appropriate response actions for sites where a potential vapor intrusion risk has been identified. A completed report shall be submitted to the overseeing regulatory agency upon completion of construction of the mitigation system. The report shall document installation of the vapor control measures identified in the Vapor Intrusion Mitigation Plan and present final as-built design drawings. A Long-Term Operations, Maintenance, and Monitoring Plan (OMMP) also shall be submitted for agency approval that presents the actions to be taken following construction to maintain and monitor the vapor intrusion mitigation system, and a contingency plan should the vapor mitigation system fail. A financial assurance mechanism shall additionally be established (i.e. proof that adequate funds are available for long-term maintenance and monitoring of the vapor intrusion mitigation system) and described in the OMMP.

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

- Site control procedures to control the flow of personnel, vehicles and materials in and out of the site;
- Measures to minimize dust generation, stormwater runoff and tracking of soil off-site;
- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or groundwater are present or suspected. Worker training requirements, health and safety measures and material handling procedures shall be described;
- Perimeter air monitoring for dust during any activity that significantly disturbs impacted site soil (i.e. mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures;

- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities;
- Protocols to characterize/profile soil suspected of being contaminated so appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with impacted groundwater shall be assumed contaminated. All soil excavated and transported from this site shall be appropriately disposed of at a permitted facility;
- Stockpiling protocols for "clean" and "impacted" soil;
- Decontamination procedures to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer;
- Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted. The DTSC's Clean Fill Advisory (October 2001 or latest version) provides useful guidance on evaluating imported fill;
- Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors. Mitigation protocols shall be developed and implemented in the event elevated VOC vapors are released during excavation activities that may pose a risk to construction worker health and/or risk to the health of occupants of neighboring properties;
- Protocols to evaluate if the residual contaminants will adversely impact the integrity of below ground utility lines and/or structures (i.e. the potential for corrosion due to subsurface contamination)
- Measures to reduce soil vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at specified intervals on-site and at all locations where the utility trenches (within impacted soil or groundwater) extend off-site. In addition, utility conduits that are placed below groundwater shall be installed with water-tight fittings to reduce the potential for groundwater to migrate into the conduits.
- Measures to help reduce the potential for the downward migration of contaminated groundwater if deep foundation systems are proposed. These measures shall be identified in the geotechnical investigation report and implemented as part of the development plans.

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

With implementation of the identified measures, development under the TESP would have a less than significant impact related to soil and groundwater contamination.

3.4.2 Hazards and Hazardous Materials Impacts Resulting from the Proposed Project

The project would demolish the existing light industrial building (approximately 13,720 square feet) and associated surface parking lot) and construct a 21-story, residential building with up to 198 residential units and approximately 3,008 square feet of retail.

Groundwater on-site has been encountered at a depth ranging from five to eight feet below the ground surface (bgs) and flows in the southeastern[11] direction. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

Consistent with mitigation measures HAZ-1.1 and HAZ-1.2, a Phase I Environmental Site Assessment (ESA) and Phase II ESA dated July 2018 and July 2019, respectively, was completed by *AllWest Environmental*. Copies of the reports are provided in Appendices C and D.

Phase I Environmental Site Assessment

On-Site Sources of Contamination

Based on a review of the project site, the site is listed within the Resource Conservation and Recovery Information System (RCRIS), HAZNET databases for the disposal and generation of small quantities of hazardous waste. No violations were identified. Based on the Phase I ESA, disposal and generation of small quantities of hazardous waste were determined not to be a recognized environmental concern (REC).

Off-Site Sources of Contamination

Within a one-mile radius of the project site, 53 off-site facilities were identified on various databases. None of the off-site facilities were determined to represent a significant environmental concern for the site because 1) the facility has a case closed status, 2) the distance of the facility from the project site and/or the location of the release relative to groundwater flow, and/or 3) the site has been determined not to be an REC.

Phase II Environmental Site Assessment

In July 2019, *AllWest Environmental, Inc.* prepared a Phase II ESA to assess the project's soil and groundwater quality. Five borings (B-1 to B-5) were advanced in June 2019 to collect 18 soil samples and three groundwater samples [B-1(GW), B-2(GW), and B-5(GW)].

