

City of Santa Clara

Meeting Agenda Planning Commission

Wednesday, June 11, 2025

6:00 PM

Hybrid Meeting
City Hall Council
Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting Planning Commission meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely).

Via Zoom:

https://santaclaraca.zoom.us/j/91729202898

Webinar ID: 917 2920 2898 or

Phone:

1(669) 900-6833

Via the City's eComment

The public may view the meetings on SantaClaraCA.gov, or the livestream on the City's YouTube channel or Facebook page.

Public Comments prior to meeting may be submitted via email to PlanningPublicComment@SantaClaraCA.gov no later than noon on the day of the meeting; (Comments received after 12:00 PM on the day of the meeting will be made part of the public record but will not be read out loud during the meeting) and also before and during the meeting via eComment. Clearly indicate the project address, meeting body, and meeting date in the email.

Agendas, Staff Reports and associated documents for Planning Commission items may be viewed on the City's website at https://santaclara.legistar.com/Calendar.aspx

6:00 PM REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

DECLARATION OF COMMISSION PROCEDURES

CONTINUANCES/EXCEPTIONS

CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

1. 25-587 PUBLIC HEARING: Continuance to the August 13, 2025 Planning Commission Meeting, for an Action on a Conditional Use Permit (PLN24-00424) to Construct a Single-Sided Digital LED Billboard as Part of a Billboard Relocation Agreement and a Minor Modification to Reduce to Required 1,500 Linear Feet Distance from Another Electronic Digital Display Message Sign, and Recommendation to the City Council to Approve Adoption of the Billboard Relocation Agreement, Located at 1700 Duane Avenue.

Recommendation: Staff recommends that the Planning Commission reconvene the public hearing on this item and then immediately continue the proposed project to the August 13, 2025, Planning Commission meeting.

PUBLIC PRESENTATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

PUBLIC HEARING

Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.

2. 25-254 **PUBLIC HEARING**: Recommendation Cheeney Street (PLN2019-13846 / PLN2019-12857) Townhomes Project located at 4249 Cheeney Street, requiring an Initial Study and Mitigated Negative Declaration, General Plan__ Amendment. Rezone, and a Tentative Subdivision Map.

Recommendation: Alternatives: 1, 2, 3 and 4

- Adopt a resolution recommending the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring or Reporting Program for the Cheeney Street Townhomes Project.
- Adopt a resolution to recommend the City
 Council approve a General Plan amendment to
 change the land use designation from Very
 Low Density Residential to Low Density
 Residential.
- Adopt a resolution recommending the City Council approve a Rezoning from R1-6L, Single Family Residential to R2, Low Density Residential.
- Adopt a resolution recommending the City Council approve a Tentative Subdivision Map for condominium purpose, subject to findings and conditions of approval.
- 3. 25-428 PUBLIC HEARING: Action on a property located at 2303 Street (PLN23-00577/PLN23-00262) for a Gianera Mitigated Negative Declaration and Mitigation Monitoring and Reporting Vesting Tentative Program, Rezone, and Subdivision (PLN23-00577/PLN23-00262) Allow to the Development Eight Semi-Attached Single-Family Residences and Associated On- and Off-Site Improvements.

Recommendation:

- Adopt a resolution recommending the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 2303 Gianera Street Project.
- 2. Adopt a resolution recommending the City Council approve a Rezoning from R2 Low Density Residential to PD Planned Development, subject to findings and conditions of approval.
- Adopt a resolution recommending the City Council approve a Tentative Subdivision Map, subject to findings and conditions of approval.

4. 25-402

PUBLIC HEARING: Action on an Addendum to the City Place Environmental Impact Report Santa Clara Mitigation and Monitoring and Reporting Program, General Plan Amendment, Zoning Code Amendments to revise the permitted uses within the Planned Development Master Community (PD-MC) land use designation and to amend the Master Community Plan (MCP) for the Related Santa Clara Project (PLN24-00060) Located 5155 Stars and Stripes Drive to Introduce a new Scheme and Amendment of Land Use Scenario. the Development Agreement between the City of Santa Clara and Related Santa Clara, LLC for the Related Santa Clara Project.

Recommendation: Based on consistency with the adopted 2016 City Place Santa Clara Environmental Impact Report and Mitigation Monitoring and Reporting Program, 2010 General Plan, Zoning Code, Planned Development Master Community (PD-MC), Master Community Plan (MCP), Development Agreements, staff recommends the Planning Commission recommend approval of the amendments to the City Council as follows:

- 1. Adopt a resolution recommending City Council adopt an Addendum to the City Place Santa Clara Environmental Impact Report (EIR) (2016) for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 2. Adopt a resolution recommending the City Council approve the General Plan Amendment to revise the permitted uses under the Urban Center/Entertainment District land use classification to include the proposed light industrial uses on Parcels 1 and 2 for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 3. Adopt a resolution recommending City Council approve a Rezone to amend the approved Planned Development Master Community (PD-MC) to add a new Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 4. Recommend approval to the Council to Amend the Development Agreement to implement aspects of Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.

- 5. 25-697 Study Session: El Camino Real Specific Plan Revisions
 - **Recommendation:** There is no staff recommendation.
- 6. 25-654 <u>Election of Planning Commission Chair, Vice Chair and Secretary</u>

Recommendation: There is no staff recommendation.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

- 1. Announcements/Other Items
- 2. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

- 1. Planning Commission Budget Update
- 2. Upcoming Agenda Items
- 3. City Council Actions

ADJOURNMENT:

The next regular scheduled meeting is on August 13, 2025 at 6:00 PM in the City Hall Council Chambers and via Zoom.

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

STREAMING SERVICES: As always, the public may view the meetings on SantaClaraCA.gov, Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

Note: The public cannot participate in the meeting through these livestreaming methods; livestreaming capabilities may be disrupted at times, viewers may always view and participate in meetings in-person and via Zoom as noted on the agenda.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



City of Santa Clara

1500 Warburton Avenue Santa Clara, CA 95050 santaclaraca.gov @SantaClaraCity

Agenda Report

25-587 Agenda Date: 6/11/2025

REPORT TO PLANNING COMMISSION

SUBJECT

PUBLIC HEARING: Continuance to the August 13, 2025 Planning Commission Meeting, for an Action on a Conditional Use Permit (PLN24-00424) to Construct a Single-Sided Digital LED Billboard as Part of a Billboard Relocation Agreement and a Minor Modification to Reduce to Required 1,500 Linear Feet Distance from Another Electronic Digital Display Message Sign, and Recommendation to the City Council to Approve Adoption of the Billboard Relocation Agreement, Located at 1700 Duane Avenue.

DISCUSSION

A publicly noticed Planning Commission Hearing was held on April 16, 2025, to consider the proposed Conditional Use Permit and Minor Modification. Following staff and applicant presentations, Planning Commission expressed traffic and vehicle safety concerns in relation to the frequency of billboards/electronic message signs, message hold time, and illumination. The Planning Commission requested staff and applicant to research safety and traffic studies from the Department of Transportation, Caltrans, and other Bay Area jurisdictions to understand how the frequency of billboards, message hold time, and illumination impacts vehicle and public safety. The item was continued to the June 11, 2025, Planning Commission hearing.

Planning staff and the applicant are working to research and compile the requested information, but need additional time to complete the request. Staff requests that the Planning Commission reconvene the Public Hearing and then immediately continue this item to the August 13, 2025, Planning Commission meeting. The applicant has been informed of the proposed continuance.

ENVIRONMENTAL REVIEW

No environmental determination is necessary for a continuance. An environmental determination will be included with the report for the August 13, 2025, Planning Commission meeting.

FISCAL IMPACT

There is no fiscal impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at

(408) 615-2220, email <u>clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov></u> or at the public information desk at any City of Santa Clara public library.

On March 27, 2025, a notice of public hearing on this item was mailed to property owners within 300 feet of the project site. Since the Planning Commission continued the item to June 11, 2025, at the April 16th Planning Commission hearing, additional noticing was not required for the June 11 meeting.

Should the Planning Commission reconvene the public hearing and then continue the hearing for this project to the August 13, 2025 Planning Commission meeting, additional noticing will not be required.

RECOMMENDATION

Staff recommends that the Planning Commission reconvene the public hearing on this item and then immediately continue the proposed project to the August 13, 2025, Planning Commission meeting.

Prepared by: Meha Patel, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager



City of Santa Clara

1500 Warburton Avenue Santa Clara, CA 95050 santaclaraca.gov @SantaClaraCity

Agenda Report

25-254 Agenda Date: 6/11/2025

REPORT TO PLANNING COMMISSION

SUBJECT

PUBLIC HEARING: Recommendation on Cheeney Street Townhomes Project (PLN2019-13846 / PLN2019-12857) located at 4249 Cheeney Street, requiring an Initial Study and Mitigated Negative Declaration, General Plan Amendment, Rezone, and a Tentative Subdivision Map.

REPORT IN BRIEF

Applicant /Owner: Saul Flores/ Maruti Builders, LLC

General Plan: Very Low Density Residential **Zoning:** Single-family Residential (R1-6L)

Site Area: 0.51 acre (22,500sf)

Existing Conditions: The site is currently vacant land.

Surrounding Land Uses:

North: Single-family Residences

South: Single- and Multi-family Residences, and Church

• East: Single- and Multi-family Residences

West: Single- and Multi-family Residences

Staff Recommendation: The Planning Commission adopt resolutions recommending the City Council adopt the Initial Study and Mitigated Negative Declaration; and approve the General Plan Amendment, Rezone, and Tentative Subdivision Map for the Cheeney Street Townhomes Project located at 4249 Cheeney Street, subject to conditions of approval.

BACKGROUND

On April 17, 2019, the applicant applied for a General Plan Amendment (GPA) to change from Very Low Density Residential to Low Density Residential (8-19 du/ac) and Rezone from Single-family Residential (R1-6L) to Low-Density Residential (R2) to accommodate the increase in residential density. The proposal includes a Tentative Subdivision Map for a condominium subdivision of up to nine units. The application was inactive and reactivated several times with turnover in developers and property owners since 2019.

On February 6, 2025, the proposed project was referred to the Historical and Landmarks Commission (HLC) in accordance with the Historic Preservation Ordinance (18.130.070), which requires referrals for all projects on properties within 200 feet of an historic resource inventory (HRI) property. The property is not currently listed as a historic resource on the City's HRI; however, it is within 200 feet of two Historic Resources located at 2086 Agnew Road (Agnew School) and 4262 Davis Street. See the attached vicinity map (Attachment 8) for location of the property and the nearby HRI properties.

The HLC reviewed the project for neighborhood compatibility and consistency with the City's Design Guidelines and made a recommendation to approve the Architectural Review with a lighter color scheme to lessen the contrast along the elevations. A link to the HLC Staff Report and associated documents is included in Attachment 7.

The project requires approval of the General Plan Amendment, Rezone and Subdivision Tentative Map requests by the City Council after recommendations from the Planning Commission. The project would then be heard at a future Development Review Hearing for approval of the Architectural Review.

DISCUSSION

The project proposes construction of nine two-story townhomes with attached two-car garages on a 0.51-acre site. The nine townhome units would be situated in two rows separated by an L-shaped driveway. Two pairs of attached townhomes (four units), divided by a five-foot pedestrian walkway, would have frontage on Cheeney Street. Five attached townhome units would be located to the rear of the site. Each of the nine units includes three bedrooms and two and a half bathrooms with a private yard. In total, the buildings would have a combined footprint of 10,211 square feet (45 percent lot coverage).

The primary considerations for the Planning Commission review are consistency with the City's General Plan, conformance with the Zoning Code Low Density Residential (R2) requirements, and consistency with the Subdivision Ordinance regulations for the tentative map.

General Plan Amendment

The project proposes to change from a General Plan Very Low Density Residential (VLDR) land use designation to a Low Density Residential (LDR) for consistency with the density range of eight-19 dwelling per unit. The VLDR General Plan designation supports the development of single-family detached dwelling units with a density of up to 10 units per gross acre. The LDR General Plan designation supports detached single-family, townhome or rowhouse development, or a combination of these development types with a density of eight to 19 units per gross acre. The proposed development is being proposed at a density of 17 units per acre.

On balance, the proposed amendment allowing development of nine attached single-family townhomes on the project site would be consistent with the General Plan goals and policies in that:

- The project would contribute to the City's housing stock.
- The project is supporting more housing units with sensitivity to nearby single-family residential properties. One of the Major Strategies of the General Plan is to Preserve and Cultivate Neighborhoods to ensure that the City's existing neighborhoods and community fabric are maintained as the City grows. The project design provides new development that is compatible with the surrounding neighborhood scale and context through careful transition policies for scale, height, and use. While the subject block of Cheeney Street is primarily single-family in character, some of the properties on the opposite side of Cheeney Street are developed with multi-family uses and there is a townhouse development just to the east of the subject property that fronts onto Davis Street.
- The site plan illustrates that the project circulation can be arranged to minimize curb cuts at the street and orient front porches to the street for the front units.
- Offsite improvements, including a new sidewalk and landscape strip, encourage convenient

pedestrian connections within new and existing development.

Rezone to Low Density Residential

The project proposes to rezone the project site from Single-family Residential (R1-6L) to Low Density Residential (R2) to allow for consistency with allowable density. R1-6L zoning district supports residential density of up to 10 units per gross acre. Similarly to the General Plan Amendment, the change in zoning district would allow for the proposed development of 17 dwelling units per acre to fall within the R2 residential density of eight - 19 units per gross acre. The intent of the R2 zoning district is to maintain a residential character like that found in single-family neighborhoods. The proposed two-story townhomes would be compatible in height with existing two-story residences in the neighborhood. As proposed, the development plan is consistent with applicable development standards such as setbacks, height, and lot coverage.

Subdivision Map

In accordance with Chapter 17.05 of the City Code, Subdivision Map applications are reviewed for General Plan and Zoning Code consistency. The application proposes to combine two parcels into one and subdivide for condominium purpose for up to nine for-sale townhomes. The Subdivision Committee reviewed and deemed the application cleared on June 18, 2024, satisfying code requirements, and including conditions of approval contained in Attachment 10. The findings demonstrating compliance with the requirements of the subdivision ordinance are listed in the attached tentative map resolution. Staff also confirmed that the proposed subdivision is consistent with the proposed General Plan designation, Zoning Code, Building Code, and other applicable requirements.

Affordable Housing

In accordance with the Santa Clara Affordable Housing Ordinance (City Code Chapter 17.40), this project is subject to the affordable housing requirements for the proposed 9 unit, for-sale residential development. For residential developments of fewer than ten units, the Affordable Housing Ordinance requires either the provision of one affordable unit, or the payment of an in-lieu fee. Here, the Applicant has elected to pay the in-lieu fee prior to receipt of the occupancy certificate.

Circulation and Parking

The existing curb-cut and the sidewalk along the project frontage would be replaced with a new single curb-cut and detached sidewalk with landscape strip along Cheeney Street. The single driveway would serve the residences aligned along the L-shape drive aisle. Two guest parking spaces are available near the entrance of the drive-aisle. Two parking spaces are provided for each townhome by an attached two-car garage.

Landscaping and Open Space

The project includes a landscape plan for the site that incorporates a variety of plant species and trees for planting within common areas, the sidewalk landscape strip, and private yards of the residences. There are no existing trees on the subject site. The project proposes seven new trees along Cheeney Street frontage and various shrubs along the east property line.

Architecture

The surrounding residences are one- and two-story properties with side gable or hip roof forms. The proposed project would match the surrounding two-story hipped roof forms and include combination of wood siding and stucco to be in harmony with the neighborhood. Each unit has second story

windows oriented towards the front and back similar to the surrounding residences.

Community Meeting

Consistent with the City's Public Outreach Policy for Planning Applications, public outreach meetings were conducted by the Property Owner/Applicant on October 24, 2024. Two members of the public attended the meeting and made comments related to parking, construction timeline, and cost of the units. The applicant went over the parking arrangement and gave a general timeline for construction. The units would be sold at market value at the time of project completion.

Summary

As discussed above, the proposed project would be consistent with City General Plan policies, the zoning ordinance, and the subdivision ordinance and help to achieve the City's goal of providing much needed housing. The project would be compatible with adjacent land uses. Based upon this analysis, staff recommends that the Planning Commission recommend approval of the requested actions.

ENVIRONMENTAL REVIEW

The action being considered takes into account the potential environmental impacts of the project addressed in a Mitigated Negative Declaration (MND) prepared for the project in accordance with the California Environmental Quality Act (CEQA) and circulated for public review between December 13, 2024 and January 13, 2025 (30 days).

A detailed discussion of the potential impacts and mitigation measures applied to the project are specified in the MND (Attachment 1) and would be implemented through project conditions of approval and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. In summary, the MMRP requires that the project mitigate possible air quality impacts, biological impacts, cultural resource impacts, and hazards and hazardous materials impacts by following certain mitigation measures. These measures require the reduction of construction emissions through the use of Tier 3 and Tier 4 equipment, scheduling work to avoid bird nesting season and conducting bird surveys, making qualified archaeologists available during construction, and preparing a construction safety and soil plan. A written response was prepared for one comment letter received during the public review and is included on the web link in Attachment 1.

FISCAL IMPACT

There is no fiscal impact to the City for processing the requested application other than administrative time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

On May 21, 2025, a hearing notice was published in the Santa Clara Weekly and on May 21, 2025 a notice of public hearing was mailed to property owners within 500 feet of the project site. At the time of preparation of this report, the Planning Division has not received any public comments.

A virtual community meeting was held on October 24, 2024. Meeting detailed discussed above in the Community Meeting section.

ALTERNATIVES

1. Adopt a resolution recommending the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring or Reporting Program for the Cheeney Street Townhomes Project.

- Adopt a resolution to recommend the City Council approve a General Plan amendment to change the land use designation from Very Low Density Residential to Low Density Residential.
- 3. Adopt a resolution recommending the City Council approve a Rezoning from R1-6L, Single Family Residential to R2, Low Density Residential.
- 4. Adopt a resolution recommending the City Council approve a Tentative Subdivision Map for condominium purpose, subject to conditions of approval.
- 5. Recommend the City Council deny a General Plan amendment to change the land use designation from Very Low Density Residential to Low Density Residential.
- 6. Recommend the City Council deny a Rezoning from R1-6L, Single Family Residential to R2, Low Density Residential.
- 7. Recommend the City Council deny a Tentative Subdivision Map for condominium purposes.

RECOMMENDATION

Alternatives: 1, 2, 3 and 4

- 1. Adopt a resolution recommending the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring or Reporting Program for the Cheeney Street Townhomes Project.
- Adopt a resolution to recommend the City Council approve a General Plan amendment to change the land use designation from Very Low Density Residential to Low Density Residential.
- 3. Adopt a resolution recommending the City Council approve a Rezoning from R1-6L, Single Family Residential to R2, Low Density Residential.
- 4. Adopt a resolution recommending the City Council approve a Tentative Subdivision Map for condominium purpose, subject to findings and conditions of approval.

Prepared by: Steve Le, Senior Planner

Reviewed by: Lesley Xavier, Planning Manager

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Afshan Hamid, Director of Community Development Department

ATTACHMENTS

- 1. Web Link to Mitigate Negative Declaration and Mitigation Monitoring or Reporting Program
- 2. Resolution Recommending Council Approve the Mitigate Negative Declaration and Mitigation Monitoring or Reporting Program
- 3. Resolution Recommending Council Approve the General Plan Amendment
- 4. Resolution Recommending Council Approve the Rezone
- 5. Resolution Recommending Council Approve the Tentative Subdivision Map
- 6. Conditions of Tentative Subdivision Map Approval
- 7. Web Link to HLC Staff Report of February 6, 2025
- 8. Vicinity Map
- 9. Project Data and Compliance Table
- 10. Tentative Subdivision Map
- 11. Development Plans

Web Links – Mitigated Negative Declaration and Mitigation Monitoring or Reporting Program

Environmental Website:

Here you will find documents related to the Mitigated Negative Declaration and Mitigation Monitoring or Reporting Program of the project.

https://www.santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/545/15209

These documents are available for viewing in the Community Development Department

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THE CITY COUNCIL ADOPT THE **MITIGATED NEGATIVE** DECLARATION AND THE MITIGATION **MONITORING** AND REPORTING PROGRAM FOR THE CHEENEY STREET TOWNHOMES PROJECT LOCATED AT 4249 CHEENEY STREET, SANTA CLARA

PLN2019-13847 (General Plan Amendment and Rezone)

WHEREAS, on April 17, 2019, Saul Flores ("Applicant"), on behalf of Maruti Builders, LLC ("Owner") filed an application to develop nine new townhomes with attached two-car garages on a vacant site located at 4249 Cheeney Street (APN:104-12-026 and 104-12-025) ("Project Site");

WHEREAS, the Owner simultaneously applied for a General Plan Amendment (GPA) to change from Very Low Density Residential to Low Density Residential (8-19 du/ac), Rezone from Single-family Residential (R1-6L) to Low-Density Residential (R2), and a Tentative Subdivision Map for condominium for up to nine units ("Project"), as shown on the attached Development Plans, incorporated herein by this reference;

WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance with the California Environmental Quality Act ("CEQA") and the City circulated copies of the IS/MND for a 30-day review from December 13, 2024 to January 13, 2025 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies; and the City sought the comments of such persons, organizations and agencies;

WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation

Resolution/ 4249 Cheeney Street – MND and MMRP

Rev. Rev: 1/9/2024

Monitoring and Reporting Program ("MMRP") for the Project would reduce the potentially

significant effects to less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the

comments received during the Comment Period and included these responses on the project's

CEQA page;

WHEREAS, on May 21, 2025, a hearing notice was published in the Santa Clara Weekly and

on May 21, 2025 a notice of public hearing was mailed to property owners within 500 feet of the

project site.;

WHEREAS, pursuant to SCCC Section 18.146.020, on June 6, 2025, a hearing notice was

posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch

Library, and on the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Project, MND, MMRP, and all pertinent information in the record during which the

Planning Commission invited and considered any and all verbal and written testimony and

evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. That the Planning Commission hereby finds that all potentially significant environmental

impacts that may directly or indirectly result from the Project would be reduced to a less than

significant level by implementation of the mitigation measures specified in the MND and MMRP.

3. That the Planning Commission hereby finds that the MND is complete, prepared in

compliance with CEQA, and represents the independent judgment of the Planning Commission.

4. That the Planning Commission hereby recommends that the City Council finds that the

MND and MMRP for this Project has been completed in compliance with CEQA, and that

approval of this Project as mitigated will have no significant negative impacts on the area's

environmental resources, cumulative or otherwise, as the impacts as mitigated would fall within

the environmental thresholds identified by CEQA.

5. That the Planning Commission hereby recommends that the City Council adopt the MND

and MMRP for the Project as required by the CEQA Guidelines (14 Cal. Code of Regs.

§ 15074).

6. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED

AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA,

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE

2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

AFSHAN HAMID

DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigated Negative Declaration (MND)

2. Mitigation Monitoring and Reporting Program (MMRP)

Resolution/ 4249 Cheeney Street – MND and MMRP

3 of 3

RESOLUTION NO	
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM VERY LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL TO ALLOW FOR A NINE TOWNHOME PROJECT AT 4249 CHEENEY STREET, SANTA CLARA

PLN2019-13847 (General Plan Amendment and Rezone)

WHEREAS, on April 17, 2019, Saul Flores ("Applicant"), on behalf of Maruti Builders, LLC ("Owner") filed an application to develop nine new townhomes with attached two-car garages on a vacant site located at 4249 Cheeney Street (APN:104-12-026 and 104-12-025) ("Project Site"); WHEREAS, the Owner simultaneously applied for a General Plan Amendment (GPA) to change from Very Low Density Residential to Low Density Residential (8-19 du/ac), Rezone from Single-family Residential (R1-6L) to Low-Density Residential (R2), and a Tentative Subdivision Map for up to nine condominium units ("Project");

WHEREAS, as proposed at 17 dwelling unit per acre, the project proposes to change from a General Plan Very Low Density Residential (VLDR) land use designation to a Low Density Residential (LDR) for consistency with the density range of 8-19 dwelling units per gross acre; WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance with the California Environmental Quality Act ("CEQA") and the City circulated copies of the IS/MND for a 30-day review from December 13, 2024 to January 13, 2025 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies; and the City sought the comments of such persons, organizations and agencies;

WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation Monitoring and

Resolution/ 4249 Cheeney Street – General Plan Amendment Rev. 1/9/2024

Reporting Program ("MMRP") for the Project would reduce the potentially significant effects to

less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the

comments received during the Comment Period and included these responses on the project's

CEQA page;

WHEREAS, Santa Clara City Charter Section 1007 requires that the Planning Commission

provide input to the City Council on any proposed General Plan amendment;

WHEREAS, Government Code Section 65353 requires the Planning Commission to hold a public

hearing prior to making a recommendation on a General Plan Amendment;

WHEREAS, on May 21, 2025, a notice of the public hearing on the proposed General Plan

Amendment and Rezone was published in the Santa Clara Weekly, a newspaper of general

circulation for the City, for the Planning Commission Hearing to be conducted on June 11, 2025;

WHEREAS, on May 21, 2025, notices of the Planning Commission Hearing were mailed to all

property owners within 500 feet of the Project Site boundaries:

WHEREAS, on May 29, 2025, notice of the June 11, 2025 Planning Commission hearing was

mailed to each local agency expected to provide water, sewage, streets, roads, schools, or other

essential facilities or services to the Project, including Valley Water, the San Francisco Public

Utilities Commission and the Santa Clara Unified School District:

WHEREAS, pursuant to SCCC Section 18.146.020, on June 6, 2025, a hearing notice was posted

at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library,

and on the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the proposed General Plan Amendment, as well as the other Project Approvals, the

MND, and the MMRP, and the Planning Commission considered all pertinent information in the

record and invited all verbal and written testimony and evidence offered in favor of and in

2 of 5

opposition to the Project.

Resolution/ 4249 Cheeney Street – General Plan Amendment

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. That the Planning Commission finds and determines that the General Plan Amendment is

in the interest of the public good for the following reasons:

A. The proposed amendment is deemed to be in the public interest, in that the project

provides nine residential units in an urbanized area served by existing municipal services and

invests in public services and infrastructure with on- and off-site improvements like complete

streets along the project frontage;

B. The proposed General Plan amendment is consistent and compatible with the rest

of the General Plan and any implementation programs that may be affected, in that the proposal

would be in alignment with the land use designation for the site, and develops a vacant property

into a residential development;

C. The potential impacts of the proposed amendment have been assessed and have

been determined not to be detrimental to the public health, safety, or welfare, in that as proposed,

it includes all feasible mitigation measures to reduce the potential adverse environmental effects

of the project to less-than-significant levels; and

D. The proposed amendment has been processed in accordance with the applicable

provisions of the California Government Code and the California Environmental Quality Act

(CEQA), in that a Mitigated Negative Declaration (MND) and a Mitigation Monitoring and

Reporting Program (MMRP) have been prepared for implementation with Project development to

reduce potentially significant impacts identified in the MND to less than significant.

3. That the Planning Commission hereby recommends, pursuant to Government Code

§ 65353, that the City Council amend the General Plan by changing the General Plan Land Use

Designation from Very Low Density Residential to Low Density Residential to allow the construction of nine two-story townhomes with attached two-car garages.

4. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE 2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference: None

ATTEST:

AFSHAN HAMID DIRECTOR OF COMMUNITY DEVELOPMENT CITY OF SANTA CLARA

RESOLUTION	NO.
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONE FROM SINGLE-FAMILY RESIDENTIAL (R1-6L) TO LOW DENSITY RESIDENTIAL (R2) TO ALLOW FOR A NINE TOWNHOME PROJECT AT 4249 CHEENEY STREET, SANTA CLARA

PLN2019-13487 (General Plan Amendment and Rezone)

WHEREAS, on April 17, 2019, Saul Flores ("Applicant"), on behalf of Maruti Builders, LLC ("Owner") filed an application to develop nine new townhomes with attached two-car garages on a vacant site located at 4249 Cheeney Street (APN:104-12-026 and 104-12-025) ("Project Site"); WHEREAS, the Owner simultaneously applied for a General Plan Amendment (GPA) to change from Very Low Density Residential to Low Density Residential (8-19 du/ac), Rezone from Single-family Residential (R1-6L) to Low-Density Residential (R2), and a Tentative Subdivision Map for up to nine condominium units ("Project"), as shown on the attached Development Plans, incorporated herein by this reference;

WHEREAS, the R1-6L zoning district supports a residential density of up to 10 units per gross acre, and the change in zoning district would allow for the proposed development of 17 dwelling unit per acre to fall within the R2 residential density of 8 – 19 units per gross acre;

WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance with the California Environmental Quality Act ("CEQA") and the City circulated copies of the IS/MND for a 30-day review from December 13, 2024 to January 13, 2025 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies; and the City sought the comments of such persons, organizations and agencies;

WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation Monitoring and

Resolution/ 4249 Cheeney Street – Rezone Rev. 1/9/2024

Reporting Program ("MMRP") for the Project would reduce the potentially significant effects to

less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the

comments received during the Comment Period and included these responses on the project's

CEQA web page;

WHEREAS, Santa Clara City Code Section 18.142.040 requires that the Planning Commission

provide a recommendation to the City Council on any proposed zoning code or zoning map

amendment;

WHEREAS, Government Code Section 65854 requires the Planning Commission to hold a public

hearing prior to making a recommendation on the proposed zoning code or zoning map

amendment;

WHEREAS, on May 21, 2025, a notice of the public hearing on the proposed General Plan

Amendment and Rezone was published in the Santa Clara Weekly, a newspaper of general

circulation for the City, for the Planning Commission Hearing to be conducted on June 11, 2025;

WHEREAS, on May 21, 2025, notices of the Planning Commission Hearing were mailed to all

property owners within 500 feet of the Project Site boundaries; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the proposed rezone, as well as the other Project Approvals, the MND, and the MMRP,

and the Commission considered all pertinent information in the record and invited all verbal and

written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. That the Planning Commission hereby recommends that the City Council rezone the

Project Site from R1-6L to R2 to allow development of the Project.

Resolution/ 4249 Cheeney Street - Rezone

Rev. 1/9/2024

2 of 3

3. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE, 2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

AFSHAN HAMID DIRECTOR OF COMMUNITY DEVELOPMENT CITY OF SANTA CLARA

Attachments Incorporated by Reference: None

RESOLUTION NO.	•
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE SUBDIVSION MAP FOR CONDOMINIMUM PURPOSES FOR THE CHEENEY STREET TOWNHOMES PROJECT LOCATED AT 4249 CHEENEY STREET, SANTA CLARA

PLN2019-13486 (Tentative Subdivision Map)

WHEREAS, on April 17, 2019, Saul Flores ("Applicant"), on behalf of Maruti Builders, LLC ("Owner") filed an application to develop nine new townhomes with attached two-car garages on a vacant site located at 4249 Cheeney Street (APN:104-12-026 and 104-12-025) ("Project Site"); WHEREAS, the Owner simultaneously applied for a General Plan Amendment (GPA) to change from Very Low Density Residential to Low Density Residential (8-19 du/ac), Rezone from Single-family Residential (R1-6L) to Low-Density Residential (R2), and a Tentative Subdivision Map for up to nine condominium units ("Project"), as shown on the attached Tentative Subdivision Map, incorporated herein by this reference;

WHEREAS, the application proposes to combine two parcels into one and subdivide for condominium purposes for up to nine for-sale townhomes;

WHEREAS, the Subdivision Committee reviewed and deemed the application cleared on June 18, 2024, satisfying code requirements, and including conditions of approval:

WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance with the California Environmental Quality Act ("CEQA") and the City circulated copies of the IS/MND for a 30-day review from December 13, 2024 to January 13, 2025 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies; and the City sought the comments of such persons, organizations and agencies;

Resolution/ 4249 Cheeney – Tentative Subdivision Map Rev. 1/9/2024

WHEREAS, the IS/MND identified possible impacts on the environment with Project development

that with implementation of the mitigation measures specified in the Mitigation Monitoring and

Reporting Program ("MMRP") for the Project would reduce the potentially significant effects to

less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the

comments received during the Comment Period and included these responses on the project's

CEQA page;

WHEREAS, Santa Clara City Code Section 17.05.110(g) and Government Code Section 66452.1

require that the Planning Commission make recommendations to the City Council on any

proposed tentative map that will result in five or more lots;

WHEREAS, Government Code Section 66451.3 requires the Planning Commission to hold a

public hearing prior to making a recommendation on the Tentative Map;

WHEREAS, on May 21, 2025, a notice of the public hearing on the proposed General Plan

Amendment and Rezone was published in the Santa Clara Weekly, a newspaper of general

circulation for the City, for the Planning Commission Hearing to be conducted on June 11, 2025;

WHEREAS, on May 21, 2025, notices of the Planning Commission Hearing were mailed to all

property owners within 500 feet of the Project Site boundaries;

WHEREAS, on May 29, 2025, notice of the June 11, 2025 Planning Commission hearing was

mailed to each local agency expected to provide water, sewage, streets, roads, schools, or other

essential facilities or services to the Project, including Valley Water, the San Francisco Public

Utilities Commission and the Santa Clara Unified School District:

WHEREAS, pursuant to SCCC Section 18.146.020, on June 6, 2025, a hearing notice was posted

at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library,

and on the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the proposed tentative map and the other Project Approvals, the MND, and the MMRP,

and the Commission considered all pertinent information in the record and invited any and all

verbal and written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. <u>Tentative Subdivision Map Findings.</u> Pursuant to California Government Code Sections

66426 and 66428 and SCCC Section 17.05.300(h), the Planning Commission finds and

determines that:

A. The Tentative Subdivision Map is consistent with the objectives, policies, general

land use and programs specified in the City's General Plan in that the proposed Vesting Tentative

Subdivision Map is to combine two parcels into one and subdivide for condominium purposes for

up to nine for-sale townhomes.

B. The design and improvements of the proposed subdivision are consistent with the

City's General Plan in that the Tentative Subdivision Map facilitates development of housing stock

and construction of ownership housing opportunities for the community; and furthermore complies

with Land Use and Transitional Goals and Polices of the General Plan by redeveloping a low

density residential lot from a vacant lot to nine dwelling units, meeting the density allowed and

creating additional transition in scale and intensity of use from the existing neighborhood.

C. The site is physically suitable for the proposed type of development, in that the

Project is compatible with the adjacent uses and the R2 zoning requirements.

D. This site is physically suitable for the proposed density of development in that the

Project Site is in an urbanized area and allows for redevelopment consistent with the heights,

uses and developments that are existing and planned in the surrounding area.

E. The design of the subdivision and type of improvements are not likely to cause

serious health problems in that the proposed residential subdivision will implement Covenants,

Conditions, and Restrictions for operation and maintenance of the building and site improvements and does not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to cause

substantial environmental damage and will not substantially or unavoidably injure fish or wildlife

or their habitat in that the Project Site is located in an urbanized setting, is a developed site, and

the project considered potential environmental impacts as addressed in a Mitigated Negative

Declaration and the Mitigation Monitoring and Reporting Program;

G. The design of the subdivision and type of improvements will not conflict with

easements acquired by the public at large or use of property within the proposed subdivision in

that it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Tentative Subdivision Map provides, to the extent feasible, for future passive

or natural heating or cooling opportunities, in that it would conform with the development

standards to maximize the benefits of green building standards for site and building design.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and

such other evidence as received at the public hearings on this matter before the Planning

Commission, the Planning Commission hereby recommends approval of the Tentative

Subdivision Map to the City Council, substantially in the form on file as shown on the attached

Tentative Subdivision Map and Conditions of Tentative Subdivision Map Approval, hereby

incorporated by this reference.

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4. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE 2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

AFSHAN HAMID
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

- 1. Tentative Subdivision Map
- 2. Conditions of Tentative Subdivision Map Approval



CONDITIONS OF TENTATIVE MAP APPROVAL

PLN2019-13846 /4249 Cheeney Street

Project Description: Combine two parcels into one and subdivide for condominium purpose for up to nine for-sale townhomes.

GENERAL

- G1. **Subdivision Expiration.** This subdivision shall automatically be revoked and terminated if not used within two years of original grant or within the period of any authorized extension thereof. The date of granting this subdivision is the date this subdivision is approved by the Decision-making body and the appeal period has exhausted. The expiration date is **July 23, 2027**.
- G2. **Conformance with Plans.** The lot design on the subdivision map shall be designed in conformance with the subdivision map, as approved by the decision-making body.
- G3. **Conditions of Plans.** All conditions of approval for this subdivision shall be reprinted and included within the first three sheets of the subdivision map sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- G4. **Necessary Relocation of Public Facility.** 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.
- G5. **Indemnify and Hold Harmless.** The owner or designee 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, attorney's fees, injuries, costs, and liabilities 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 owner or designee's project.
- G6. **Code Compliance.** The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis; proposed use and occupancy of all spaces (CBC Ch. 3), all building heights and areas (CBC Ch. 5), all proposed types of construction (CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (CBC Ch. 7), all proposed interior finishes fire resistance (CBC Ch. 8), all fire protection systems proposed (CBC Ch. 9), and all means of egress proposed (CBC Ch. 10). Noncombustable exterior wall, floor, and roof finishes are strongly encouraged.
 - a. During construction retaining a single company to install all fire related penetrations is highly recommended.
 - b. The grade level lobbies shall be minimum 1-hour rated all sides and above.
 - c. All stair shafts shall be minimum 1-hour rated.
 - d. All elevator shafts shall be minimum 1-hour rated.
 - e. All trash chute shafts shall be minimum 1-hour rated.
 - f. Recommendation: provide minimum two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
 - g. Any trash rooms shall be minimum 1-hour rated all sides and above.
- G7. **Building Codes as Amended.** See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.
- G8. **Reach Codes.** 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.

- a. Chapter 15.38 Green Building Code for additional Electric Vehicle Charging requirements for new construction.
- G9. Comply with all applicable codes, regulations, ordinances and resolutions.

COMMUNITY DEVELOPMENT – PLANNING DIVISION

DESIGN / PERFORMANCE- PRIOR TO BUILDING PERMIT ISSUANCE

- P1. The project shall comply with the Conditions of General Plan Amendment and Rezoning approvals (PLN2019-13847) and the mitigation measures identified in the CEQA Addendum prepared for the project.
- P2. Developer shall prepare and submit Covenant, Conditions and Restrictions (CC&R's) to the City for review and approval. The approved CC&Rs are to be recorded prior to the issuance of building permits and a copy is provided to the Planning Department.
- P3. **Tree Replacement (on-site).** Trees permitted by the City for removal shall be replaced on-site at a ratio of 2:1. (SCC 12.35.090)
- P4. **Tree Replacement (Alternative Means).** If the applicant is unable to meet the 2:1 ratio requirement, trees permitted by the City for removal shall be replaced at a ratio pursuant to an alternative plan approved by the Director of Community Development. (SCC 12.35.090)

OPERATIONAL CONDITIONS

- P5. **Landscaping Installation & Maintenance.** The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.
- P6. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.
- P7. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape of 2,500 square feet or more shall conform to the California Department of Water Efficient Landscape Ordinance.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

DESIGN / PERFORMANCE- PRIOR TO BUILDING PERMIT ISSUANCE

- BD1. **Addressing.** 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.

PUBLIC WORKS DEPARTMENT - ENGINEERING

DESIGN—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. **Site Clearance.** 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. **Subdivision Map.** 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.
- E3. **Design.** On-street parking shall not be counted toward on-site parking requirements.

DURING CONSTRUCTION

- E4. **Encroachment Permit.** 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.
- E5. **Encroachment Permit.** 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.
- E6. **Encroachment Permit.** 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 <u>expense</u>.
- E7. **Encroachment Permit.** Extend storm drain main to project frontage and connect on-site private storm drain lateral. 10-year storm event shall be conveyed through the underground storm drain system.
- E8. **Encroachment Permit.** Extend storm drain main to project frontage and connect on-site private storm drain lateral. 10-year storm event shall be conveyed through the underground storm drain system.
- E9. **Encroachment Permit.** 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.
- E10. **Encroachment Permit.** 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.
- E11. **Encroachment Permit.** 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. **Encroachment Permit.** Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E13. **Encroachment Permit.** Developer shall perform slurry seal treatment with digouts for the full street width along the entire Cheeney Street project frontage.
- E14. **Easement.** Dedicate on-site easements for new public utilities and/or sidewalk as required by means of Subdivision Map or approved instrument at time of development.
- E15. **Easement.** 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.

Conditions of Approval PLN2019-13846 / 4249 Cheeney Street

Agreement. If requested, owner or designee 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.

WATER & SEWER DEPARTMENT

DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

- 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.
- W2. 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.
- W3. 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.
- W4. 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.
- W5. City Standard Meters and Backflows. All proposed meters and backflows for all water services shall meet the current City of Santa Clara Water & Sewer Utilities Standard Details. Plans shall show meter and backflow configurations to scale.
- W6. Existing Services. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. 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.

- W7. **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.
- W8. **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).
- W9. **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 either California native or non-invasive, low water-using or moderate water-using plants. High water-using plants and nonfunctional turf are prohibited.
- W10. Water Features. 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.
- W11. **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.
- W12. **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.

KEY:

G = General

P = Planning Division

BD = Building Division

H = Housing & Community Services Division

F = Fire Department

PR = Parks & Recreation Department

PD = Police Department

E = Engineering Division

Streets Division (Landscape, Solid Waste, and Stormwater)

L = Landscape

SW = Solid Waste

ST = Stormwater

SVP = Silicon Valley Power

W = Water & Sewer Department

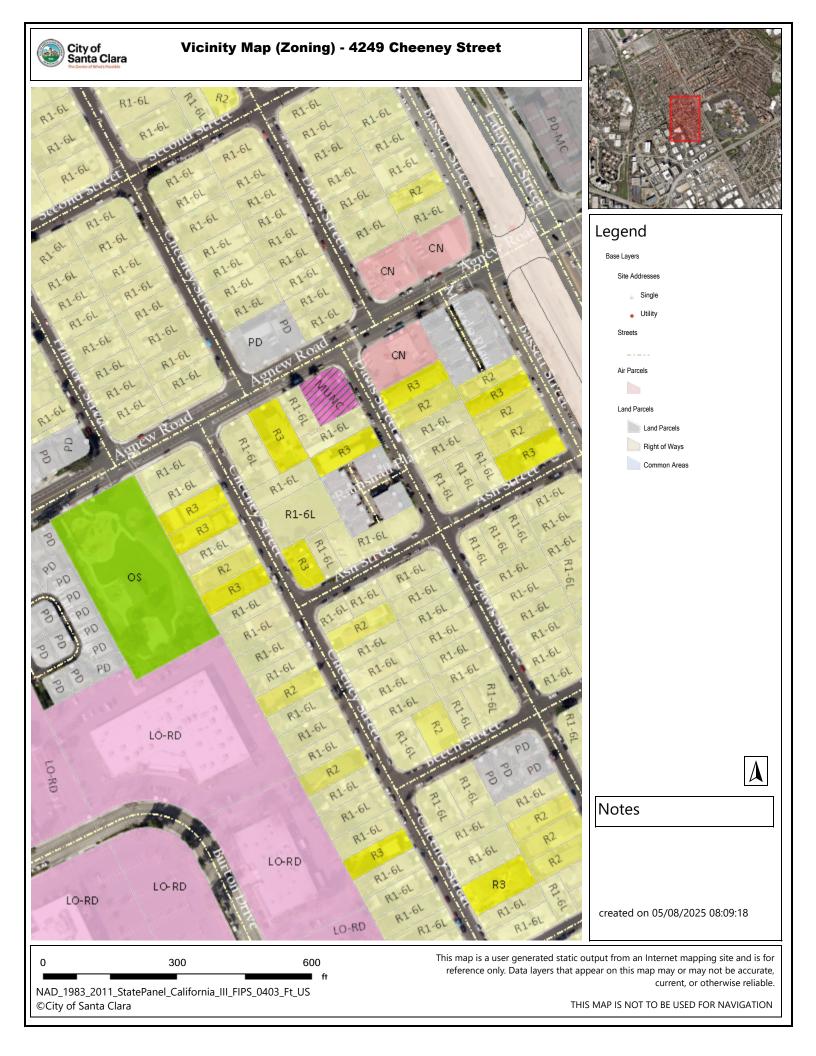
ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

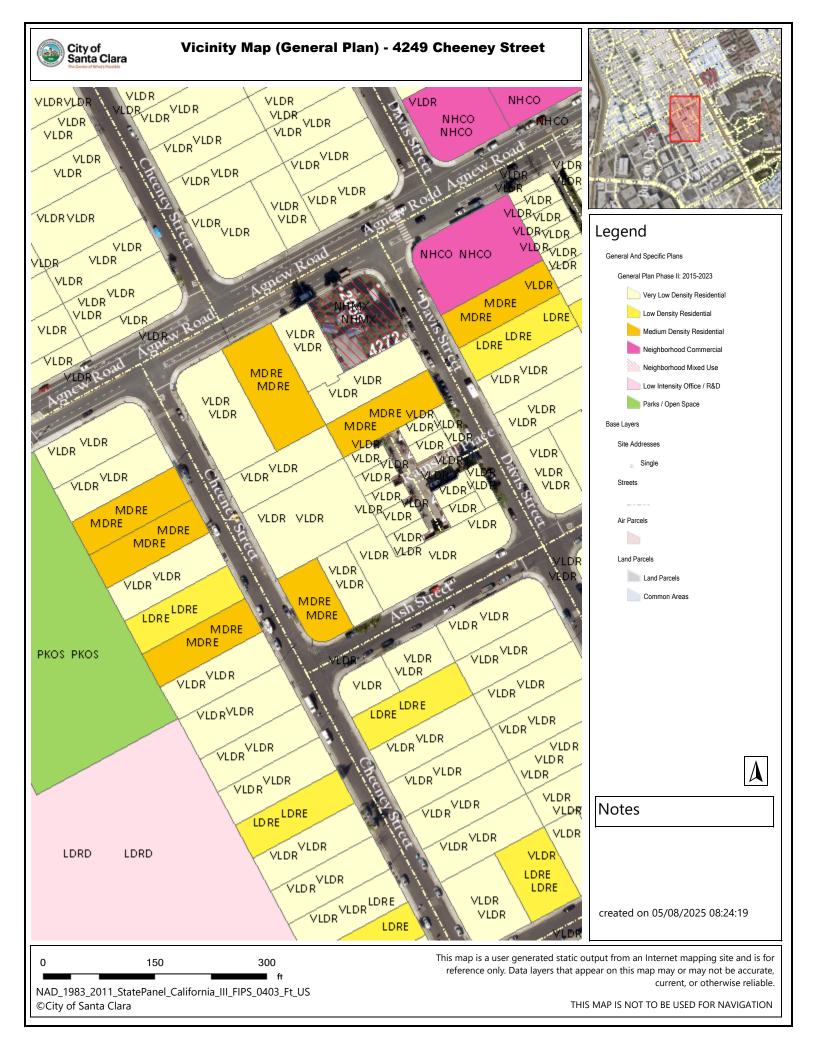
The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project

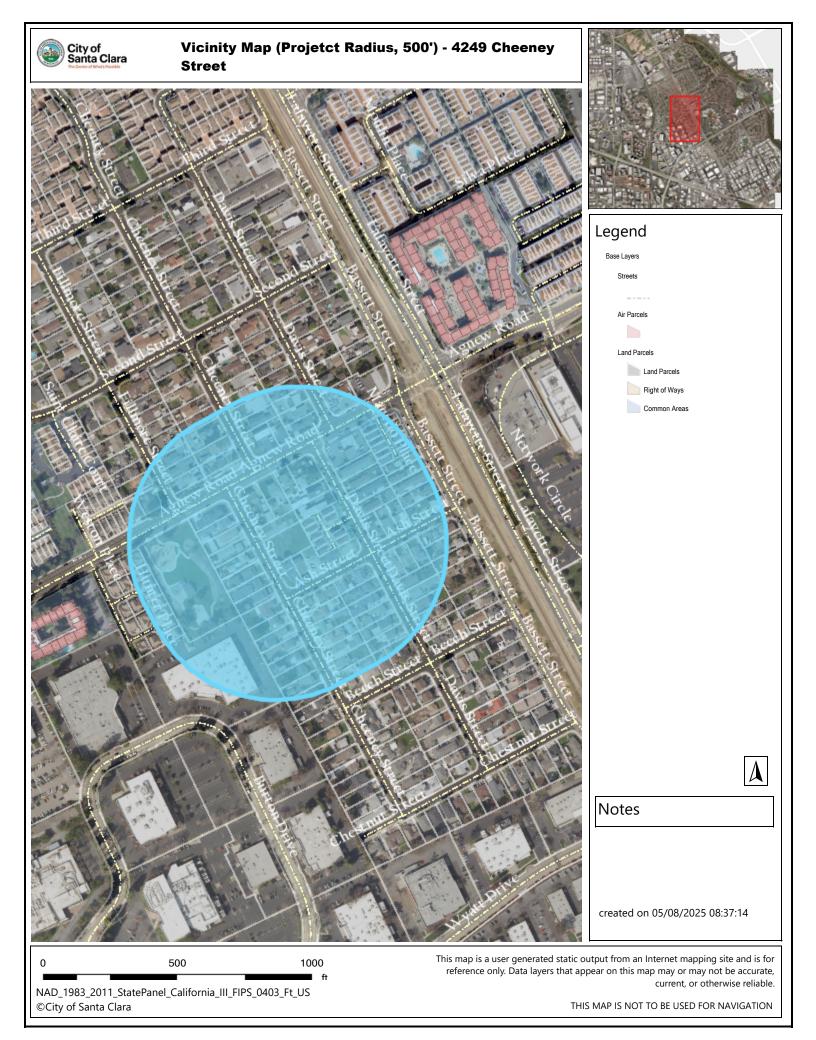
Permittee/Property Owner

property on the terms and cor	nditions set forth in this permit.	J	, 5		, ,
Signature:				_	
Printed Name:				-	
Relationship to Property:				_	
Date:				-	

Pursuant to Santa Clara City Code 18.128.100, the applicant shall return this document to the Department, properly signed and dated, within 30-days following the date of the Acknowledgement.