One soil sample was collected from each boring and was analyzed for total petroleum hydrocarbons as diesel and motor oil (TPH-d and TPH-mo), total petroleum hydrocarbons as gasoline (TPH-g), volatile organic compounds (VOCs), polynuclear aromatics and polyaromatic hydrocarbons (PNAs/PAHs), organochlorine pesticides (OCPs) p,p-Dichlorodiphenyltrichloroethane (p,p-DDT),

[11] Per the Phase I and II ESAs, the local topography is relatively flat and groundwater flow directions has been documented as variable on adjacent properties.

CAM 17 metals and hexavalent chromium (Cr6). The three groundwater samples were analyzed for TPH-d, TPH-mo, TPH-g, VOCs, PNAs/PAHs, CAM 17 metals, and CR6.

Concentrations of arsenic and vanadium were found in all five soil samples exceeding their respective RWQCB Tier 1 Environmental Screening Levels (ESLs). Total lead was detected in soil samples B-3 and B-4 exceeding its respective Tier 1 ESL. None of the detected metal concentrations, including lead, exceeded Tier 2 ESLs except for arsenic. Arsenic and vanadium concentrations are within typical regional background levels. None of the detected metals concentrations exceeded State of California Title 22 Total Threshold Limit Concentration (TTLC) hazardous waste levels.

Low concentrations of various metals, petroleum hydrocarbons, VOCs, PAH/PAHs, and OCP p,p'-DDT were detected in several soil samples; however, none of the soil samples exceeded its respective Tier 1 ESLs with the exception of sample B-3. Organochlorine Pesticides p,p-DDT was detected in sample B-3 which slightly exceeds its Tier 1 ESL. No other constituents of concern (COCs) were detected in the soil samples exceeding their respective ESLs.

Concentrations of naphthalene was found exceeding its respective Tier 1 ESL in all groundwater samples. Organochlorine Pesticides p,p-DDT and Molybdenum was detected in sample B-1 (GW) exceeding its respective Tier 1 ESL. Nickel and cobalt were detected in sample B-3 (GW) exceeding their respective Tier 1 ESL. No other COCs were detected in the groundwater samples exceeding their respective Tier 1 ESLs. Low concentrations of various metals, TPH-mo, VOCs and PAH/PAHs were detected in the groundwater but were not exceeding their respective Tier 1 ESLs.

Based on the findings of the Phase I and II ESAs, the slightly elevated COC concentrations identified on-site would not impact human health or the environment. Consistent with the TESP FEIR, the project would be required to implement mitigation measures HAZ-1.4 to HAZ-1.6 to ensure that the proposed development would not exacerbate any potentially existing hazardous materials contamination. Therefore, the project would not result in new or more substantive hazardous materials impacts than were previously identified in the TESP FEIR.

3.5 HYDROLOGY AND WATER QUALITY

The following analysis addresses the projects consistency with the Municipal Regional Stormwater NPDES Permit (MRP).

Because the proposed project is consistent with the development assumptions in the TESP FEIR, water quality impacts from construction would be consistent with the conclusions of the FEIR. Furthermore, the project would be consistent with the findings of the FEIR regarding groundwater, drainage, and inundation hazards. No further discussion of these issues is provided.

3.5.1 Findings of the Previously Certified FEIR

3.5.1.1 *Post-Construction Stormwater Treatment*

The TESP FEIR states that all projects within the TESP area are required to comply with the MRP and C.3 stormwater treatment regulations. The TESP FEIR concluded that compliance with regulatory requirements would result in a less than significant water quality impact.

3.5.2 Hydrology and Water Quality Impacts Resulting from the Proposed Project

3.5.2.1 *Post-Construction Stormwater Treatment*

Consistent with the TESP FEIR, the proposed project would be required to comply with the MRP and NPDES requirements. The project proposes to treat runoff from the project site with a media filter and flow-through planters. The final stormwater control plan shall be reviewed and approved by the City at the development permit stage. Therefore, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified hydrology and water quality impacts.

3.6 NOISE AND VIBRATION

The following analysis addresses the potential operational noise impacts that would result from the proposed project. Because the project is consistent with the development assumptions in the TESP FEIR, construction noise and vibration would be consistent with the conclusions of the FEIR and all identified mitigation measures would be required and are incorporated by reference. No further discussion of construction noise and vibration is provided.

Operational noise issues pertaining to mechanical equipment, traffic noise, and aircraft noise was found to be less than significant in the TESP FEIR. Because the project is consistent with the development assumptions in the TESP FEIR, the proposed project would also have a less than significant impact. No further analysis for operational noise is required.