Web Links – HLC Staff Report of February 6, 2025

HLC Meeting (February 6, 2025):

Here you will find documents related to the Historical and Landmarks Commission meeting such as the staff report and attachments.

https://santaclara.legistar.com/LegislationDetail.aspx?ID=7114944&GUID=CC0347E6-A064-42AD-987A-8516E54D86E2&Options=&Search=

HLC Meeting (February 6, 2025) Video:

https://santaclara.granicus.com/player/clip/2274?view_id=1&redirect=true

HLC Meeting (February 6, 2025) Minutes:

file:///C:/Users/sle/Downloads/Minutes.pdf

These documents are available for viewing in the Community Development Department

Attachment 2: Project Data/Compliance (Multi-Family)

Project Address: 4249 Cheeney Street Project Number: PLN2019-13847

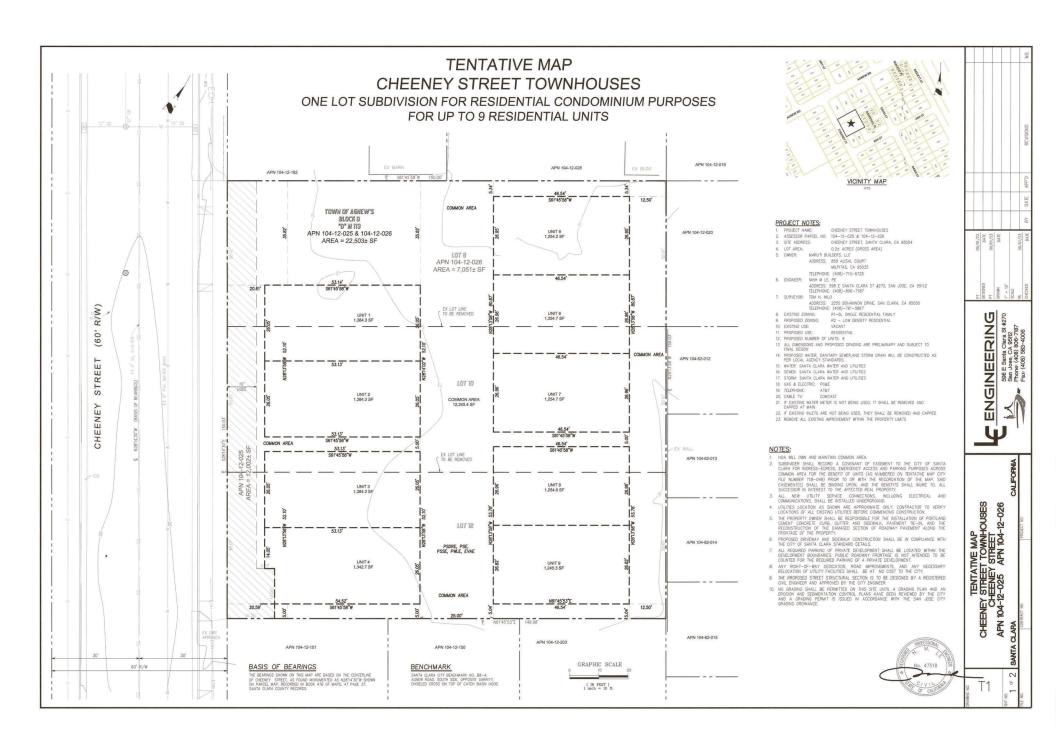
Zoning: R1-6L – Very Low Density Residential

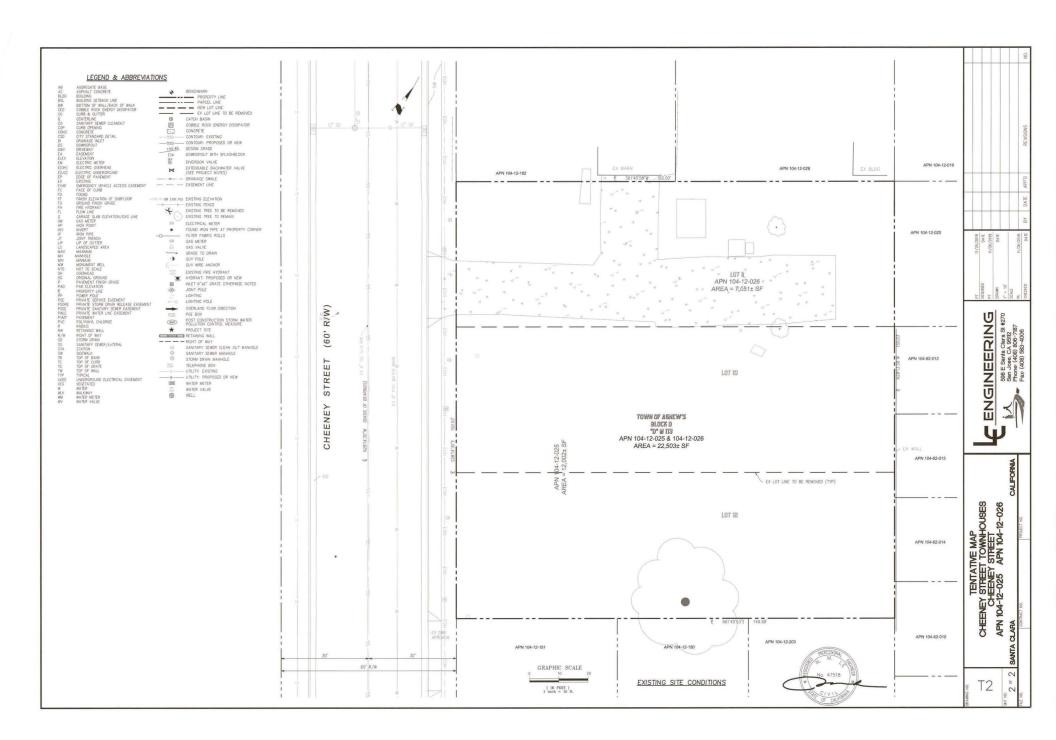
Proposed Zoning: R2 – Low-Density

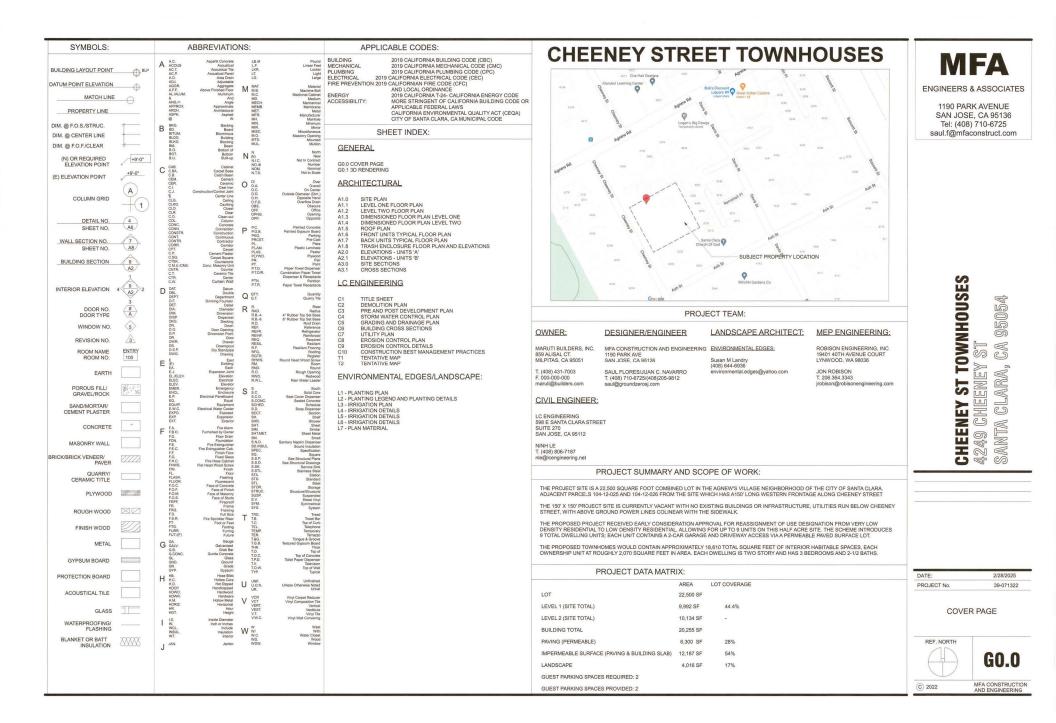
Residential

Standard	Existing	Proposed	Requirement	Complies? (Y/N)	Waiver?	
Lot Area (SF) (min):	22,500	Same	7,000	Y		
Building Square Footage	(SF)					
Each Unit (total		2,070		Y		
square footage) :						
Porches/Patios:				Y		
Total:	-	18,610		Υ		
Building Coverage (%)						
Building Coverage		44.4%	45%	Y		
(All):						
Single Family Units Setba	cks (FT)					
Front:	-	20	15	Υ		
Side (left):		5	5	Y		
(right):						
Side, Corner:				Υ		
Rear:		18	15	Y		
Height (FT)						
Each Unit:		25'	32	Y		
Parking:						
Is the site AB 2097 eligible	e?			N		
Off-Street:		20	18	Y		
Guest:		0		Y		
Class 1 Bicycle:		0		Y		
Class 2 Bicycle:		0		Y		
Landscaping						
Open Landscaped						
Area:						
Landscape Buffer:		Yes		Y		

^{1.} The lot is currently vacant.







THE CHEENEY TOWNHOUSES



CHEENEY ST TOWNHOUSES 4249 CHEENEY ST SANTA CLARA, CA 95054



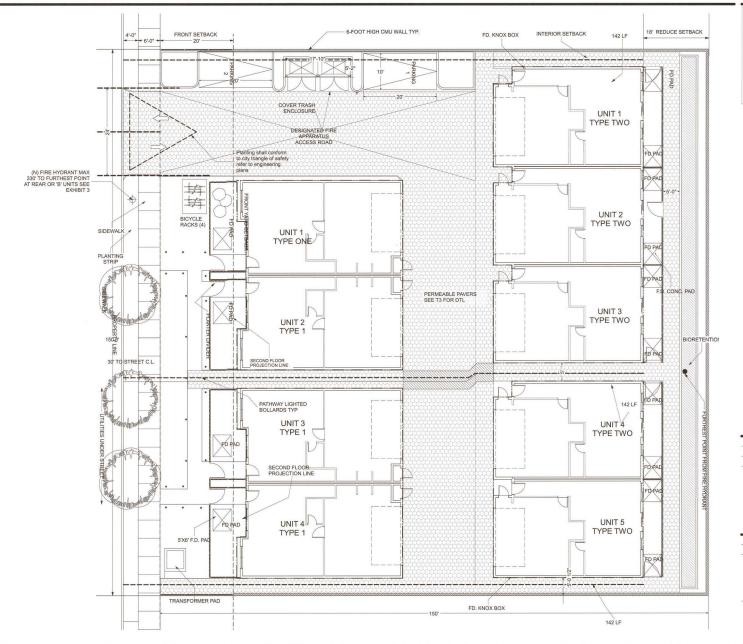
DATE: 3/3/2025
PROJECT No. 39-071322

3D RENDERING



GO.1





ENGINEERS & ASSOCIATES

1190 PARK AVENUE SAN JOSE, CA 95136 Tel: (408) 710-6725 saul.f@mfaconstruct.com

> CHEENEY ST TOWNHOUSES 4249 CHEENEY ST SANTA CLARA, CA 95054

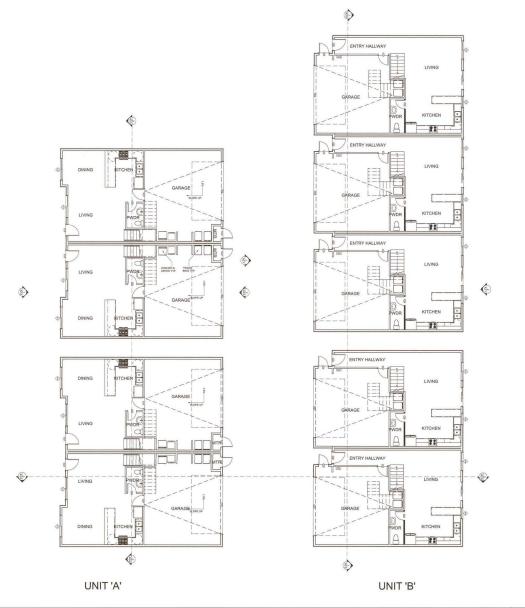
DATE: 2/28/2025 PROJECT No. 39-071322

SITE PLAN



A1.0

1



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CHEENEY ST TOWNHOUSES 4249 CHEENEY ST SANTA CLARA, CA 95054

2/28/2025
39-071322

LEVEL ONE FLOOR PLAN

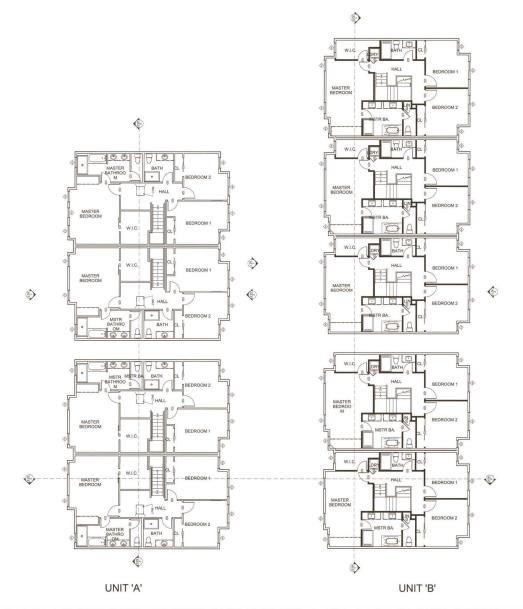


A1.1

1 © 2022

LEVEL ONE FLOOR PLAN

1/8"



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CHEENEY ST TOWNHOUSES 4249 CHEENEY ST SANTA CLARA, CA 95054

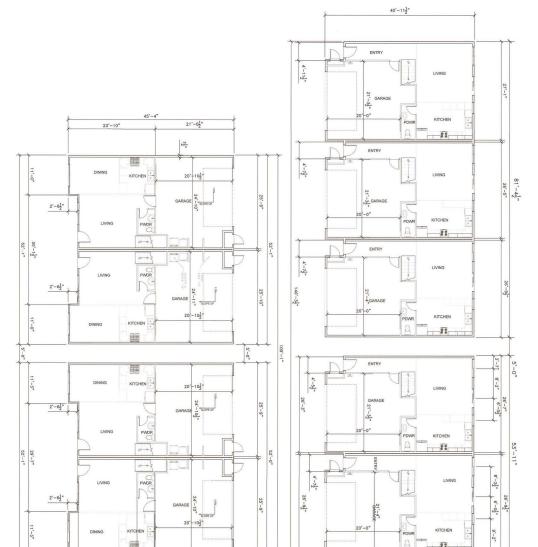
DATE: PROJECT No.

> LEVEL TWO FLOOR PLAN



A1.2

2/28/2025



24'-10"

MFA

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UNIT TYPE B-3 FIRST FLOOR UNIT TYPE B-3 SECOND FLOOR UNIT TYPE B-3 GARAGE UNIT TYPE B-3 LIVING AREA

=1,085 S.F. =1,121 S.F. =494 S.F. =1,712 S.F.

UNIT TYPE B FIRST FLOOR TOTAL =1,085*5=5,424 S.F.

CHEENEY ST TOWNHOUSES 4249 CHEENEY ST. SANTA CLARA, CA 95054

Δ	REVISION	DATE
1		
<u>A</u>		

UNIT TYPE A-2 FIRST FLOOR UNIT TYPE A-2 SECOND FLOOR UNIT TYPE A-2 GARAGE UNIT TYPE A-2 LIVING AREA

40'-112"

UNIT TYPE A FIRST FLOOR TOTAL =1,142*4=4,568

FIRST FLOOR TOTAL = 4,568+5,424=9,992 / 22,500 =44.4 TOTAL LOT COVERAGE

DATE: August 23, 2022 PROJECT No. 10-042122

> DIMENSIONED FLOOR PLAN LEVEL ONE



A1.3

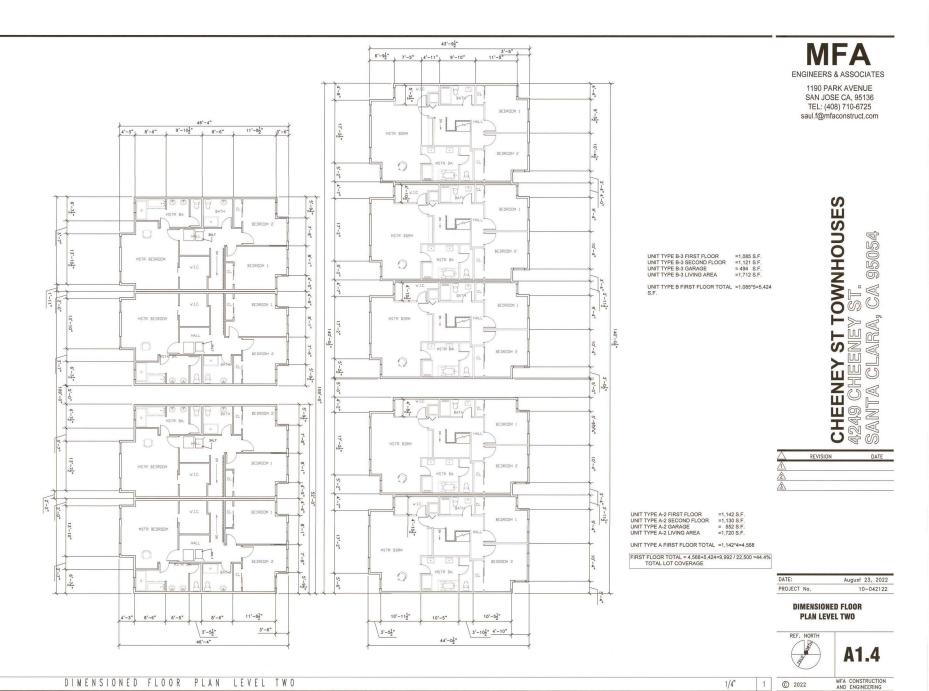
2'-10"

16'-12"4'-102"

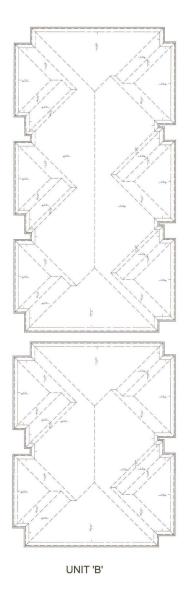
45'-4"

1

=1,142 S.F. =1,130 S.F. = 552 S.F.



1 UNIT 'A'



MFA

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CHEENEY ST TOWNHOUSES 4249 CHEENEY ST SANTA CLARA, CA 95054

DATE:	2/13/2025
PROJECT No.	39-071322

ROOF PLAN



A1.5

WHITE ALUMINUM GUTTERS AND DOWNSPOUTS

LIGHT GREY CLASS 'C' ASPHALT SHINGLES

DOVER WHITE BOARD AND BATTEN

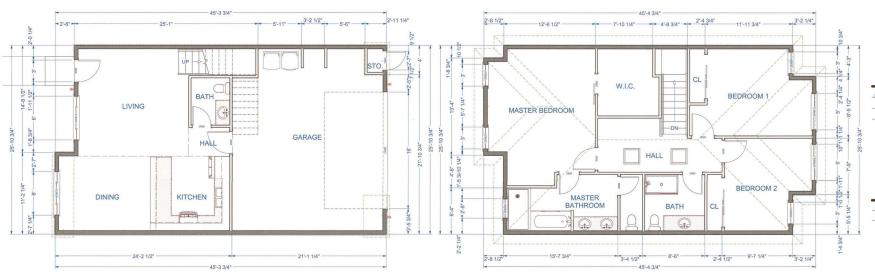
GATEWAY GREY SMOOTH FINISH STUCCO

MEDITERRANEAN GARAGE DOOR AND ENTRY DOOR



FRONT VIEW

REAR VIEW



ENGINEERS & ASSOCIATES

1190 PARK AVENUE SAN JOSE, CA 95136 TEL: (408) 710-6725 saul.f@mfaconstruct.com

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CHEENEY ST. TOWNHOUSES 4249 CHEENEY STREET SANTA CLARA, CA 95054

REVISION DATE

DATE: 2/28/2025 PROJECT No. 39-071322

> FRONT UNITS TYPICAL FLOOR **PLAN**



A1.6



WHITE FASCIA BOARDS

WHITE ALUMINUM SEAMLESS GUTTERS

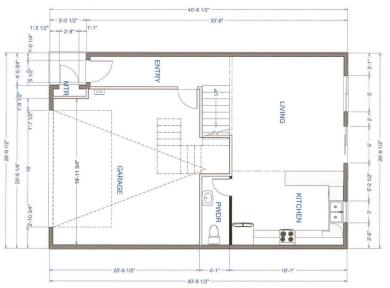
GATEWAY GREY BOARD AND BATTEN

DOVER WHITE SMOOTH STUCCO

LIGHT GREY ASPHALT SHINGLES



REAR VIEW



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CHEENEY ST. TOWNHOUSES 4249 CHEENEY STREET SANTA CLARA, CA 95054

REVISION

DATE: 2/28/2025 PROJECT No. 39-071322

> **BACK UNITS** TYPICAL FLOOR PLAN



A1.7

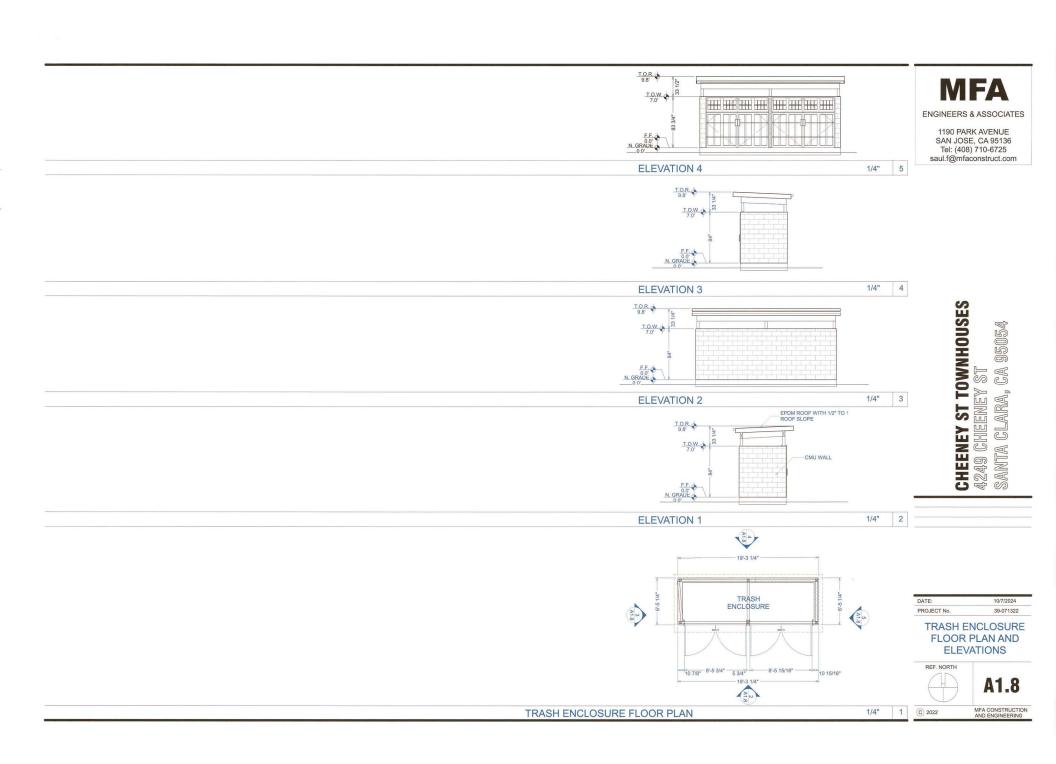
1 © 2024

1/4"

D-Cube Studio



1/4"



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REAR ELEVATION UNITS 'A'

3/16

2

CHEENEY ST TOWNHOUSES 4249 CHEENEY ST SANTA CLARA, CA 95054

PRESIDENTIAL ASPHALT SHINGLES 28-07 TO T.O.R.					

DATE: 2/28/2025 PROJECT No. 39-071322

ELEVATIONS UNITS 'A'



A2.0

FRONT ELEVATION UNITS 'A'

3/16

1 © 2022

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CHEENEY ST TOWNHOUSES 4249 CHEENEY ST SANTA CLARA, CA 95054



DATE: 2/28/2025 PROJECT No. 39-071322

ELEVATIONS UNITS 'B'



A2.1

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1

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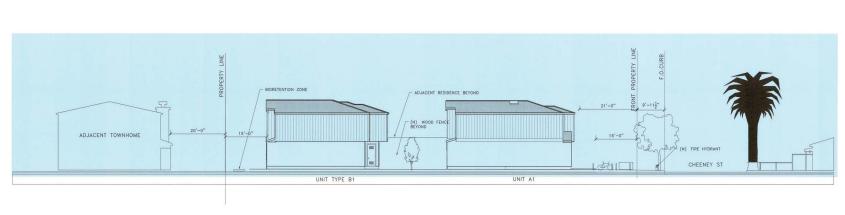
1190 PARK AVENUE

SAN JOSE CA, 95136 TEL: (408) 710-6725 saul.f@mfaconstruct.com



SITE SECTION N-S

3/32"



	CHEENEY ST TOWNHOUSES	tzty cheenet st. Santa Clara, ca 95054
\triangle	REVISION	DATE
<u>^</u>		

DATE:	August 23, 202
PROJECT No.	10-04212

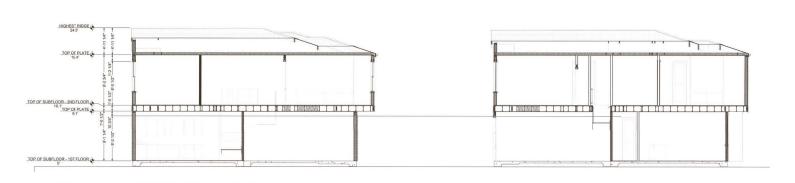
SITE SECTIONS



A3.0

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MFA CONSTRUCTION AND ENGINEERING



370 GRAND PARK CIRCLE SAN JOSE, CA 95136 TEL: (408) 509-3461 aliabiani@sbcglobal.net

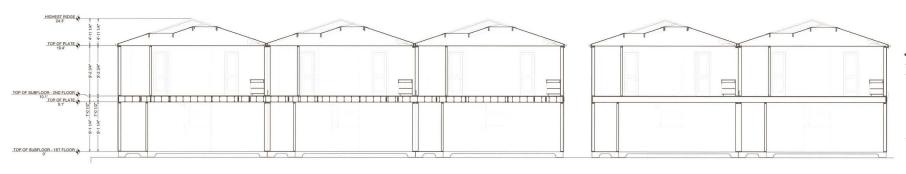
3 CROSS SECTION C-C 1/4"

TOP OF SUBFLOOR - 2ND FLOOR 10.1' TOP OF PLATE 9.1' TOP OF SUBFLOOR - 1ST FLOOR

CHEENEY ST. TOWNHOUSES 4249 CHEENEY STREET SANTA CLARA, CA 95054

REVISION DATE

CROSS SECTION B-B 1/4" 2



DATE:	9/25/2024
PROJECT No.	39-071322

CROSS SECTIONS



A3.1

1 © 2024

D-Cube Studio

CROSS SECTION A-A

1/4"

GRADING AND DRAINAGE IMPROVEMENTS

I. STANDARD GRADING NOTES

- PRIOR TO COMMENCEMENT OF ANY EARTHWORK/GRADING ACTIVITIES, THE PERMITTEE SHALL ARRANGE A PRE-CONSTRUCTION ION MEETING. THE MEETING SHALL INCLUDE THE CITY OF WATSONVILLE GRADING INSPECTIOR. THE GRADING CONTRACTOR AND THE PROJECT SOILS ENGINEER. THE PERMITTEE OF REPRESENTATIVE SHALL ARRANGE THE PRE-CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO THE START OF ANY EARTHWORK/ GRADING ACTIVITIES.
- APPROVAL OF THIS PLAN APPLES ONLY TO THE EXCAVATION, PLACEMENT AND COMPACTION OF NATURAL EARTH MATERIALS, THIS PRPROVAL DOES NOT CONFER MAY RIGHTS OF ENTRY TO ETHER PUBLIC PROFESSOR OF THE PRIVATE PROPERTY OF OTHERS APPROVAL OF THIS PLAN ALSO DOES NOT CONSTITUTE APPROVAL OF ANY IMPROVEMENTS. PROPOSED IMPROVEMENTS ARE SUBJECT TO REVIEW AND APPROVAL BY THE RESPONSIBLE AUTHORITIES AND ALL OTHER REQUIRED FERRITS SHALL BE GRATERY SHALL BE GRATERY.
- IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
- The PRIMITIE SHALL MANTAIN THE STRETS, SDENALKS AND ALL OTHER PUBLIC RIGHTS-OF-MAY IN A CLEAN, SAFE AND USABLE CONDITION, ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBBS SHALL BE REMOME FROM THE POLILLCY OWNER PROPERTY LORING CONSTRUCTION AND PION COMPLETION OF THE PROJECT, ALL ADJACCHT PROPERTY, PRIVATE OR PUBLIC, SHALL BE MANTAINED IN A CLEAN, SAFE AND USABLE CONDITION.
- ALL CRADING AND EARTHWORK ACTIVITIES SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH STANDARDS ESTABUSHED BY THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICIPATED.
- ALL WATER WELL LOCATIONS ON SITE SHALL BE MAINTAINED OR ABANDONED ACCORDING TO CURRENT REQULATIONS ADMINISTERED BY THE CITY WATER DISTRICT.
- THIS PLAN DOES NOT APPROVE REMOVAL OF TREES. APPROPRIATE TREE REMOVAL PERMITS SHALL BE OBTAINED FROM THE COMMUNITY DEVELOPMENT DEPARTMENT. ANY REQUIRED TREE PROTECTION MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL GRADING AND EARTHWORK ACTIVITIES SHALL CONFORM TO THE APPROVED PLANS AND SPECIFICATIONS ALL GRADING AND EARTHWORK ACTIVITIES SHALL BE OBSERVED AND APPROVED BY THE SOLIS ENGINEER. THE SOLIS ENGINEER SHALL BE OBSERVED AND APPROVED BY THE SOLIS ENGINEER. ACTIVITIES. UNDESSERVED OR UNAPPROVED WORK SHALL BE REMOVED AND REPLACED UNDER OBSERVATION OF
- ALL CONSTRUCTION SITES ARE TO BE WINTERIZED WITH APPROPRIATE EROSION CONTROL MEASURES IN PLACE FROM OCTOBER 15TH TO APRIL 15TH OF EACH YEAR.
- 11. GRADING ACTIVITIES ARE ONLY ALLOWED MONDAY THROUGH FRIDAY, 7:30 AM TO 6:00 PM.
- ALL GRADING SHALL COMPLY WITH THE CITY OF SANTA CLARA STANDARD SPECIFICATIONS, AND CHAPTER 18 AND APPENDIX 33 OF THE UNIFORM BUILDING 11/26/2018.
- THE DESIGN SHOWN HEREON IS NECESSARY AND REASONABLE AND DOES NOT RESTRICT ANY HISTORIC DRAINAGE FLOWS FROM ADJACENT PROPERTIES NOR INCREASE DRAINAGE TO ADJACENT PROPERTIES.
- 14. THE EXISTENCE AND APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN ON THESE PLANS WERE DETERMINED BY THE ENGNEER OF WORK BY SEARCHING THE AVAILABLE PUBLIC RECORDS. THEY ARE SHOWN FOR CENERAL INFORMATION ONLY.
- 15. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY UTILITY LOCATIONS WITH THE APPROPRIATE ACENCY, THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES, STRUCTURES AND ANY OTHER IMPROVEMENTS FOUND AT THE WORK STR.
- ALL ROOF DOWNSPOUTS TO BE DIRECTED AWAY FROM HOME TO SUITABLE DRAINAGE FACILITY WA DOWNSPOUTS, PAVEMENT AND COLLECTION PIPES THAT DISCHARGE DIRECTLY TO THE STORM DRAIN SYSTEM.
- EROSION CONTROL PLANTING AND OTHER SILT RETENTION OR EROSION CONTROL MEASURES MAY BE REQUIRED IN ALL GRADED AREAS. SEE LANDSCAPE PLAN, IF APPLICABLE, FOR DETAILS OF PLANTING.
- 18. DRAWNAGE, INCLUDING ALL ROOF AND PATIO DRAWNS, SHALL BE DIRECTED AWAY FROM THE STRUCTURE. IT SHALL BE THE OWNER'S AND CONTRACTOR'S RESPONSIBILITY TO SHARRE THAT THE DRAWNAGE SYSTEM FAULTES SHOWN HARROW ARE KEYT CLARF OF GESTLEOCHOS AND THE CONTRACTOR SHALL FAULTES SHOWN HARROW ARE KEYT CLARF OF GESTLEOCHOS AND THE CONTRACTOR SHALL PRODUCE LINGERGRAND PRES AND REGOVED, AREA SHAT WILL NOT DRAWN AFTER THAIL GRADING. THE GROUND ADJUSCENT OF BELLIDIOS SHALL SOCK AWAY WITH A MEMORIA SOCKED CT.
- THIS PLAN IS A PART OF PROJECT PLANS, SEE ARCHITECT AND LANDSCAPE PLANS, IF APPLICABLE, FOR DETAILS AND DIMENSIONS, FENCES AND WALLS ARE NOT A PART OF THESE PLANS.
- SOIL ENGINEER TO PROVIDE FINAL LETTER OF INSPECTION AT COMPLETION OF THE GRADING IN ACCORDANCE WITH APPENDIX J, 2018 OF THE UNIFORM BUILDING CODE.
- 21. CONTRACTOR SHALL GRADE EVENLY BETWEEN SPOT ELEVATIONS SHOWN.
- 22. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE O.S.H.A. REGULATIONS.
- 23. CONTRACTOR TO VERIFY ALL EXISTING INVERT ELEVATIONS FOR STORM DRAIN CONSTRUCTION PRIOR TO ANY SITE MORK. SHOULD DISCREPANCES EXIST BETWEEN THE ACTUAL ELEVATIONS AND LOCATIONS OF EXISTING STORM DRAIN COMPETIONS AND THOSE AS SHOWN ON THESE PLANS, THE CONTRACTOR SHALL NOTIFY ENGINEER OF WORK BEFORE ADJUSTING THE DESIGN.
- 24. CONTRACTOR SHALL UNCOVER AND EXPOSE ALL EXISTING UTILITY, SCHER AND STORM DRAIN LINES WHERE THEY ARE TO BE CROSSED ABOVE OR BELOW BY THE NEW FACULTY BEING CONSTRUCTED IN ORDER TO VERRY THE GRADE AND TO ASSINE THAT THERE IS SUFFICIENT CLERANCE, HE OR SHE SHALL CHALL THE ENDIRECTE OWNER REGARDING POPENTIAL CONFLICTS BEFORE FILED BROTH EXTENS.
- 25. EARTHWORK QUANTITIES SHOWN ON THESE PLANS ARE ONLY TO BE USED TO DETERMINE THE AMOUNT OF THE GRADING PERMIT.
- ADJUSTMENTS TO BUILDING PAD ELEVATIONS OR PARKING LOT GRADES TO ACHIEVE EARTHWORK BALANCE SHALL BE MADE ONLY WITH APPROVAL OF THE ENGINEER.
- 27. SOL ENGNEER WILL NOT DISCRIT? CONTROL THE PHYSICAL ACTIVITIES OF THE CONTRACTOR OR ANY SUBCONTRACTORS OF THE CONTRACTOR OR SUBCONTRACTOR'S WORKER'S ACCOUNTEMENT OF WORK CONTROL OF THE CONTRACTOR OF THE CONTROL OF THE CONTROL OF THE CONTROL OF THE CONTROL OF THE WORK THE SUBCONTRACTOR OF THE WORK THE REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT SE LIMITED TO MORAL WIGHORN CHURCH OF THE WORK. THE REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT SE LIMITED TO MORAL WIGHORN CHURCH OF THE WORK. THE REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT SE LIMITED TO MORAL WIGHORN CHURCH OF THE WORK. THE REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT SE LIMITED TO MORAL WIGHORN CHURCH OF THE WORK. THE REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT SE LIMITED TO MORAL WIGHT CONTROL OF THE WORK THE REPORT OF THE WORK THE WORK THE REPORT OF THE WORK THE WORK THE REPORT OF THE WORK THE WOR
- 28. DURING THE PROGRESS OF THE WORK, THE CONTRACTOR SHALL KEEP THE PREMISES OCCUPIED BY IN A NEAT AND CLEAN CONDITION, DISPOSING OF REFUSE IN A SATISFACTORY MANNER AS OFTEN DIRECTED, OR AS MAY BE NECESSARY SO THAT THERE SHALL AT NO TIME BE ANY UNSIGH ACCUMULATION OF RUBBISH.
- 29. IF HAMAN PRAMPS ARE DESCRIPTED DURING THE CONSTRUCTION UNLESS. THE CONSTRUCTION THE PROPERTY OF THE PRAMPS DESCRIPTION HAVE BEEN EXPENSED AND THE PRAMPS DESCRIPTION HAVE BEEN EXPENSED AND THE PRAMPS DESCRIPTION HAVE PRESENDED AND THE CONSTRUCTION OF THE COUNTY'S MATTER AMERICAN MORPHAGINA USE OF SUPER DESCRIPTION SHALL BE STATE FIRST CLASS UNAIL WITHIN SEVEN (7) DAYS OF THE DATE ON HIGH THE PRESENDED THE CORROR AND SHALL STATE THAT THE CORROR HAVE BEN MORPHED IN ACCORDANCE WITH CALLEGRINA STATE LIMIT.
- 30. ANY ABANDONED UNDERGROUND PIPES EXPOSED DURING CONSTRUCTION SHALL BE REMOVED, ADEQUATELY PLUGGED, OR A COMBINATION OF BOTH IN ACCORDANCE WITH THE REQUIREMENTS OF THE
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL UTILITIES. FOR LOCATION OF UNDERGROUND UTILITIES, OR FOR EMERGENCY ASSISTANCE, CALL: UNDERGROUND SERVICE ALERT (USA)
- 32. THE CONTRACTOR SHALL ADVISE THE OWNER OF APPROPRIATE MAINTENANCE PROCEDURES OF DRAINAGE SYSTEM.

- 33. ON GRADED STES, THE TOP OF ANY EXTERIOR FOUNDATION SHALL EXTEND ABOVE THE LEEVATION OF THE STREET GUTTER AT POINT OF DISCHARGE OR THE MET OF AN APPROVED DRAWLAGE DEVICE A MINIMUM OF IZ MOYES (300 mm) PLUS 2X. THE BULLDING OFFICIAL MAY APPROVE ALTERNATE ELEVATIONS, PROVIDED IT CAN BE DELINORISTRATED THAT REQUIRED DRAWLAGE TO THE FORM OF DISCHARGE AND MANY FROM THE STRUCTURE IS PROVIDED AT ALL LOCATIONS ON THE STRUCTURE IS PROVIDED AT ALL LOCATIONS ON THE STRUCTURE OF THE STR
- COMPLIANCE WITH THE LOCAL NON-POINT SOURCE ORDINANCE CONCERNING DISCHARGE OF MATERIALS TO THE STORM DRAINAGE SYSTEM SHALL BE THE RESPONSIBILITY OF THE GRADING CONTRACTOR.
- ALL CONSTRUCTION SHALL COMPLY WITH SECTION 24 OF THE STATE OF CALIFORNIA ADMINISTRATIVE CODE AND CHAPTERS 10 AND 11 OF THE 2016 UNIFORM BUILDING CODE.

II. DUST CONTROL

- ALL EXPOSED OR DISTURBED SOIL SURFACES SHALL BE WATERED AS NECESSARY, BUT NOT LESS THAN $^{\,\,6}.$ TWICE DAILY TO CONTROL DUST.
- AREAS OF DIGGING AND GRADING OPERATIONS SHALL BE CONSISTENTLY WATERED TO CONTROL DUST. 7.
- STOCKPILES OF SOIL, DEBRIS, SAND, OR OTHER DUST-PRODUCING MATERIALS SHALL BE WATERED OR COVERED.
- THE CONSTRUCTION AREA AND THE SURROUNDING STREETS SHALL BE SWEPT (NO WATER) AS NECESSARY, BUT NOT LESS THAN TWICE DAILY.

NOTES:

- TREE SIZES AND TYPES ARE APPROXIMATE AND SHOULD BE VERIFIED BY A CERTIFIED ARBORIST.
- THE LOCATION OF THE UNDERGROUND UTLITES SHOWN ON THIS MAP WERE BASED ON MARKINGS MADE IN THE FIELD BY OTHERS THERE MAY BE OTHER UNDERGROUND UTLITES THAT EMST ON THIS STET THAT EN NOT SHOWN ON THIS PLAN. CLEARLY DETHEED MARKINGS THAT EMSTED AT THE TIME OF THE SURVEY WERE LOCATED AND ARE SHOWN ON THIS PLAN.
- PRIOR TO REQUESTING A FOUNDATION INSPECTION BY THE CITY, THE GEOTECHNICAL ENGINEER OR CIVIL ENGINEER WHO PREPARED THE SOIL INVESTIGATION SHALL PROVIDE A FIELD REPORT (IN WRITING) WHICH SHALL STATE THE FOLICIANNE.
- A. THE BUILDING PAD WAS PREPARED AND COMPACTED IN ACCORDANCE WITH THE SOIL REPORT AND SPECIFICATIONS.
- B. THE FOUNDATION AND/OR PIER EXCAVATION, DEPTH AND BACKFILL MATERIALS, AND DRAINAGE (IF APPLICABLE) SUBSTANTIALLY CONFORM TO THE SOIL REPORT AND APPROVED PLANS.
- PRIOR TO FINAL MISPECTION FOR ANY BUILDING OR STRUCTURE. THE EGITCHNICAL ENGINEER OR CHILD ENGINEER WIN OFFERAMED HE SOIL INVESTIGATION SHALL ISSUE A FINAL REPORT STATION THE COMMETTED PAD, FOUNDATION, FINISH GRADING, AND ASSOCIATED STIE WORK SUBSTANTIALLY CONFORM TO THE APPROVED PLANS, SEPCIFICATIONS, AND INVESTIGATION.

◆ BENCHMARK B-8A

ELEVATION = 13.77". LOCATED AT AGNEW ROAD, SOUTH SIDE, OPPOSITE GARRITY, CHISELED CROSS ON TOP OF CATCH BASIN HOOD.

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE CENTERLINE OF CHEENEY STREET, AS FOUND MONUMENTED AS N2814'30"W SHOWN ON PARCEL MAP, RECORDED IN BOOK 476 OF MAPS, AT PAGE 37, SANTA CLARA COUNTY RECORDS

SCOPE OF WORK

- 1. DEMOLISH EXISTING DRIVEWAY, BRICKS, SHED AND REMOVE TREES
- REMOVE EXISTING CURB & GUTTERS, DRIVEWAY APPROACH AND SIDEWALK, UTILITIES, RELOCATE EXISTING POWER POLES WITHIN RIGHT OF WAY
- 3. 9 TOWNHOUSE DEVELOPMENT AND 10 LOT SUBDIVISION
- GRADE DRIVEWAY & HOUSES; INSTALL DRAINAGE FACILITIES, EROSION AND SEDIMENT CONTROL, DRIVEWAY AND DRIVEWAY APPROACH, DRAINAGE IMPROVEMENTS; & SEED ALL DISTURBED AREAS.
- 5. CONSTRUCT CURB & GUTTERS, DRIVEWAY APPROACH AND SIDEWALK WITHIN PIGHT OF WAY
- 6. INSTALL LITILITY LINES AND SERVICES ON-SITE AND WITHIN RIGHT OF WAY
- THE DEVELOPER IS RESPONSIBLE FOR THE INSTALLATION OF THE WORK PROPOSED ON THE EROSION CONTROL PLAN. THE ENGINEER OF RECORD IS RESPONSIBLE FOR THE DESIGN OF THE EROSION CONTROL PLANS AND ANY MODIFICATIONS OF THE EROSION CONTROL PLANS TO PREVENT ILLIOT DISCHARGES FROM THE SITE DURING CONSTRUCTION

PROJECT NOTES

- CONSTRUCTION SITE SHALL BE ENCLOSED BY 6' OPAQUE FENCE AT ALL TIMES DURING CONSTRUCTION.
- NO CONSTRUCTION MATERIAL, EQUIPMENT, PORTABLE TOILETS, TRASH CONTAINERS, OR DEBRIS SHALL BE PLACED IN THE PUBLIC RIGHT-OF-WAY.
- A TRASH CONTAINER SHALL BE MAINTAINED ON SITE AT ALL TIMES AND DEBRIS ON SITE MICHAEL SHALL BE MAINTAINED ON SITE AT ALL TIMES AND DEBRIS ON SITE MICHAEL SHALL BE REGULARLY COLLECTED AND PLACED IN CONTAINER.
- ALL CONSTRUCTION DEBRIS (WOOD SCRAPS AND OTHER DEBRIS, WHICH CANNOT BLOW AWAY) SHALL BE PILED WITHIN THE PROPERTY LINES OF THE PROJECT IN A NEAT AND SAFE MANNER. THE PROJECT SHALL HAVE A SIGNACE VIEWABLE FROM THE PUBLIC STREET THAT MOUSERS THE HOURS OF COUNTRUCTION AS: MON- FRI FROM 7:30 AM TO 6 PM, SATURDAYS FROM 9M TO 5 PM.
- OBTAIN AN ENCROACHMENT PERMIT FROM PUBLIC WORKS PRIOR TO THE START OF ANY DRIVEWAY APPROACH DEMOLITION OR CONSTRUCTION AT THE STREET. CONTACT PUBLIC WORKS ENDINEER FOR INFORMATION RECARDING OSTANING AN ENCROACHMENT PERMIT.
- ALL ELECTRIC LINES, COMMUNICATION LINES AND APPURTENANCES, INCLUDING ALL PUBLIC UTILITY, CATY AND TELEGRAPH SYSTEMS, SHALL BE LOCATED AND INSTALLED UNDERGROUND. AREAS & BUSINES AND SCALARS STALES, SHALL BE SUSPENDED DURING PERIODS OF HICH MIND

 AREA OF BUSINESS AND SCALARS STALES, SHALL BE SUSPENDED DURING PERIODS OF HICH MIND

 BENEFIT OF BUSINESS AND SCALARS FOR STALE BY SHALL PROVIDE A PEOPLE PERIOD STALE OF THE CONTROLLAND.

 PROVED TO RECEIVE AND FOR ADMINISTRATION SHALL PROVIDE A PEOPLE PERIOD STALE STALE SHALL PROVIDE A PEOPLE PEO

 - (IN METRING) WHICH SHALL STATE THE FOLLOWING:

 ** THE BULLOWN PAN WAS REPRESEND AND COMPACIED IN ACCORDANCE WITH THE SOIL

 ** THE FOUNDATION AND (OR FIRE EXCAVATION, EPRIH AND BACKFUL MATERIALS, AND

 BENANCE (F. PRIFFLERE). SIRSTAINALLY COMPANY TO THE SOIL REPORT AND

 BENANCE (F. PRIFFLERE). SIRSTAINALLY COMPANY TO THE SOIL REPORT AND

 FROM THE PROPERTY OF THE SOIL AND STATE OF THE SOIL PROPERTY OF THE SOIL AND STATE OF THE SOIL AND STA
 - SUBSTANTALLY CONFIGN TO THE APPRIVATE PLANS SECRETARIONS, AND INVESTIGATION.