3.6.1 Findings of the Previously Certified FEIR

With limited exceptions like airport noise, CEQA does not address the effects of existing environmental conditions on a project. The TESP FEIR analyzed aircraft noise as a CEQA impact and concluded that the impact would be less than significant, as the anticipated noise levels would be compatible with the proposed land uses with respect to the guidelines set forth in the Airport Master Plan. Since the proposed project is located within the TESP area and is consistent with the development projections in the TESP FEIR, the project's aircraft noise impacts would also be less than significant. For noise from sources other than aircraft, the City of Santa Clara addressed the effect of existing noise sources on future residents in the TESP area as a planning consideration.

The predominant sources of noise that affect the noise environment within the TESP area and at nearby land uses results primarily from vehicular traffic along Lafayette Street and Tasman Drive. Traffic along the local streets within the TESP area, which include Calle Del Mundo and Calle De Luna, also affect the ambient noise environment. Aircraft associated with Norman Y. Mineta San José International Airport and trains passing along the Lick Mill Light Rail Transit Station and Great America Station also contribute to the noise environment in the area. Levi's Stadium, approximately 1,352 feet away from the project area, periodically contributes to the noise environment during large events such as NFL games and concerts. Based on findings from the 2009 Stadium EIR[12], residences within 2,000 feet of the stadium would experience elevated exterior noise levels during events which would result in a significant unavoidable impact.

[12] City of Santa Clara. *49ers Santa Clara Stadium Project FEIR*. November 2009.

Future Exterior Noise Levels

Based on the long-term measurements made within the TESP area, future exterior noise levels would be 70 A-weighted decibel (dBA) Community Noise Equivalent Level (CNEL) along Tasman Drive, 74 dBA CNEL along Lafayette Street, and up to 67 dBA CNEL along the future Lick Mill Boulevard extension. Residential development proposed along these roadways would be incompatible with noise levels established for residential outdoor activity areas. The following conditions of approval were included in the TESP FEIR to reduce exterior noise levels at common outdoor activity areas consistent with the City's General Plan:

- Do not locate common outdoor activity areas immediately adjacent to Tasman Drive, Lafayette Street, or the future Lick Mill Boulevard extension.
- Utilize site planning by placing outdoor activity areas in courtyards, on shielded podium levels (sky gardens) or rooftops, or behind buildings adjoining Tasman Drive, Lafayette Street, and Lick Mill Boulevard. Development adjacent to existing and planned open space shall be designed to provide shielding of the open space from Tasman Drive, Lafayette Street, and Lick Mill Boulevard.

Future Interior Noise Levels

Commercial Land Uses

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. The CALGreen Code establishes that interior noise levels shall be maintained at 50 dBA L_{eq}(1-hr) or less during hours of operation at any proposed commercial buildings. Standard commercial construction provides approximately 30 dBA of exterior-to-interior noise reduction. At a distance of 50 feet from Lafayette Street along the western edge of the project site, the future noise level would be up to 77 dBA. At a distance of 65 feet from Tasman Drive along the southern edge of the project site, the future noise level would be up to 74 dBA. Standard construction would result in compatible interior noise levels in commercial uses within the plan area.

Residential Land Uses

The City of Santa Clara requires that interior noise levels be maintained at 45 dBA CNEL or less for residences. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA CNEL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA CNEL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

According to the TESP FEIR, sound levels would range from 72 to 74 dBA CNEL at a distance of 50 feet from the southern and western border of the TESP area. Future interior noise levels at the plan area would be up to 55 dBA CNEL, which exceeds the 45 dBA CNEL threshold of the General Plan. The TESP FEIR includes the following conditions of project approval to reduce interior noise levels to 45 dBA CNEL or less:

- Assuming a conservative estimated ratio of 30 percent windows/doors to total wall area, preliminary calculations indicate that the facades of high-density residential buildings having line-of-sight to Lafayette Street would require windows and doors with a minimum STC rating of 30 to meet the interior noise threshold established by the City.
- Along the façades having direct line-of-sight to Tasman Drive and Lick Mill Boulevard, the minimum required STC rating for windows and doors would be 26.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the Community Development Director, for all residential units in the plan area so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- A qualified acoustical consultant shall review the final site plans, building elevations, and floor plans of the proposed residential buildings and make recommendations for noise insulation to reduce interior noise levels to 45 dBA CNEL or less. Treatments would include, but are not limited to, forced-air mechanical ventilation systems, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

3.6.2 Noise and Vibration Impacts Resulting from the Proposed Project

In July 2023, *Illingworth & Rodkin, Inc.* prepared an Interior Noise Assessment for the proposed project. A copy of this report is provided in Appendix E.