 PORR TO THE COMMISSIONATION AND LEARNINGS OF SOURCE ACTIVITIES, INCLUDING STREET, INCLUDING STRE
 - PRIOR TO ANY GRADING, SCRAPING OR TRENCHING WITHIN/ LINDER THE CANOPY OF A PROTECTION THE CANOPY OF A PROTECTION THEE. A CORTIFION ARROWS SHALL BE RETAINED TO PROVIDE SUPERVISION AND RECOMMENDATION TO MUNIMIZE PROSSESSE DAMAGE TO THE TREE. THE PROPOSED TREVIONING SHALL BE APPROVED BY THE CITY OF WATSONVILLE PLANNING DEPARTMENT. PRIOR TO COMMENCING DIGITAL.

NOTES:

- PROJECT NAME: CHEENEY STREET TOWNHOUSES
 ASSESSOR PARCEL NO: 104-12-025 & 104-12-026 3. SITE ADDRESS: CHEENEY STREET, SANTA CLARA, CA 95054
- LOT AREA: 0.2± ACRES (GROSS AREA) 5. OWNER: GROUND ZERO CONSTRUCTION
- ADDRESS: 101 SOUTH SANTA CRUZ AVE, UNIT 33192, TELEPHONE: (408)-710-6725
- 6. ENGINEER: NINH M LE, Fe
 ADDRESS: 598 E SANTA CLARA ST #270, SAN JOSE, CA 95112
 TELEPHONE: (408)-806-7187
 7. SURVEYOR: TOM H. MLO
- ADDRESS: 2250 BOHANNON DRIVE, SAN CLARA, CA 95050 TELEPHONE: (408)-761-5867 8 FYISTING ZONING RM-3 MULTIPLE RESIDENTIAL-HIGH DENSITY
- PROPOSED ZONING: NO CHANGE
 EXISTING USE: VACANT
- 11. PROPOSED USE: RESIDENTIAL 12. PROPOSED NUMBER OF LOTS: 9 LOT
- 13. ALL DIMENSIONS AND PROPOSED GRADING ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN
- PROPOSED WATER, SANTARY SEWER, AND STORM DRAIN WILL BE CONSTRUCTED AS PER LOCAL AGENCY STANDARDS.
 WATER: SANTA CLARA WATER AND UTILITIES
- 16. SEWER: SANTA CLARA WATER AND UTILITIES
- 17. STORM: SANTA CLARA WATER AND UTILITIES
- 18. GAS & ELECTRIC: PG&E 19. TELEPHONE: AT&T
- 20. CABLE TV: COMCAST
- 21. IF EXISTING WATER METER IS NOT BEING USED, IT SHALL BE REMOVED AND CAPPED AT MAIN
- 22 IF EVISTING INLETS ARE NOT BEING LISED. THEY SHALL BE REMOVED AND CAPPED

EARTHWORK QUANTITIES

CUT = 21 CY ; MAXIMUM CUT DEPTH = 0.50'± FILL = 169 CY : MAXIMUM CUT DEPTH = 0.66'± IMPORT 148 CY EXPORT 0 CY

EARTHWORK QUANTITIES AS SHOWN ON THE PLAN IS FO INFORMATION ONLY, CONTRACTOR TO CALCULATE HIS/HER OWN EARTHWORK QUANTITIES FOR BIDDING PURPOSE.

HIGH FORNT INSET! INSET

RADIUS RETAINING WALL RETAINING WALL
RIGHT OF WAY
STORM DRAIN
SANITARY SEWER/LATERAL
STATION
SILICON VALLEY POWER

CURB OPENING
CONCRETE
CITY STANDARD DETAIL
DRAINAGE INTE
DOWNSPOUT
DOWNSPOUT
ELEVATION
ELECTRIC METE
ELECTRIC OVERHEAD
EXISTING
EXISTENCE OVERHEAD
EXISTING
EXISTENCE OVERHEAD
EXISTING
EXISTIN

EMERGENCY VEHICLE ACCESS EASEMENT FACE OF CURB

FOUND FINISH ELEVATION OF SUBFLOOR GROUND FINISH GRADE FIRE HYDRANT FLOW LINE

GARAGE SLAB ELEVATION/GAS LINE GAS METER HIGH POINT INVERT

UNDERGROUND ELECTRICAL EASEMENT VEGETATED

23. REMOVE ALL EXISTING IMPROVEMENT WITHIN THE PROPERTY LIMITS

SHEET INDEX:

SHEET CI: TITLE SHEET

SHEET C2: DEMOLITION PLAN
SHEET C3: PRE & POST DEVELOPMENT PLAN

SHEET C4: STORMWATER CONTROL PLAN

SHEET C5: GRADING AND DRAINAGE PLAN

SHEET C6: BUILDING CROSS SECTIONS & DETAILS SHEET C7: UTILITY PLAN

SHEET C8: EROSION CONTROL PLAN

SHEET C9: EROSION CONTROL DETAILS SHEET CIO: BEST MANAGEMENT PRACTICES



LEGEND & ABBREVIATIONS AGGREGATE BASE ASSPHALT CONGRETE BUILDING BUILDING SETBACK LINE BUTTOM OF WALL/FACK OF WALK COSBLE FROCK EMERGY DISSIPATOR CUSB & GUTTER CENTERLINE SANITARY SEMER CLEANOUT CUSB OFPHING CONCISETE DENCHMARK - BOUNDARY CATCH BASIN CORRIE ROCK ENERGY DISSIPATOR 2 CONTOUR: EXISTING 100.46 DESIGN GRADE DOWNSPOUT WITH SPLASHBLOCK 88 DIVERSION VALVE EXTENDABLE BACKWATER VALVE (SEE PROJECT NOTES) M CALE

- DRAINAGE SWALE — — EASEMENT LINE +101.70 OR (101.70) EXISTING ELEVATION

-X EXISTING FENCE

GRADE TO DRAIN

EXISTING FIRE HYDRANT

HYDRANT: PROPOSED OR NEW

OVERLAND FLOW DIRECTION

POST CONSTRUCTION STORM WATER POLLUTION CONTROL MEASURE

STORM DRAIN MANHOLE

TELEPHONE BOX

INLET 12"x12" GRATE OTHERWISE NOTED

SANITARY SEWER CLEAN OUT MANHOLE SANITARY SEWER MANHOLE

GUY WIRE ANCHOR

JOINT POLE LIGHTING LIGHTING POLE

PROJECT SITE RETAINING WALL

-0 GUY POLE

H

PGE PGE BOX

TEXA

8 X 8

TOP OF FILL TOE OF FILL

Y TOP OF CUT

WELL

WATER METER
WY
WATER VALVE

EM ELECTRICAL METER

EXISTING TREE TO BE REMOVED

ELECTRICAL METER FOUND IRON PIPE AT PROPERTY CORNER

FILTER FABRIC ROLLS GAS METER GAS VALVE



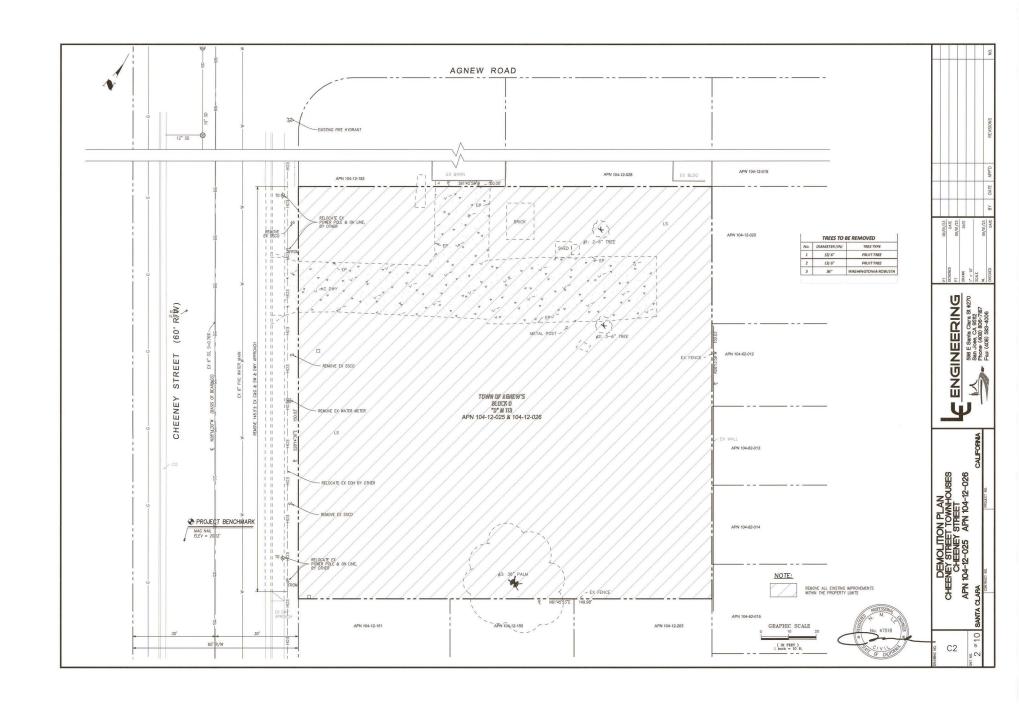
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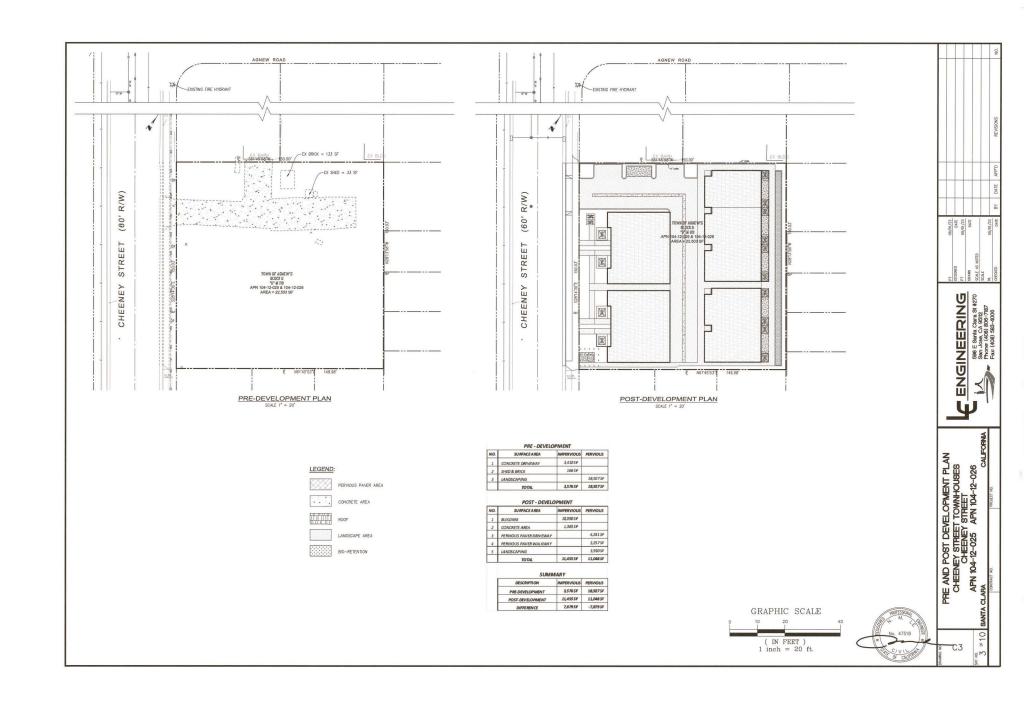


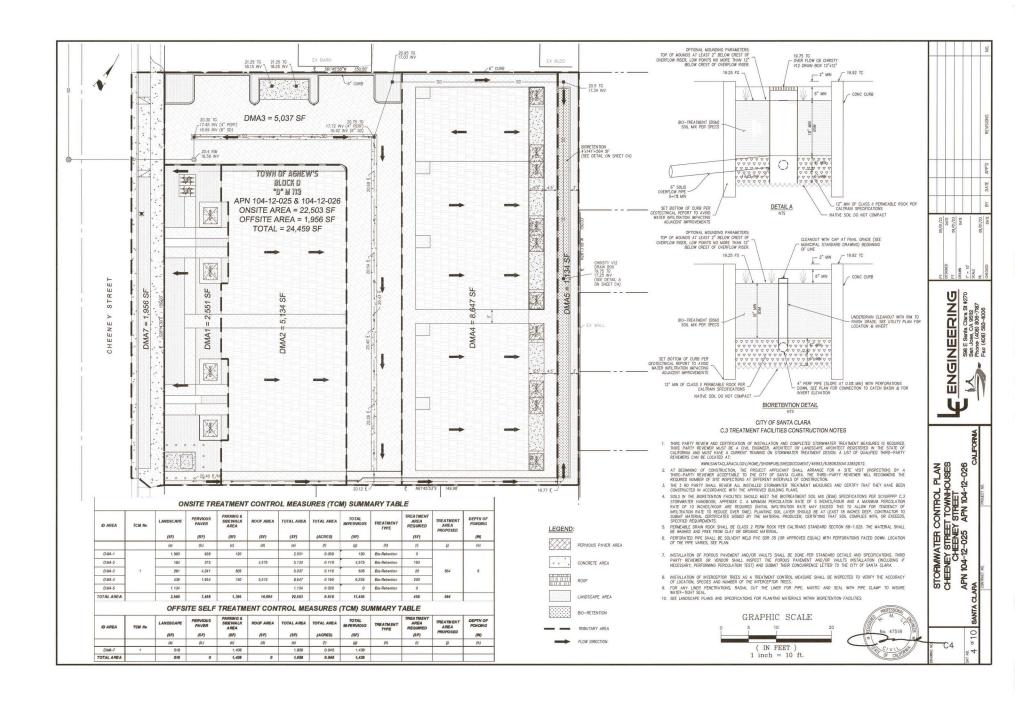
SHEET TOWNHOUSES STREET APN 104-12-026 CHEENEY STREET
CHEENEY S
APN 104-12-025 A

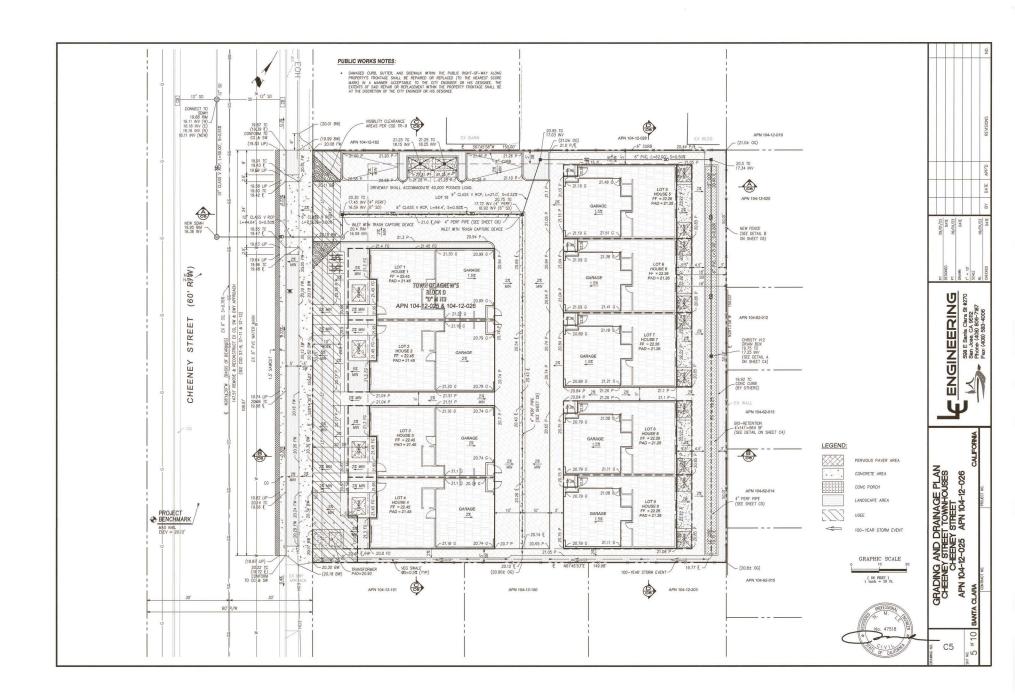
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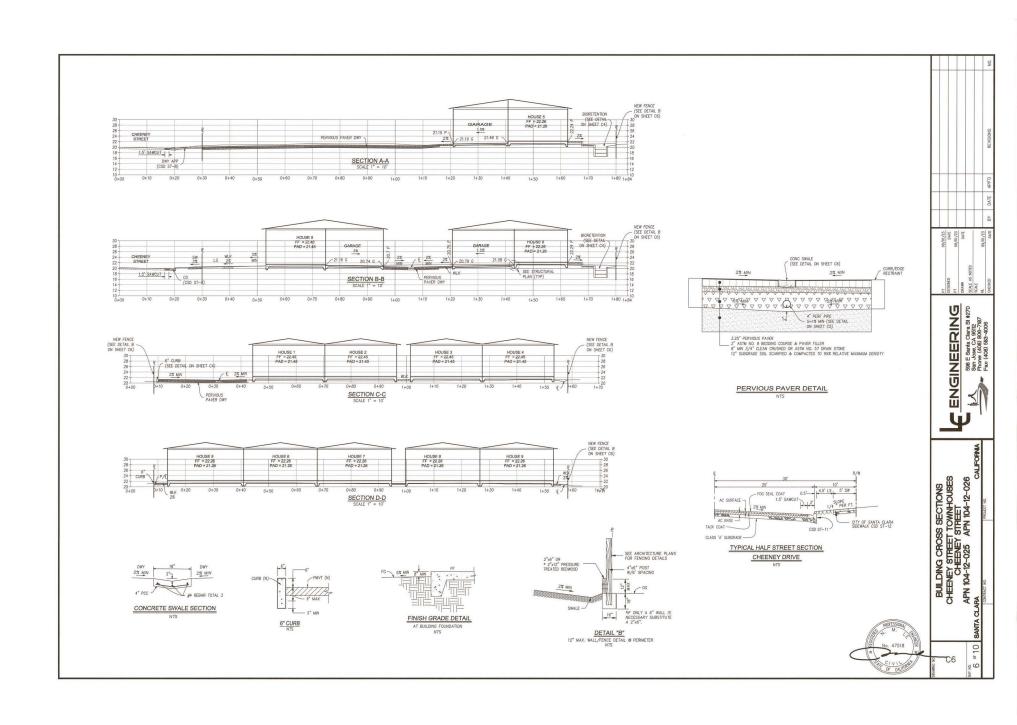
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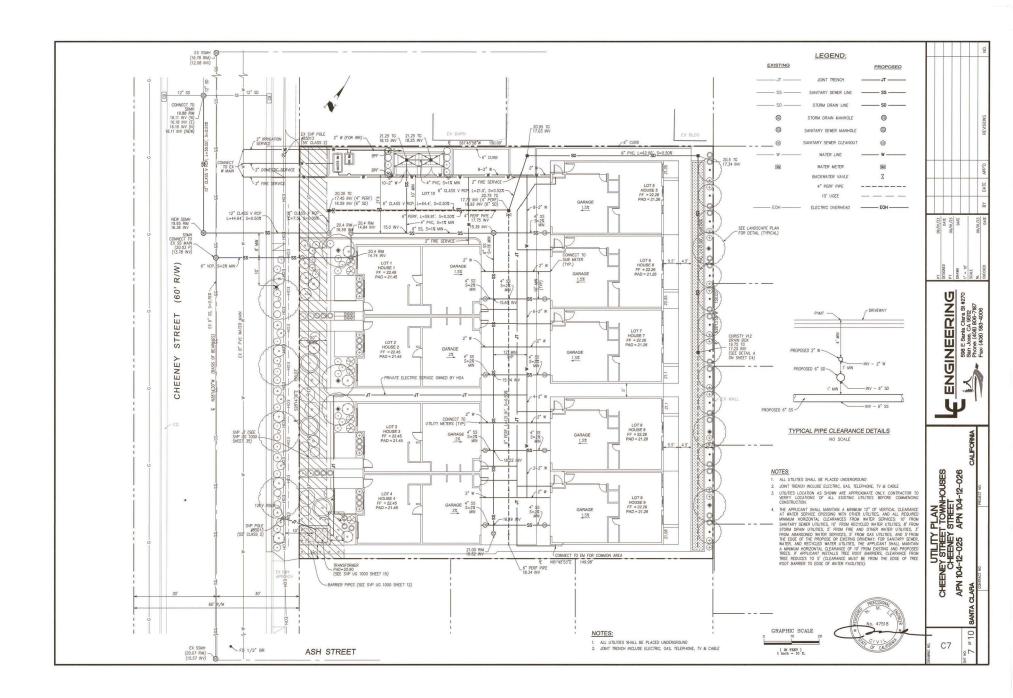


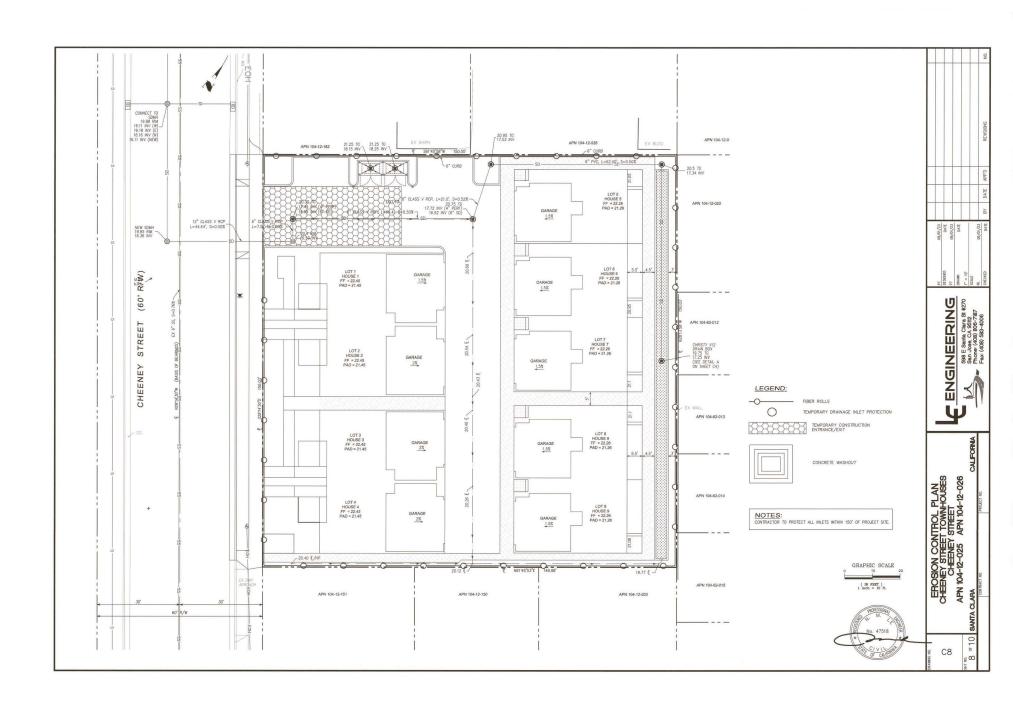


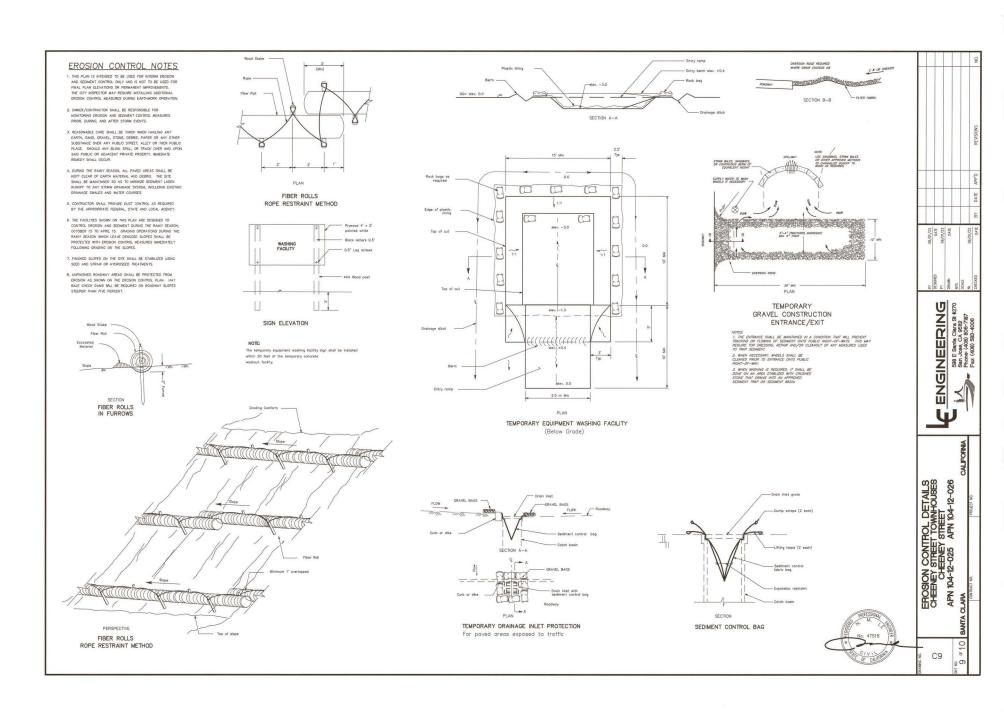












Construction Best Management Practices (BMPs)

Construction projects are required to implement year-round stormwater BMPs.

Materials & Waste Management



Non-Hazardous Materials

- ☐ Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or when they are not in use.
- ☐ Use (but don't overuse) reclaimed water for dust control. ☐ Ensure dust control water doesn't leave site or discharge to storm

Hazardous Materials

- ☐ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with City, County, State and Federal regulations.
- ☐ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast
- ☐ Follow manufacturer's application instructions for hazardous materials and do not use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ☐ Arrange for appropriate disposal of all hazardous wastes.

Waste Management

- Cover and maintain dumpsters. Check frequently for leaks. Place dumpsters under roofs or cover with tarps or plastic sheeting secured around the outside of the dumpster. A plastic liner is recommended to prevent leaks. Never clean out a dumpster by hosing it down on the construction site.
- ☐ Place portable toilets away from storm drains. Make sure they are in good working order. Check frequently for leaks
- ☐ Dispose of all wastes and demolition debris properly. Recycle materials and wastes that can be recycled, including solvents, waterbased paints, vehicle fluids, broken asphalt and concrete, wood, and
- Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste.
- ☐ Keep site free of litter (e.g. lunch items, cigarette butts).
- ☐ Prevent litter from uncovered loads by covering loads that are being transported to and from site.

Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site
- ☐ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.

Equipment Management & **Spill Control**



Maintenance and Parking

- Designate an area of the construction site, well away from streams or storm drain inlets and fitted with appropriate BMPs, for auto and equipment parking,
- ☐ Perform major maintenance, repair jobs, and vehicle and equipment washing off site.
- If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan or drop cloths big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- ☐ If vehicle or equipment cleaning must be done onsite. clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.
- Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, or steam cleaning equipment, and do not use diesel oil to lubricate equipment or parts

Snill Prevention and Control

- ☐ Keep spill cleanup materials (e.g., rags, absorbents and cat litter) available at the construction site at all times. ☐ Maintain all vehicles and heavy equipment, Inspect
- frequently for and repair leaks. Use drip pans to catch leaks until repairs are made
- Clean up leaks, drips and other spills immediately and dispose of cleanup materials properly.
- ☐ Use dry cleanup methods whenever possible (absorbent materials, cat litter and/or rags).
- ☐ Sweep up spilled dry materials immediately. Never attempt to "wash them away" with water, or bury
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil
- ☐ Report significant spills to the appropriate local spill response agencies immediately. If the spill poses a significant hazrd to human health and safety, property or the environment, you must report it to the State Office of Emergency Services. (800) 852-7550 (24

Earthmoving



Grading and Earthwork

- ☐ Schedule grading and excavation work during dry weather
- ☐ Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- ☐ Remove existing vegetation only when absolutely necessary, plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
- ☐ Prevent sediment from migrating offsite and protect storm drain inlets, drainage courses and streams by installing and maintaining appropriate BMPs (i.e. silt fences, gravel bags, fiber rolls, temporary swales, etc.).
- ☐ Keep excavated soil on site and transfer it to dump trucks on site, not in the streets.

Contaminated Soils ☐ If any of fire following conditions are

- contact the Regional Water Quality Control Board:
- Unusual soil conditions, discoloration,
- Abandoned underground tanks - Abandoned wells
- Buried barrels, debris, or trash,
- ☐ If the above conditions are observed. document any signs of potential contamination and clearly mark them so they are not distrurbed by construction

Landscaping

- ☐ Protect stockpiled landscaping materials from wind and rain by storing them under tarps all year-round.
- ☐ Stack bagged material on pallets and under cover.
- ☐ Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.

Concrete Management and Dewatering



Concrete Management

- ☐ Store both dry and wet materials under cover, protected from rainfall and runoff and away from storm drains or waterways. Store materials off the ground, on pallets. Protect dry materials from wind.
- ☐ Wash down exposed aggregate concrete only when the wash water can (1) flow onto a dirt area; (2) drain onto a bermed surface from which it can be pumped and disposed of properly; or (3) block any storm drain inlets and vacuum washwater from the gutter. If possible, sweep first.
- ☐ Wash out concrete equipment/trucks offsite or in a designated washout area onsite, where the water will flow into a temporary waste pit, and make sure wash water does not leach into the underlying soil. (See CASQA Construction BMP Handbook for properly designed concrete washouts.)

Dewatering

- Discharges of groundwater or captured runoff from dewatering operations must be properly managed and disposed. When ossible, send dewatering discharge to landscaped area or sanitary sewer. If discharging to the sanitary sewer, call your local wastewater treatment plant.
- ☐ Divert run-on water from offsite away from all disturbed areas.
- ☐ When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ☐ In areas of known or suspected contamination, call your local agency to determine whether the ground water must be tested. Pumped groundwater may need to be collected and hauled off-site for treatment and proper disposal.

Paving/Asphalt Work



- Avoid paving and seal coating in wet weather or when rain is forecast, to prevent materials that have not cured from contacting stormwater runoff.
- ☐ Cover storm drain inlets and manholes when applying seal coat, slurry seal, fog seal, or similar materials.
- ☐ Collect and recycle or properly dispose of excess abrasive gravel or sand. Do NOT sweep or wash it into gutters.

Sawcutting & Asphalt/Concrete Removal ☐ Protect storm drain inlets during saw cutting.

- ☐ If saw cut slurry enters a catch basin, clean it up immediately.
- ☐ Shovel or vacuum saw cut slurry deposits and remove from the site. When making saw cuts, use as little water as possible. Sweep up, and properly dispose of all

Painting & Paint Removal



Painting Cleanup and Removal

- ☐ Never clean brushes or rinse paint containers into a street, gutter, storm drain, or stream.
- ☐ For water-based paints, paint out brushes to the extent possible, and rinse into a drain that goes to the sanitary sewer. Never pour paint down a storm drain.
- ☐ For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- ☐ Sweep up or collect paint chips and dust from non-hazardous dry stripping and sand blasting into plastic drop cloths and dispose of as trash.
- ☐ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead based paint removal requires a statecertified contractor.



Pollution Prevention Program

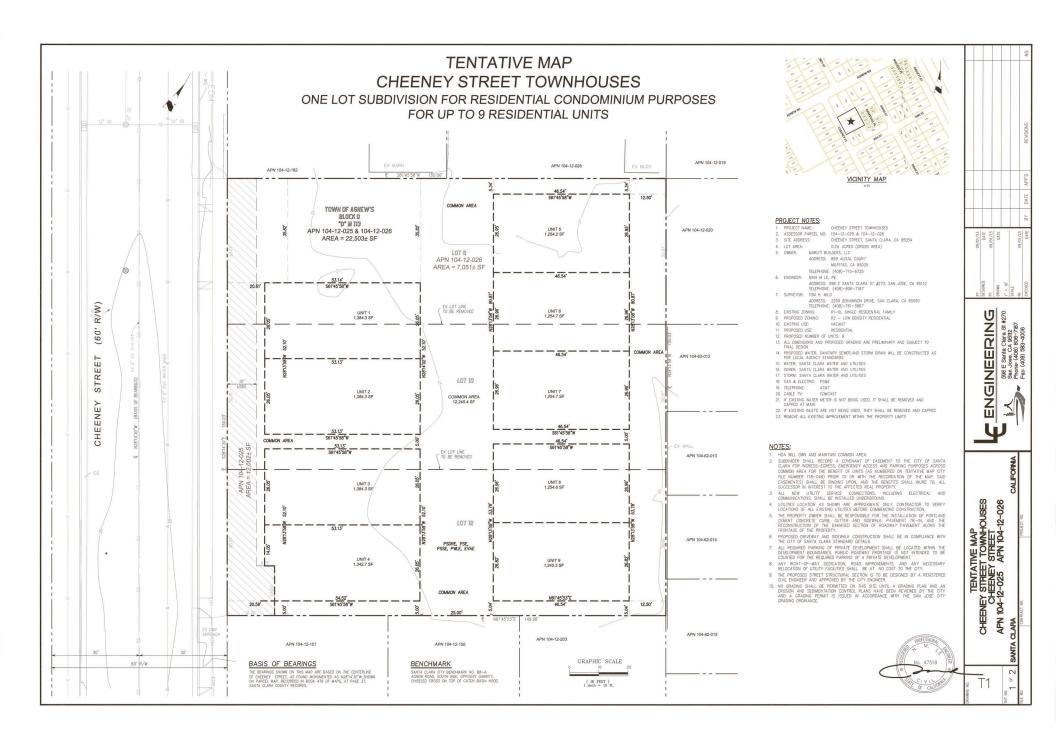
Storm drain polluters may be liable for fines of up to \$10,000 per day!

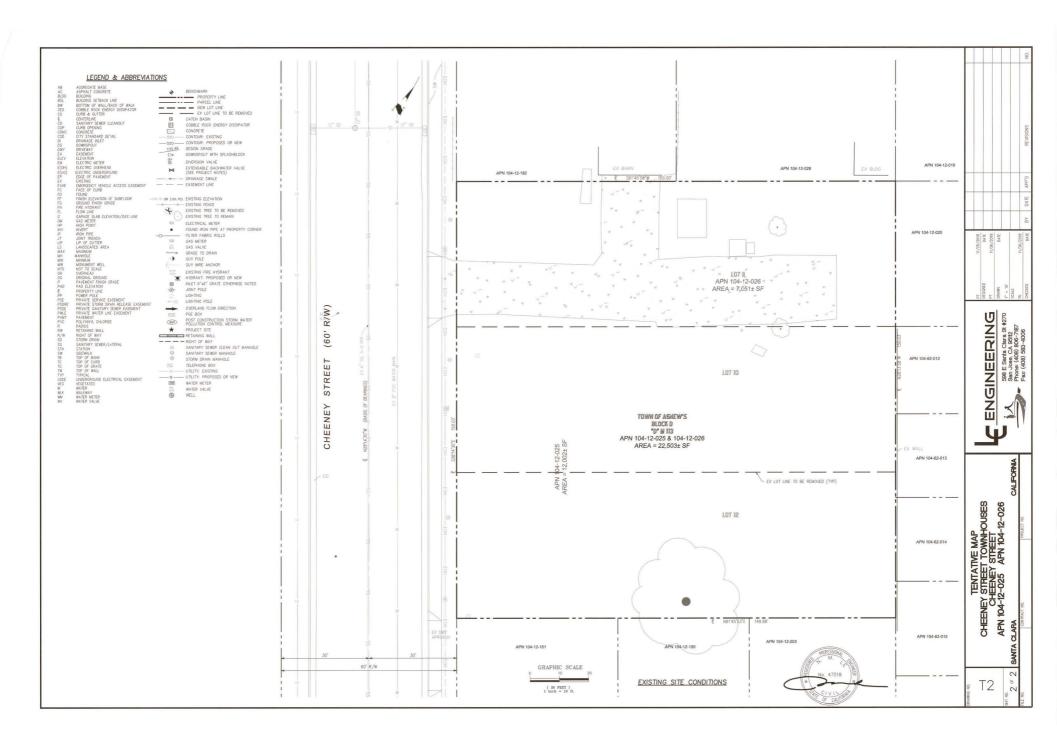


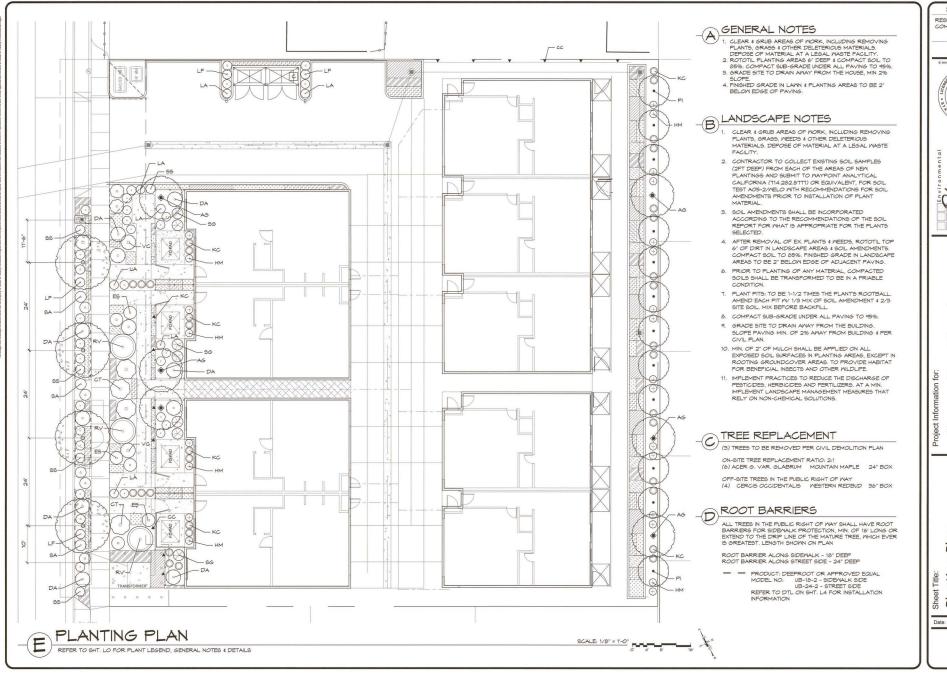
ENGINEERING
588 E Surta Clara St #270
San Jose, CA, 5877
Frav. (408) 869-708

CONSTRUCTION BEST MANAGEMENT PRACTICES CHEENEY STREET TOWNHOUSES CHEENEY STREET APN 104-12-025 APN 104-12-026

C10







Submittals:

RESPONSE TO CITY COMMENT LETTER



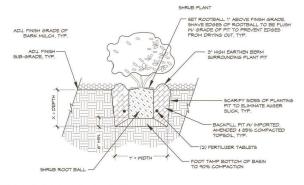
Cheeney Street Townhouses 4349 Cheney Street Santa Clara, CA

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15 APR 24

Sheet:

GROUND COVER PLANTING DETAIL



PLANT LEGEND

SYM.	QTY.	ABR.	BOTANICAL	COMMON NAME	SIZE
	4	co	CERCIS OCCIDENTALIS	WESTERN REDBUD	36" BOX
(*)	3	AG	ACER G. VAR. GLABRUM	MOUNTAIN MAPLE	24" BOX
+	15	PI	PRUNUS ILICIFOLIA	HOLLEY LEAF CHERRY	15 GAL
\odot	2	CM	CEANOTHUS MARITIMUS	MARITIME CEANOTHUS	1 GAL
\odot	4	CT	CEANOTHUS THYRSIFLORUS	CREEPING BLUEBLOSSOM	1 GAL
\odot	11	DA	DIPLACUS AURANTIACUS	BUSH MONKEY FLOWER	1 GAL
\odot	6	ES	ERIOPHYLLUM STAECHADIFOLIUM	SEASIDE MOOLLY SUNFLOWER	R 1GAL
•	33	KC	KECKIELLA CORYMBOSA	KECKIELLA	1 GAL
\odot	24	НМ	HEUCHERA MAXIMA	ALUM ROOT	1 GAL
\odot	8	LF	LEPECHINIA FRAGRANS	FRAGRANT PITCHER SAGE	5 GAL
\odot	21	LA	LUPINUS ALBIFRONS	SILVER LUPINE	5 GAL
\odot	3	RV	RIBES VIBURNIFOLIUM	CATALINA CURRANT	1 GAL
\otimes	7	56	SALVIA 'GREEN CARPET'	GREEN CARPET SAGE	1 GAL
•	11	55	SALVIA SPATHACEA	HUMMINGBIRD SAGE	1 GAL
\odot	8	SA	SALVIA APIANA	WHITE SAGE	5 GAL
\odot	3	VC	VENEGASIA CARPESIOIDES	CANYON SUNFLOWER	5 GAL

STORM WATER C.3 PLANT LIST

SYM.	ABR.	BOTANICAL NAME	COMMON NAME	SPACING
	СВ	CAREX BARBARAE	VALLEY SEDGE	2' O.C.
	BG	BOUTELOUA G. BLONDE AMBITION	BLONDE AMBITION GRAMA	16" O.C.
	JP	JUNCUS PATENS	COMMON RUSH	16" O.C.
	MR	MUHLENBERGIA RIGENS	DEERGRASS	3' O.C.
	SB	SISYRINGHIUM BELLUM	BLUE-EYED GRASS	6" O.C.

PLANT LEGEND NOTES:

- 1. THE PLANT QUANTITIES SHOWN ON THE PLANTING PLAN TAKE PRECEDENCE OVER THE QUANTITY
- THE PLANT GANTITIES SHOWN ON THE PLANTING PLAN TAKE PRECEDENCE OVER THE GUANTITY
 LISTED IN THE PLANT LEGEND.
 PLANT SYMBOLS IN LEGEND ARE NOT TO SCALE AND MAY APPEAR SMALL THEN SHOWN N ON PLAN.
 REFER TO DTL, LS-2, SHT, L4 FOR TREE PLANTINGS, DTL. C, THIS SHT. FOR SHRUBS PLANTINGS &
 DTL. B, THIS SHT. FOR GROWN COVER PLANTINGS.

Submittals:

RESPONSE TO CITY COMMENT LETTER



Cheeney Street Townhouses 4349 Cheney Street Santa Clara, CA

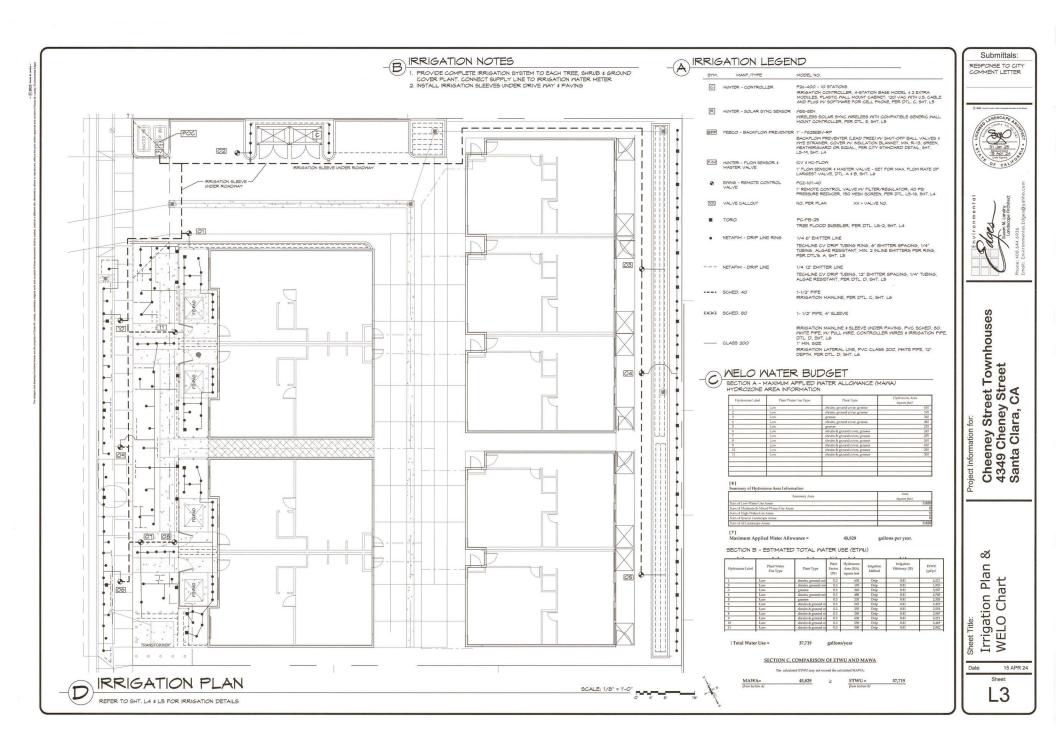
Plant Legend & Planting Details

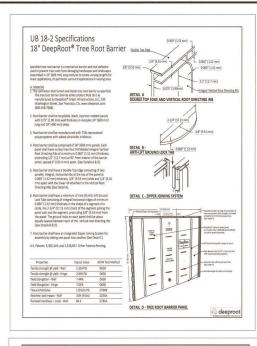
Sheet Title

Date: 15 APR 24

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SHRUB PLANTING DETAIL





WIRE CONNECTOR (TYP.) (SEE DETAIL LS-22)

WYE FILTER (ROTATE FILTER PARALLEL TO PEA GRAVEL)

CHECKED BY: C. QUANZ
APPROVED BY: G. GOMEZ

ELEVATION VIEW NO SCALE

LOW VOLUME

REMOTE CONTROL VALVE

CITY OF SANTA CLARA

PVC LATERAL LINE -

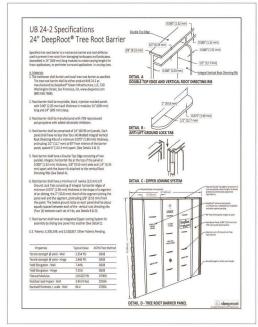
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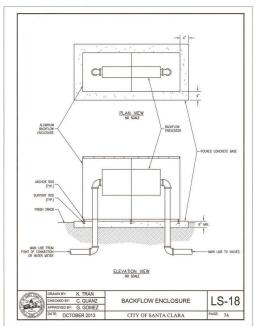
(*NOTE: ONE REMOTE CONTROL VALVE PIER BOX)

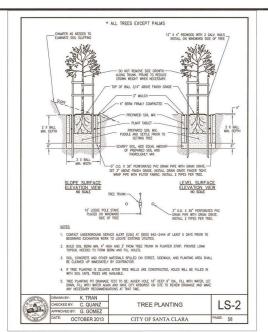
PVC MAIN LINE

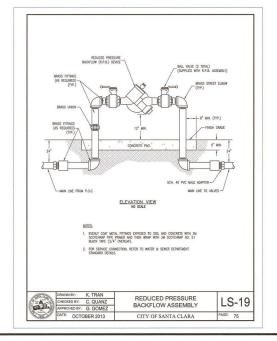
LS-16

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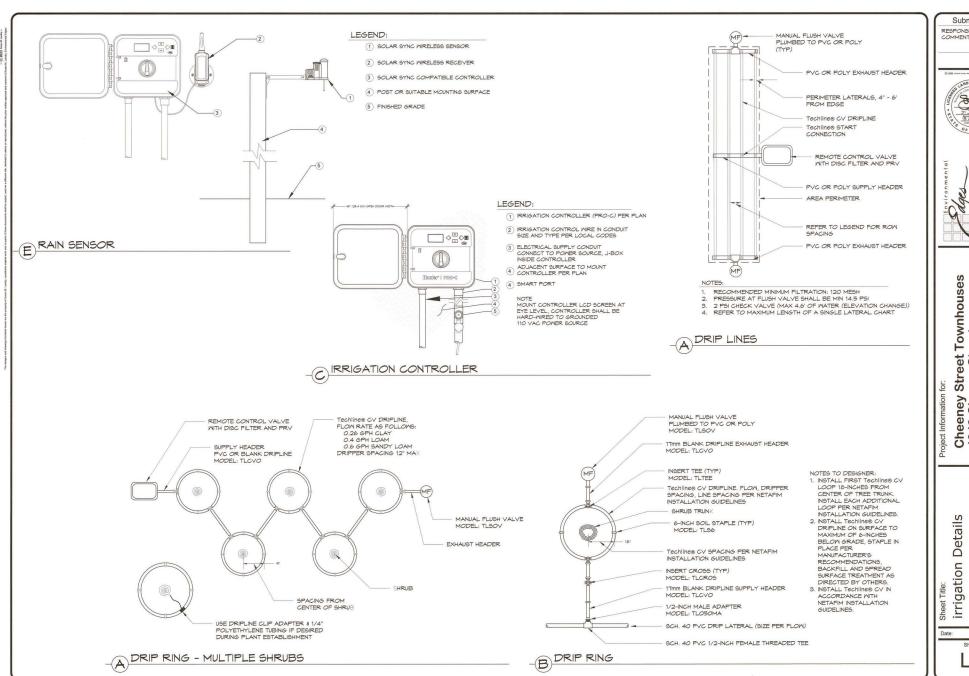




L4

Submittals:

RESPONSE TO CITY



Submittals:

RESPONSE TO CITY COMMENT LETTER

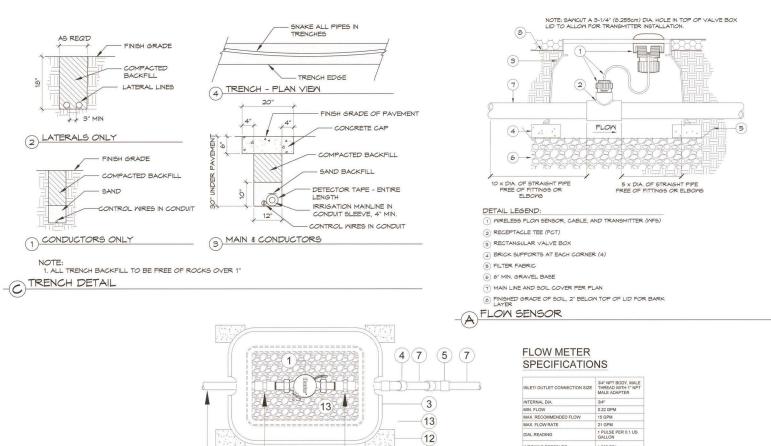


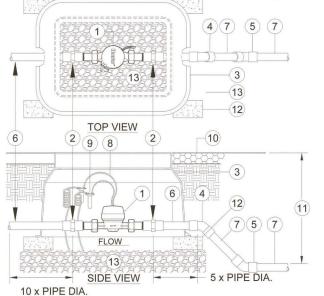
ney Street Townhouses Cheney Street o Clara, CA

Cheeney 4349 Chel Santa Cla

15 APR 24

.5





-B MASTER VALVE

NLET/ OUTLET CONNECTION SIZE	3/4" NPT BODY, MALE THREAD WITH 1" NPT MALE ADAPTER
NTERNAL DIA:	3/4"
IIN. FLOW	0.22 GPM
MAX. RECOMMENDED FLOW	15 GPM
IAX. FLOW RATE	21 GPM
NAL READING	1 PULSE PER 0.1 US GALLON
VORKING PRESSURE	1-230 PSI

NOTE: INLET PIPE ENTERING METER: LENGTH MUST BE A MIN OF 10 X PIPE DIA. OUTLET PIPE LEAVING METER: LENGTH MUST BE MIN OF 5 X PIPE DIA. INLET AND OUTLET PIPE MUST BE STRAIGHT PIPE WITH NO FITTINGS OR TURNS UNTIL AFTER THESE SPECIFIED LENGTHS. PIPE AND FITTINGS MAY BE SCHOOL OF VICE SOLVENT WELD, THEADED SOL OF 90 PVC OR REASS, AS REQUIRED FOR PROJECT.