3.6.2.1 *Exterior Noise Levels*

Future noise levels along Lafayette Street and Tasman Drive were calculated as part of the TESP Traffic/Construction Noise Update Memorandum.[13] At a distance of 50 feet from the southern and western border of the TESP area, noise levels would range from 72 to 74 dBA CNEL. Noise levels would range from 62 to 67 dBA CNEL throughout the remainder of the site due to vehicular traffic along Calle De Luna and Calle Del Sol, as well as aircraft associated with Norman Y. Mineta San José International Airport.

The project site would be subject to noise generated primarily by vehicular traffic along Lafayette Street and the UPRR. The worst-case noise exposure would occur along the western building façade, approximately 60 feet from the Lafayette Street centerline. At this distance, future exterior noise

[13] Illingworth & Rodkin, Inc. *Tasman East SEIR Traffic/Construction Noise Update Memo*. December 2, 2022. The updated analysis confirmed that noise levels along Tasman Drive and Lafayette Street would not be substantially different than those previously disclosed in the TESP FEIR.

levels would be up to 74 dBA CNEL.

Where exterior noise levels range from 60 to 65 dBA CNEL, adequate forced-air mechanical ventilation can reduce interior noise levels to acceptable levels by allowing occupants the option of closing the windows to reduce noise. Where noise levels exceed 65 dBA CNEL, adequate forced-air mechanical ventilation systems and sound-rated construction methods (e.g., a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and/or mechanical ventilation) would be required.

As proposed, the building would include private balconies. Per the TESP FEIR, private terraces or balconies within mid/high density residential developments are not typically considered sensitive to exterior noise levels. The project proposes private open space on floors one, six, and 21. The proposed open space would be set back from Lafayette Street by the proposed parkway and landscaping by approximately 31 feet at the northern end of the site and 20 feet at the southern end of the site. Nevertheless, the proposed project would be required to comply with the conditions of project approval identified in the TESP FEIR to reduce exterior noise levels at common outdoor activity areas. As a result, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified impact.

3.6.2.2 *Interior Noise Levels*

Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces.

Consistent with the conditions of project approval in the TESP FEIR, the proposed site plan and building elevations were reviewed and interior noise levels from exterior noise sources were quantified by *Illingworth & Rodkin, Inc.* to determine the necessary building treatments to meet the City's interior noise standard. To maintain a habitable interior environment, all dwelling units should be mechanically ventilated so that windows and doors can be kept closed at the occupant's discretion. The following noise insulation features shall be incorporated, as a condition of project approval, to reduce interior noise levels to meet the City's interior noise threshold.

Conditions of Project Approval:

- The proposed retail space and residential units located on floors two to five shall have windows and doors with a Sound Transmission Class (STC) rating of 35 or greater to meet the interior noise threshold established by California Green Building Standards Code (CALGreen) requirements.
- The proposed residential units along the western (sixth floor and above) and portions of the northern and southern building façades closest to Lafayette Street shall have windows and doors with a STC rating of 32 or greater to meet the interior noise threshold established by the City.
- The remaining building façades shall have windows and doors with a STC rating of 28 or greater.

- A suitable form of force-air mechanical ventilation, as determined by the local building official, shall be provided to all dwelling units on-site so that windows can be kept closed at the occupant's discretion.
- If substantive changes are made to the design of the project prior to building department submittal, a qualified acoustical consultant shall confirm the noise insulation recommendations based on the final site plans, building elevations, and floor plans of the proposed building. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

With implementation of the conditions of approval identified above, the interior noise levels would be below 45 dBA CNEL within the residential units and below 50 dBA L_{eq} within the retail space. As a result, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified impact.

3.7 CONCLUSION

Based on the above analysis and discussion, no substantive revisions are needed to the TESP FEIR, because no new significant impacts or impacts of substantially greater severity would result from the proposed project. There have been no changes in circumstance in the project area that would result in new significant environmental impacts or substantially more severe impacts, and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the TSEP FEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State CEQA Guidelines Section 15162, and an EIR Addendum has therefore appropriately been prepared, pursuant to Section 15164.

APPENDICES

Appendix A: Construction Air Quality and Health Risk Assessment
Appendix B: Avian Collision Risk Assessment
Appendix C: Phase I Environmental Site Assessment
Appendix D: Phase II Environmental Site Assessment
Appendix E: Interior Noise Assessment