1 HUNTER HC FLOW METER HC-075 WITH 7 MAIN LINE TO SYSTEM (SEE LEGEND UNION CONNECTIONS AND PLANS FOR TYPE AND SIZE)

4 SCH 80 PVC 45 DEGREE ELBOW (S X S)
DEPTH (SIZE FOR LARGER MAIN LINE
AS NEEDED)

4 SCH 80 PVC 45 DEGREE ELBOW (S X S)
DEPTH (SIZE FOR LARGER MAIN LINE
AS NEEDED)

5 WEATHERPROOF WIRE CONNECTOR
10 FINISH GRADE

5 SCH 80 PVC 45 DEGREE ELBOW (S X S) 11 SPECIFIED SOIL COVER (SEE LEGEND)
DETH

6 1" DIA. (25 mm) MAIN LINE AT INLET & OUTLET

SCH 80 PVC FEMALE ADAPTER (S.X.T)
 RECTANGULAR VALVE BOX PER SPECIFICATIONS:
 SPECIFICATIONS:
 SPEC PVC 45 DEGREE ELBOW (S.X.S)
 SCH 90 PVC 45 DEGREE ELBOW (S.X.S)

12 COMMON BRICK

13 GRAVEL BASE, 6" (15 cm) DEEP

irrigation Sheet Title

> 15 APR 24 Date: Sheet:

Details

L6

Cheeney Street Townhouses 4349 Cheney Street Santa Clara, CA

Project Information for

Submittals: RESPONSE TO CITY COMMENT LETTER

JUNCUS PATENS COMMON RUSH



SALVIA SPATHACEA HUMMINGBIRD SAGE



HEUCHERA MAXIMA ALUM ROOT



CEANOTHUS MARITIMUS MARITIME CEANOTHUS



CERCIS OCCIDENTALIS WESTERN REDBUD



MUHLENBERGIA RIGENS **DEERGRASS**



SALVIA APIANA WHITE SAGE



LEPECHINIA FRAGRANS FRAGRANT PITCHER SAGE





DIPLACUS AURANTIACUS **BUSH MONKEY FLOWER**



ACER G. VAR. GLABRUM MOUNTAIN MAPLE



SISYRINCHIUM BELLUM BLUE-EYED GRASS



VENEGASIA CARPESIOIDES CANYON SUNFLOWER

CAREX BARBARAE

VALLEY SEDGE

BOUTELOUA BLONDE AMBITION

BLONDE AMBITION GRAMA



LUPINUS ALBIFRONS

SILVER LUPINE



SALVIA 'GREEN CARPET' GREEN CARPET SAGE



ERIOPHYLLUM STAECHADIFOLIUM SEASIDE WOOLLY SUNFLOWER



KECKIELLA CORYMBOSA KECKIELLA



PRUNUS ILICIFOLIA HOLLY LEAF CHERRY

Submittals:

RESPONSE TO CITY COMMENT LETTER



Cheeney Street Townhouses 4349 Cheney Street Santa Clara, CA

Sheet Title: Plant Material

Date: 15 APR 24

Sheet



City of Santa Clara

1500 Warburton Avenue Santa Clara, CA 95050 santaclaraca.gov @SantaClaraCity

Agenda Report

25-428 Agenda Date: 6/11/2025

REPORT TO PLANNING COMMISSION

SUBJECT

PUBLIC HEARING: Action on a property located at 2303 Gianera Street (PLN23-00577/PLN23-00262) for a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Rezone, and Vesting Tentative Subdivision Map (PLN23-00577/PLN23-00262) to Allow the Development of Eight Semi-Attached Single-Family Residences and Associated On- and Off-Site Improvements.

File No(s): PLN23-00577/PLN23-00262

Location: 2303 Gianera Street, a 16,893 square-foot lot located on the north side of Gianera Street, on

the intersection of Cheeney Street and Gianera Street; APN: 104-06-037;

General Plan: Low Density Residential (8-19 DU/AC)

Zoned: Low Density Residential (R2)

Applicant: VCI Companies **Owner:** Gianera Estate LLC

Request: Action on a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program,

Rezone, Vesting Tentative Subdivision Map, and development

Surrounding Land Uses:

North: ROW - Right of Way

<u>South:</u> Planned Development - Low Density Residential <u>East:</u> Planned Development - Low Density Residential <u>West:</u> Planned Development - Low Density Residential

Issues: Consistency with the City's General Plan and conformance with the Subdivision Map Act.

<u>Staff Recommendation:</u> The Planning Commission adopt resolutions recommending the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program; and approve the Rezone and Vesting Tentative Subdivision Map for the property located at 2303 Gianera Street.

BACKGROUND

On November 29, 2023, VCI Companies submitted a proposal for the subject property. The request includes the rezoning from R2 - Low Density Residential to PD - Planned Development, the demolition of an existing single-family residence, the construction of eight semi-attached two-story homes, and a tentative subdivision map to create eight individual lots and one common lot. The proposed project was split into two separate permits, (File No. PLN23-00577) for the rezoning and development of the parcel, and (File No. PLN24-00262) for the tentative subdivision map. The project was deemed complete by the Project Clearance Committee (PCC) on January 9, 2024, before the updated Zoning Code came into effect.

Zoning Code Section 18.02.070 - Effect of Zoning Code Amendments on Projects in Progress, states that all planning permit applications that are active and that have been determined to be complete by the PCC before the effective date of the Zoning Code, shall be processed in compliance with the requirements in effect when the application was deemed complete. This application was deemed complete on January 9, 2024; therefore, the project was reviewed based on the Classic Code. The Classic Code, per chapter 18.54, allowed for PD districts without project lot size restrictions, with the intention to accommodate development that is compatible

with the existing community and that utilizes imaginative planning and design concepts that would be restricted in other zoning districts. Moreover, Chapter 18.54 allowed for the subdivision of land in a manner that resulted in units having a reduced public street frontage than would ordinarily be required.

The project requires approvals for Rezoning (Classic Code Chapter 18.76), Architectural Review (Classic Code Chapter 18.112) of the eight single family units, and approval for the Tentative Subdivision Map (Chapter 17.05.)

Planning Commission's review and a recommendation to the City Council are required under Classic Code Chapter 18.112 for amendment applications, including rezonings. Rezonings are ultimately approved by the City Council. Architectural Review will occur subsequent of the determinations on the Rezone and Subdivision Map requests.

DISCUSSION

The property has a General Plan Designation of Low Density Residential, which has a density requirement between eight - 19 dwelling units per acre. The subject property is zoned R2, and was zoned R1-6L at the time the application was submitted. Under either zoning, the parcel could only be developed with one single-family unit on the property and possibly an SB 9 second unit and/or an ADU. The applicant submitted for a PD process due to the limitations of the former zoning AND the current R2 zoning, in order to allow eight single-family units. Note that because the project was deemed complete prior to the adoption of the current zoning code, PD zoning is appropriate, whereas, if this were proposed today, the lot is too small to meet the size thresholds for a new PD of at least 25 acres in size.

Much of the surrounding area is established with a similar development pattern, with properties that were formerly R1 or R2 zoned, Low Density Residential properties that were rezoned to PD, subdivided, and developed with semi-attached single-family residences with common driveways. Within the 1,000-foot project radius (See Attachment 8 - Vicinity Map) there are about 397 residential properties, of which, about 89% are zoned PD and are built in a similar manner.

Per Chapter 18.54 of the Classic Code, Planned Developments intend to accommodate development that is compatible with the existing community and that utilizes planning concepts that would be restricted in other zones. Design standards for Planned Developments, listed in Classic Code Section 18.54.050, state that proposed plans must be designed to form a harmonious, integrated project of sufficient unity and architectural quality of the surrounding neighborhood.

The project meets the requirements listed in Chapter 18.54 of the Classic Code, it includes a development plan, a fully dimensioned plot plan for each site, on-site parking and loading plan, elevations and drawings.

Neighborhood Context

Much of the surrounding area is currently zoned as PD and includes similar style attached single-family homes. The subject property is the largest R2 zoned lot in the neighborhood and currently has a single-family residence. The proposed project would mirror many of the surrounding developments and would meet the Classic Code Chapter 18.54, which intends a PD districts to accommodate development that is compatible with the existing community and utilizes flexible planning and design concepts that would otherwise be restricted and allows for subdivisions with reduced public street frontages than would ordinarily be required.

Consistency with the General Plan

The existing General Plan designation for the project site is Low Density Residential. This designation is intended for residential densities between eight to 19 dwelling units per acre (du/ac) and envisioned for single-family residential development.

The proposed project provides 19 du/ac and is consistent with the following General Plan Policies:

General Land Use Policies

The following General Plan policies apply to the project and are listed first in bullet points with findings as to how the project conforms with the General Plan stated after:

- 5.3.1-P8: Work with property owners to improve or redevelop underutilized and vacant properties.
- 5.3.1-P9: Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.

The applicant conducted public outreach through a community meeting March 24th, to involve neighboring property owners in the design of the project. Notices were mailed to property owners within 1,000 feet of the project boundaries and interested parties.

• 5.3.1-P10: Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.

The project would redevelop an underutilized parcel for the construction of eight for-sale single-family residences, that include on and off-site improvements.

• 5.3.1-P12: Encourage convenient pedestrian connections within new and existing developments.

The proposed development plan includes landscaping of the site and the project street frontage with a variety of elements, plants, tree species, street trees and sidewalks to facilitate design and pedestrian access and link neighboring land uses.

• P.3.1-P29: Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies.

The proposed project is the construction of eight semi-attached single-family homes with rear yards, porch eaves supported by columns, horizontal lap siding, and windows along street along the front of the property and property sides that reflect and would blend in with neighboring attached single-family homes and one- and two-story multi-family development.

Transition Policies

- 5.5.2-P1: Require that new development incorporate building articulation and architectural features, including front doors, windows, stoops, porches or bay windows along street frontages, to integrate new development into the existing neighborhoods.
- 5.5.2-P3: Implement site design solutions, such as landscaping and increased building setbacks, to provide buffers between nonresidential and residential uses.
- 5.5.2-P5: Require that new development provide an appropriate transition to surrounding neighborhoods.

The project incorporates offsets along the building planes and a mixture of exterior materials and architectural features to create visual breaks and interest in the design for compatibility with the surrounding neighborhood. Residences along Gianera Street are designed to integrate into the surrounding neighborhood with the front doors, windows and outdoor patios oriented towards the public right of way. Pedestrian paths connect the residences facing Gianera Street to the public sidewalk fronting the site and neighboring properties.

Zoning Conformance

As stated earlier in this report, the project was reviewed based on the zoning designation and standards conformance with the City's prior zoning code (the "Classic Code").

Under conditions existing at time of submission, the General Plan of Low-Density Residential allowed for residential densities between eight to 19 units per acre in the form of single-family units, townhomes, rowhouses, or a combination of those. The zoning of R1-6L allowed for single-family housing only, therefore, the proposed residential development would not meet the R1-6L standards; thereby requiring a rezone of the property to PD, utilizing flexible development standards, and allowing the construction of housing at a residential density consistent with the existing General Plan designation for the property.

Per Chapter 18.54 of the City Code, PD districts are intended to allow for creative design solutions and land uses not otherwise allowed in standard zoning districts while maintaining compatibility with the existing community and allowing for greater community ownership. The proposed PD zoning establishes development standards in the density and site design compatible with existing and approved land uses surrounding the project site.

Site Design and Architecture

The proposal is a small lot residential development with individual lots ranging in size from 1,515 square feet to 1,875 square feet, consisting of eight two-story single-family residences with an attached garage and functional attic space.

The proposed building architecture would be reflective of a modern interpretation of cottage farmhouse design. The design incorporates a mixture of materials that includes asphalt shingle roofing, horizontal Hardie board siding and stone veneer applied to the exterior elevations for texture and visual interest.

Circulation and Parking

The existing curb-cuts and the sidewalk along the project frontage would be removed and replaced with a central single curb-cut along Gianera Street for ingress and egress. The single driveway would serve the residences aligned along the drive aisle and provide a hammerhead near its terminus for use for guest parking.

Because the project site is located within a half mile of a major transit stop, the City cannot require the provision of any parking spaces under Government Code 65863.2 (Assembly Bill 2097 of 2022). Nevertheless, all units will include two-car garages, and the applicant has proposed two guest parking spaces as well. There are currently no parking restrictions along Gianera Street fronting the project site.

Landscaping and Open Space

The project includes a landscape plan for the site that incorporates a mixture of plant species and trees for planting within common areas and yards of the residences. Thirteen unprotected trees will be removed, and ten trees are proposed to be replanted, as well as 65 shrubs and other vegetation throughout the site.

As a condition of project approval, a Homeowners Association will be established and Covenants, Conditions and Restrictions recorded to manage and maintain on- and off-site improvements (including buildings utilities, landscaping and fencing,) in good condition for the life of the project.

Subdivision

In accordance with Chapter 17.05 of the City Code, the project requires a tentative subdivision map. The application includes eight for-sale lots and one common parcel. The Subdivision Committee reviewed and deemed the application complete, satisfying code requirements and including conditions of approval contained in Attachment 7.

Subdivision Map applications are reviewed for General Plan and Zoning Code consistency, and conformance with the Subdivision Map Act. Under the Subdivision Map Act (California Government Code § 66474(a)), a developer has the right to indicate that a map application will be proceeding as a "vesting" map, which gives the developer a right, upon map approval, to develop in substantial compliance with the ordinances, policies, and standards in effect on the date in which the developer's application is complete. The proposed Vesting Tentative Map was reviewed by the City's Subdivision Clearance Committee and determined to be deemed complete and cleared on January 09, 2024 and is subject to the Classic Code.

Approval of the requested Vesting Tentative Subdivision Map will facilitate the development of a project consistent with the City's Zoning Code and General Plan, thereby advancing the establishment of a new, transit-oriented residential development in proximity to jobs and in partial fulfilment of the City's goals to produce new housing. Conditions of Approval have been prepared and are provided as Attachment 7. One unit will be deemed affordable, and the project meets the City's Affordable Housing Guidelines. Architectural Review

The applicant has revised their submission several times and worked with the Planning Division to get to a design plan that the Planning Division supports. Full review of the architecture will take place during the Development Review Hearing, to be held after determinations are made for the Rezoning and the Vesting Tentative Subdivision Map.

Conclusion

The project is compatible with the General Plan, the zoning designation and the adjacent land uses.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA) and circulated for public review between November 8, 2024, and December 2, 2024 (20 days), see Attachment 1.

A detailed discussion of the potential impacts and mitigation measures applied to the project are specified in the MND and would be implemented through project conditions of approval and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. In summary the MMRP requires that the project mitigate possible air quality impacts, biological impacts, cultural resource impacts, geological impacts, and noise impacts by following certain Conditions of Approval. These Conditions of Approval require the reduction of construction emissions through the use of Tier 3 and 4 equipment, scheduling work to avoid bird nesting season and conducting bird surveys, making qualified archaeologists available during construction, meeting all current engineering and seismic safety design standards, and preparing a construction noise control plan.

One of the comments received during the circulation period was from Tamien Nation, which requested certain modifications to Mitigation Measure MM CUL-1.2, concerning tribal notification, sensitivity training for workers, and treatment of resources discovered during construction. In response, text has been added to MM CUL-1.2 to clarify that a representative from a Native American tribe traditionally and culturally affiliated with the project area be retained (in addition to a qualified archaeologist) in the event a prehistoric or historic resource is encountered during project construction, to examine the find. The text of mitigation measure MM CUL-1.2 has also been refined to clarify that, if a treatment plan is prepared, it would be made available to interested Native American tribe(s) for review. Mitigation measure MM CUL-1.1 already requires a qualified archaeologist to provide sensitivity training to construction crew prior to the initial ground-breaking activities.

Whenever a lead agency makes a modification to a mitigation measure in a proposed Mitigated Negative Declaration, Section 15074.1(b) of the CEQA Guidelines requires that the agency conduct a public hearing on the proposed modification, which can be combined with the project public hearing. As part of the resolution recommending approval of the MND, the Planning Commission will be asked to make a finding that the modified mitigation measure is equivalent or more effective in mitigating or avoiding potential significant impacts, and that the modification of the mitigation measure itself will not cause any potentially significant effect on the environment. Here, the modifications are additive, and all of the prior requirements of MM CUL-1.2 will continue to apply to the Project, and so there is no potential for the mitigation measure to lose any effectiveness. The modifications will impose additional obligations on the developer to ensure that adequate tribal notification occurs in the event of discovery of a tribal cultural resource, and will provide additional opportunities for tribal involvement in the event of such a find.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

On May 14, 2025, a notice of public hearing was mailed to property owners within 1,000 feet of the project site. On May 21, 2025, a notice was published in the SC Weekly. At the time of this staff report, Planning staff has not received public comments in support or opposition to the proposed project.

Public contact was also made by posting the Commission agenda on the City's official notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

Community Meetings

Consistent with the City's adopted Public Outreach Policy for Planning applications, a hybrid public outreach meeting was conducted by the Property Owner/Applicant on March 24, 2025, to engage the neighborhood community in the planning process. Notices of the meetings were mailed by the Property Owner/Applicant to about 500 properties within 1,000 feet of the project site boundaries and posted on the City's website. Approximately 10 members of the public attended. This meeting provided the community an opportunity to review and comment on the proposal. The public provided input on the following areas and the applicant's revision to the proposal is as follows:

- 1. Traffic and Parking: The applicant understands the issues brought forth by the public with regards to limited on-street parking in the area due to the proximity of Levi's Stadium. The applicant has met their off-street parking requirements and are including two guest parking spaces on site as well.
- 2. Dwellings: The applicant understands the issues brought forth by the public with regards to the dwelling size and number. The dwelling size is equivalent to the dwellings immediately to the west, the 18-Unit Townhome development approved in 1990, as well as the 14-unit Townhome Development four parcels to the east approved in 1989.
- 3. Landscaping: The applicant understands the issues brought forth by the public with regards to landscaping. The applicant has not meant the City Code's required replanting regulations, however, the applicant opted to pay an in-lieu fee for all trees that are required but not able to fit on the parcel in its current iteration.

ALTERNATIVES

1. Recommend the City Council deny the Rezoning from R2 - Low Density Residential to PD - Planned Development, subject to findings.

2. Recommend the City Council deny the Tentative Subdivision Map, subject to findings.

RECOMMENDATION

- 1. Adopt a resolution recommending the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 2303 Gianera Street Project.
- 2. Adopt a resolution recommending the City Council approve a Rezoning from R2 Low Density Residential to PD Planned Development, subject to findings and conditions of approval.
- 3. Adopt a resolution recommending the City Council approve a Tentative Subdivision Map, subject to findings and conditions of approval.

Prepared by: Daniel Sobczak, Associate Planner

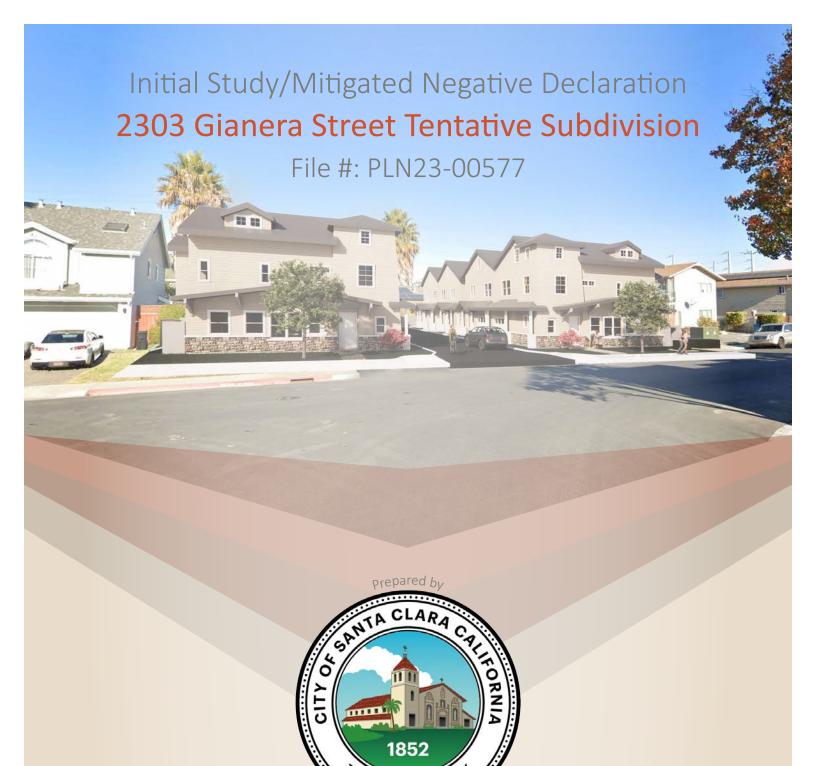
Reviewed by: Afshan Hamid, Director of Community Development

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

ATTACHMENTS

- 1. Mitigated Negative Declaration
- Mitigation Monitoring and Reporting Program
- 3. Resolution Recommending Approval the City Council to Adopt the MND and MMRP
- 4. Resolution Recommending Approval the City Council to Approve a Rezoning
- 5. Resolution Recommending Approval the City Council to Approve a Tentative Subdivision Map
- 6. Conditions of Approval Rezone / Development
- 7. Conditions of Approval Tentative Subdivision Map
- 8. Vicinity Map
- 9. Project Data Sheet
- 10. Tentative Subdivision Map
- 11. Development Plans





October 2024

2303 Gianera Street Tentative Subdivision Project Draft MITIGATED NEGATIVE DECLARATION (MND)

Pursuant to the California Environmental Quality Act (CEQA) Division 13, Public Resources Code

City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050 (408) 615-2467

The City of Santa Clara (City), serving as Lead Agency under CEQA, is completing the required environmental review for the 2303 Gianera Street Tentative Subdivision project pursuant to CEQA Guidelines (California Code of Regulations Section 15000 et. seq.) and the regulations and policies of the City of Santa Clara, California. The attached Initial Study provides the necessary information to inform the City decision-makers, other responsible agencies, and the public of the nature of the project and its potential effect on the environment. The Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementing the proposed project.

Project Information and Description

<u>Project Name</u>: 2303 Gianera Street Tentative Subdivision Project

File Number: PLN23-00577

<u>Project Location and Description</u>: The 0.39-acre project site is located at 2303 Gianera Street in the City of Santa Clara, at the northeast corner of the Gianera Street and Cheeney Street intersection. The project site is bounded by property owned by San Francisco Public Utilities Commission (SFPUC) to the north, Gianera Street to the south, and existing residences to the east and west.

The project would demolish the existing single-family house, one accessory structure, a shed, and associated improvements to subdivide the project site to construct a total of eight, three-story, townhouse units. One of the eight proposed units would be deemed affordable at a Moderate Rate Income. Each unit would contain a two-car garage and rear yard. Each rear yard would have six-foot privacy fences. The townhouses would have a maximum height of 30 feet. The eight townhouse units would be grouped in four buildings (two units in each building) and be oriented perpendicular to Gianera Street. A new private driveway bisecting the site would provide access to the buildings. The project site has a General Plan designation of Low Density Residential and is zoned as Low Density Residential. The project proposes to rezone the site to Planned Development (PD). A General Plan Amendment is not required for the project. Additional project description details can be found in Section 3.0 of the Initial Study.

Assessor's Parcel Number: 104-06-037

Determination

A Mitigated Negative Declaration (MND) is proposed by the City of Santa Clara for the project. The Initial Study and supporting documents have been prepared to determine if the project would result in potentially significant or significant impacts on the environment. The Initial Study concludes, based on substantial evidence in the record, that with the implementation of mitigation measures, all project impacts would be less than significant. The mitigation measures are identified in Table 1 below. Based on the Initial Study and the whole record, it has been determined that the proposed action, with the incorporation of the mitigation measures described below, would not have a significant effect on the environment. The Draft MND, Draft Initial Study, and supporting technical reports that constitute the record of proceedings upon which this determination is made are available for public review on the City's website at www.santaclaraca.gov/CEQA and at the Central Park Library at 2635 Homestead Road. Before the MND is adopted, the City will prepare written responses to any public comments, and revise the Draft MND, if necessary, based on any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Signature		
Daniel Sobczak, Associate Planner City of Santa Clara	Date	

TABLE 1 – SUMMARY OF PROJECT IMPACTS AND MITIGATION

Impacts	Mitigation Measures	Level of Impact
Air Quality		<u> </u>
Impact AIR-3:	MM AQ-3.1: The project shall implement a feasible plan to	Less than
Construction of the	reduce DPM emissions by 55 percent such that increased	Significant
proposed project	cancer risk and annual PM2.5 concentrations from	Impact with
would exceed	construction would be reduced below TAC significance levels.	Mitigation
BAAQMD single-source	The 55-percent reduction can be achieved in one of the	Incorporated
thresholds for	following ways:	
incremental cancer risk	5 · 5 · 6 · 17 ·	
incremental cancer risk and PM2.5 concentration.	 All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 interim emission standards for PM (PM₁₀ and PM_{2.5}). All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 55 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). A combination of some of the following measures to achieve a reduction in construction diesel particulate matter emissions by 55 percent or greater: Implementation of No. 1 above to use Tier 4 interim engines or alternatively fueled equipment, Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors, Use of electrically-powered equipment, Forklifts and aerial lifts used 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. 	

Impacts	Mitigation Measures	Level of Impact
Biological Resources		<u>'</u>
Impact BIO-1:	MM BIO-1.1: The project applicant shall schedule demolition	Less than
Construction activities	and construction activities to avoid the nesting season, if	Significant
associated with the	feasible. The nesting season for most birds, including most	Impact with
proposed project could	raptors in the San Francisco Bay area, extends from February	Mitigation
result in the loss of	1st through August 31st (inclusive).	Incorporated
fertile eggs, nesting		
raptors or other	If demolition and construction cannot be scheduled between	
migratory birds, or nest	September 1st and January 31st (inclusive), pre-construction	
abandonment, which	surveys for nesting birds shall be completed by a qualified	
would constitute a	ornithologist to ensure that no nests shall be disturbed during	
significant impact	project implementation. This survey shall be completed no	
under the Migratory	more than 14 days prior to the initiation of construction	
Bird Treaty Act (MBTA)	activities during the early part of the breeding season	
and California Fish and	(February 1st through April 30th inclusive) and no more than	
Game Code Sections	30 days prior to the initiation of these activities during the late	
3503, 3503.5, and	part of the breeding season (May 1st through August 31st	
3800.	inclusive).	
	During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Community Development Director or Director's designee.	

Impacts	Mitigation Measures	Level of Impact
Cultural Resources		
Impact CUL-1: Construction of the proposed project could result in impacts to as yet unidentified buried archaeological resources.	MM CUL-1.1: A qualified archaeologist shall provide sensitivity training to construction crew prior to the initial ground-breaking activities. MM CUL-1.2: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Community Development Director shall be notified, and a qualified archeologist shall be retained by the project applicant. The archaeologist shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community	Less than Significant Impact with Mitigation Incorporated
Impact CUL-2: Construction activities on-site could result in the exposure or destruction of as yet undiscovered human remains.	Development Director. MM CUL-2.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped by the project applicant/contractor. The Santa Clara County Coroner shall be notified by the project applicant, and the Coroner shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	Less than Significant Impact with Mitigation Incorporated

Mitigation Measures	Level of Impact
MM GEO-1.1: Consistent with General Plan Policy 5.10.5-P6,	Less than
the project shall be built using standard engineering and	Significant
seismic safety design techniques. Building design and	Impact with
construction at the site shall be completed in conformance	Mitigation
with the recommendations of the February 2023 geotechnical	Incorporated
investigation prepared by Silicon Valley Soil Engineering for the	
project. The report shall be reviewed and approved by the City	
Noise Impact NOI-1.1:	
construction noise control plan to be submitted to the City for	Significant
review and approval prior to issuance of a demolition and/or	Impact with
grading permit, including, but not limited to, the following	Mitigation
available controls:	Incorporated
 Ensure that excavating, grading and filling activities, 	
and other construction activities (including the loading	
-	
, , , , , , , , , , , , , , , , , , , ,	
·	
· ·	
Sundays or holidays.	
 Construct a solid plywood fence along the eastern and 	
western property lines, where feasible, to shield the	
l	
receptors.	
	MM GEO-1.1: Consistent with General Plan Policy 5.10.5-P6, the project shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of the February 2023 geotechnical investigation prepared by Silicon Valley Soil Engineering for the project. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process to confirm the findings of the report and consistency of the project plans with the recommendations. The building shall meet the requirements of applicable Building and Fire Codes, including the latest California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including shrink swell capacity of soils, and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code. MM NOI-1.1: A qualified acoustical consultant shall prepare a construction noise control plan to be submitted to the City for review and approval prior to issuance of a demolition and/or grading permit, including, but not limited to, the following available controls: • Ensure that excavating, grading and filling activities, and other construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property, are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. • Construct a solid plywood fence along the eastern and western property lines, where feasible, to shield the adjoining residential receptors from construction work. A temporary eight-foot-tall noise barrier would be tall enough to block direct line-of-sight with ground-level

Impacts	Mitigation Measures	Level of Impact
	 Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Unnecessary idling of internal combustion engines shall be strictly prohibited. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors. Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. The contractor shall prepare a detailed construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule. 	
Impact NOI-1.2: The	MM NOI-1.2: The applicant shall have a qualified acoustical	Less than
operation of mechanical equipment	consultant prepare a detailed acoustical study during final design to evaluate the potential noise generated by mechanical equipment and demonstrate the necessary noise	Significant Impact with

Impacts	Mitigation Measures	Level of Impact
exceed the City's	control to meet the City's 50 dBA nighttime noise threshold at	Mitigation
nighttime threshold at	the receiving property lines. Noise control features, such as	Incorporated
residential receptors to	selection of quiet units, sound attenuators, enclosures, and	
the east and west of	barriers shall be identified and evaluated to demonstrate that	
the project.	mechanical equipment noise shall not exceed 50 dBA at the	
	receiving property lines. The noise control features identified	
	by the study shall be incorporated into the project prior to	
	issuance of a building permit.	
Impact NOI-2:	MM NOI-2.1: The project applicant or the applicant's	Less than
Construction vibration	contractor shall implement the following measures during	Significant
levels would exceed	construction to reduce construction vibration generated by	Impact with
the 0.03 in/sec PPV	the project:	Mitigation
threshold at the		Incorporated
residences east and	 Avoid using vibratory rollers and clam shovel drops 	
west of the site.	within 25 feet of the adjacent buildings to the east and west.	
	 Select demolition methods that do not involve large 	
	impact tools such as hoe-rams within 25 feet of the	
	adjoining residences to the east and west. Portable	
	jackhammers, saws, or grinders shall be used to	
	minimize impacts to the ground.	
	Avoid dropping heavy equipment and use alternative methods for breaking up existing payament, such as a	
	methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects,	
	within 25 feet of the adjacent buildings to the east and	
	west.	
	Smaller equipment (less than 18,000 pounds) shall be	
	used near the property lines adjacent to buildings to	
	minimize vibration levels. For example, a smaller	
	vibratory roller similar to a Caterpillar model CP433E	
	vibratory compactor could be used when compacting	
	materials within 25 feet of the adjacent buildings.	
	Hoe rams, large bulldozers, drill rigs, loaded trucks, and	
	other similar equipment shall not be used within 25	
	feet of adjacent buildings to the east and west.	

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Appendix A: Air Quality and Greenhouse Gas Assessment

Appendix B: Arborist Report

Appendix C: Historic Resource Evaluation

Appendix D: Geotechnical Engineering Investigation

Appendix E: Climate Action Plan Compliance Checklist

Appendix F: Phase I Environmental Site Assessment

Appendix G: Phase II Limited Agricultural Investigation

Appendix H: Noise and Vibration Assessment

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

Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study

The City of Santa Clara, as the Lead Agency, has prepared this Initial Study for the 2303 Gianera Street Tentative Subdivision in compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines (California Code of Regulations §15000 et. seq.), and regulations and policies of the City of Santa Clara, California.

The project proposes to demolish the existing structures on site and build eight townhouse units. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 Public Review Period

The publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Daniel Sobczak
1500 Warburton Avenue
Santa Clara, CA 95050
dsobczak@Santaclaraca.gov
City of Santa Clara

1.3 Consideration of the Initial Study and Project

Following the conclusion of the public review period, the City of Santa Clara will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 Notice of Determination

If the project is approved, the City of Santa Clara will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

Section 2.0 Project Information

2.1 Project Title

2303 Gianera Street Tentative Subdivision (File #: PLN23-00577)

2.2 Lead Agency Contact

Daniel Sobczak, Associate Planner Community Development Department 1500 Warburton Avenue Santa Clara, CA 95050 (408) 615-2467 dsobczak@Santaclaraca.gov

2.3 Project Applicant

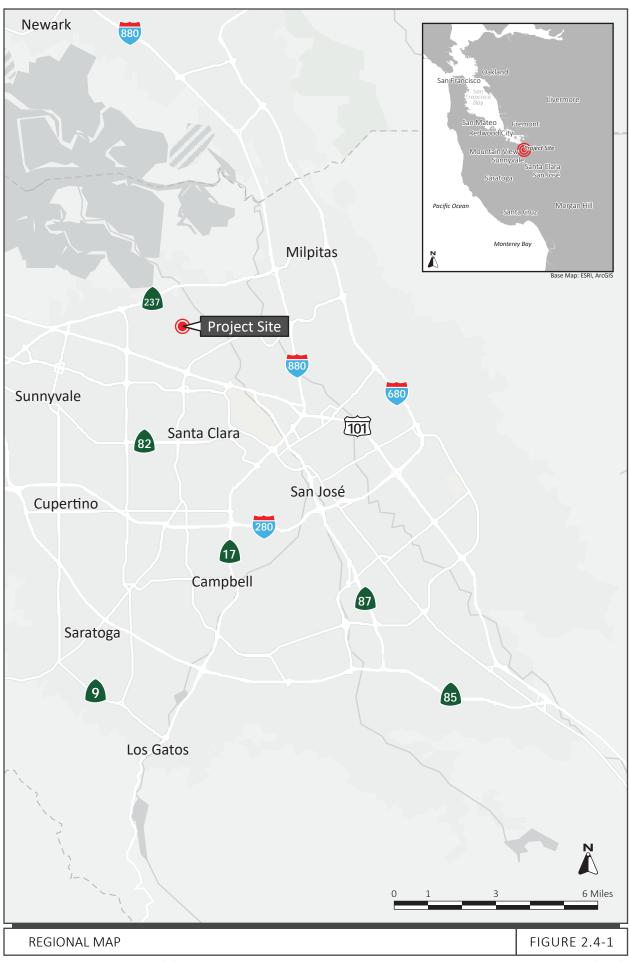
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San José, CA 95112
(650) 675-3193
carl@vcicompanies.com

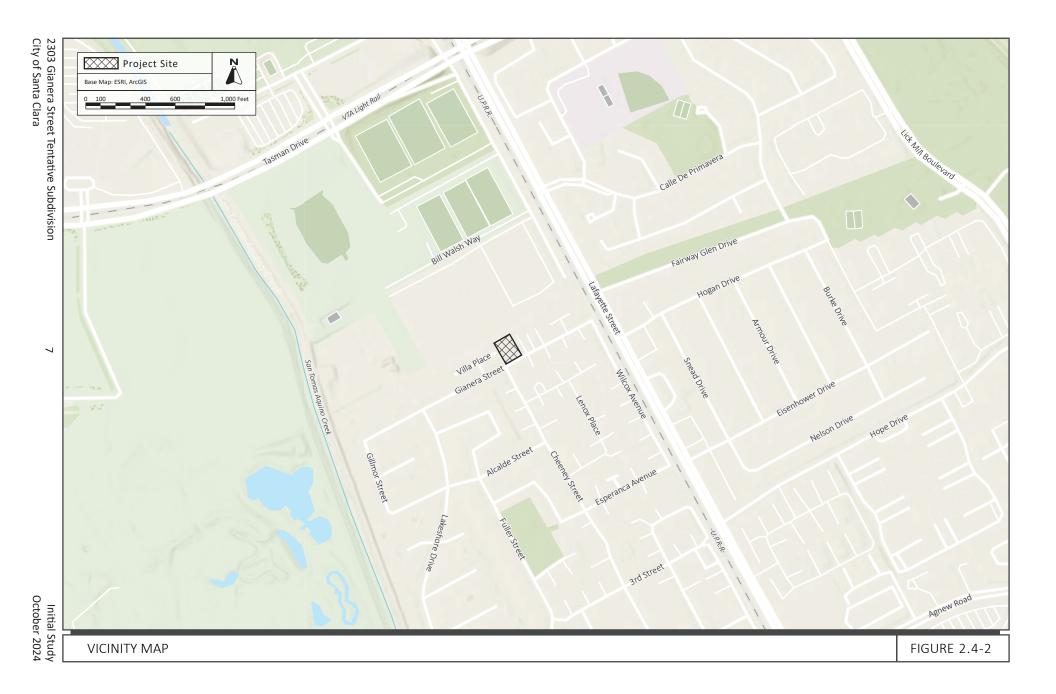
2.4 Project Location

The 0.39-acre project site (Assessor's Parcel Number [APN] 104-06-037) is located at 2303 Gianera Street in the City of Santa Clara, at the northeast corner of the Gianera Street and Cheeney Street intersection. The project site is currently developed with a single-family house, one accessory structure (detached garage converted into two dwelling units), and a shed. The total square footage of the existing development on-site is approximately 4,400 square feet. The project site is bounded by property owned by San Francisco Public Utilities Commission (SFPUC) to the north, Gianera Street to the south, and existing residences to the east and west.

Levi's Stadium is approximately 745 feet northwest of the site. San Tomas Aquino Creek is approximately 0.24 miles (or 1,580 feet) west of the project site. The Northern Receiving Station is located about 80 feet north of the project site. The Gianera Generating Station, an electrical substation operated by the City of Santa Clara, is located approximately 700 feet northwest of the site.

Maps of the site's regional location and vicinity, as well as an aerial photograph of the project site and surrounding land uses, are shown in Figure 2.4-1, Figure 2.4-2, and Figure 2.4-3 respectively.





2.5 Assessor's Parcel Number

104-06-037

2.6 General Plan Designation and Zoning District

The City of Santa Clara 2010-2035 General Plan (General Plan) designation of the project site is Low Density Residential, and the zoning is Low Density Residential (R2).

Low Density Residential encompasses residential densities of eight to 19 units per gross acre and building types may be attached or detached dwelling units, including low-rise apartments, rowhouses, and townhomes.¹

The R2 zoning designation fosters the residential character of the district and provides for the construction of single-family, second dwelling units, accessory dwelling units, and two-family dwellings. The site would be rezoned to Planned Development (PD) to accommodate the project, as further discussed in Section 2.0 Project Description.

2.7 Project-Related Approvals, Agreements, and Permits

- Rezoning
- Subdivision Map
- Architectural Review
- Demolition Permit
- Grading Permit(s)
- Building Permit(s)
- Encroachment Permit

¹ City of Santa Clara. City of Santa Clara 2010-2035 General Plan. November 2010.

Section 3.0 Project Description

3.1 Proposed Residential Development

The project would demolish the existing single-family house, one accessory structure, a shed, and associated improvements to subdivide the project site to construct a total of eight, three-story, townhouse units. One of the eight proposed units would be deemed affordable at a Moderate Rate Income.

Each unit would contain a two-car garage and rear yard. Each rear yard would have six-foot privacy fences. The townhouses would have a maximum height of 30 feet. The eight townhouse units would be grouped in four buildings (two units in each building) and be oriented perpendicular to Gianera Street. A new private driveway bisecting the site would provide access to the buildings.

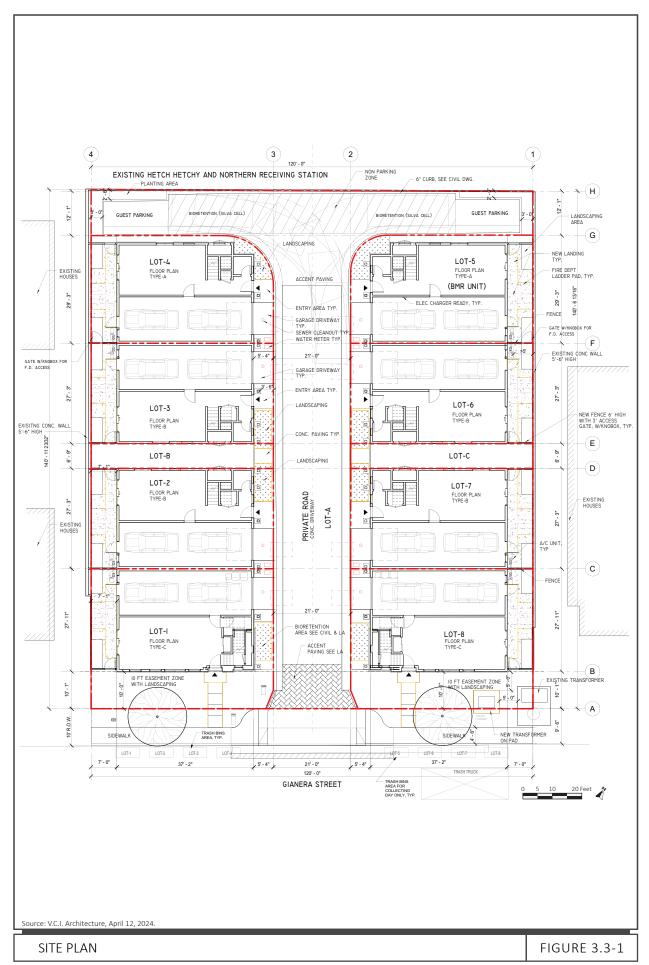
The project site has a General Plan designation of Low Density Residential and is zoned as R2. The project proposes to rezone the site to Planned Development (PD). A General Plan Amendment is not required for the project. A site plan of the project is shown on Figure 3.3-1. The building elevations are shown on Figure 3.3-2 and Figure 3.3-3.

3.2 Parking and Vehicular Access

Access to the project site is currently provided via one full access driveway on Gianera Street, adjacent to the eastern project boundary. Under the proposed project, this existing driveway would be removed, and a new full access driveway and private road would be constructed at the center of the site, providing access to Gianera Street. A total of 18 parking spaces would be provided on-site in the form of two car garages attached to each townhouse and two uncovered guest parking spaces at the rear (i.e., north side) of the site.

3.3 Landscaping

As proposed, the project would remove all 14 existing trees from the site and plant 10 new trees in the corners of the site and an additional 18 offsite. Additional shrubs and plants would be planted along the Gianera Street site frontage, along the perimeter of the townhouses near each unit's entrance, and at the northwest and northeastern corners of the site.





3.4 Utilities and Right-of-Way Improvements

The project would remove the existing sewer lateral line along with the residence's existing gas and electric meters. The existing water lateral located south of the residence, near the entrance would be abandoned, and the existing fire hydrant located in the southwest corner of the site would be preserved in place with implementation of the project. An additional fire hydrant may be installed along the private road on-site, if determined required by the City at the building permit stage. No development is proposed in the existing electric underground easement on the southwest corner of the site.

The project would install new, six-inch, private water and sewer lines within the private road, which would connect to the existing 12-inch water and sewer lines in Gianera Street. In addition, the project would install a 12-inch storm drain line, which would connect to the existing 10-inch storm drain line in Gianera Street. The existing high voltage power utility box adjacent to the eastern property line on Gianera Street would remain under the project and a new transformer would be installed approximately five feet from the high voltage utility box on the project site.

The project would utilize subsurface infiltration systems and flow-through concrete lined planters with underdrains as stormwater control measures. The project would result in approximately 14,353 square feet of impervious area and 2,541 square feet of pervious area.

A portion of the existing sidewalk that is substandard on Gianera Street would be reconstructed to meet City standards.

3.5 Green Building Measures

The project would be built in accordance with the California Green Building Standards Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption, and the California Building Code (CBC). The following additional measures are proposed by the project:

- Rooftop solar panels
- Install one, level 2 Electrical Vehicle (EV) ready space and one, level 1 EV ready space for each parking garage
- Install a level 2 EV ready space for each guest parking space

The project also voluntarily proposes to be all electric. Use of natural gas is not proposed.

3.6 Construction

The project proposes to comply with City Code Section 9.10.230 and construct the project Monday to Friday, 8 AM to 6 PM for a period of approximately 11 months. The project would use soil on-site to balance the site. The maximum depth of excavation would be 10 feet. No soil off-haul is required.

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- Environmental Setting This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- Impact Discussion This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Mitigation measures are numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 Aesthetics

4.1.1 Environmental Setting

4.1.1.1 Regulatory Framework

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential or mixed-use residential project, or employment center project and
- The project is located on an infill site within a transit priority area.²

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

² An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: California Legislative Information. "Chapter 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects [21099- 21099.]." Accessed June 6, 2024.

https://leginfo.legislature.ca.gov/faces/codes displayText.xhtml?lawCode=PRC&division=13.&part=&chapter=2.7. &article=.

Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to aesthetics are applicable to the proposed project.

Policies	Description
5.3.1-P1	Preserve the unique character and identity of neighborhoods through community-initiated neighborhood planning and design elements incorporated in new development.
5.3.2-P11	Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the scale, mass and setbacks of existing or planned adjacent development.
5.4.1-P9	Residential development should include front doors, windows, stoops, porches, and bay windows or balconies along street frontages.
5.5.2-P1	Require that new development incorporate building articulation and architectural features, including front doors, windows, stoops, porches or bay windows along street frontages, to integrate new development into existing neighborhoods.
5.5.2-P2	Implement design review guidelines for setback, heights, materials, massing, articulation and other standards to support Transition Policies and promote neighborhood compatibility.
5.5.2-P3	Implement site design solutions, such as landscaping and increased building setbacks, to provide a buffer between non-residential and residential uses.
5.5.2-P5	Require that new development provide an appropriate transition to surrounding neighborhoods.
5.5.2-P6	Adjust new building height, scale and massing along the site perimeter abutting planned lower intensity uses.
5.5.2-P7	For buildings of three stories or greater, increase the setback of upper stories where they abut lower intensity residential uses.
5.5.2-P9	Improve pedestrian amenities, including sidewalks and bicycle paths, to promote neighborhood compatibility.
5.5.2-P12	Screen loading and trash areas to preclude visibility from off-site and public streets.

<u>City Code – Architectural Review</u>

An architectural review process has been established for new development/redevelopment by the City Council to encourage the orderly and harmonious appearance of structures and property; maintain the public health, safety and welfare; maintain the property and improvement values throughout the City; and encourage the physical development of the City as intended by the General Plan. Before action is taken on an application for the issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zoning district, plans and drawings of such sign, building or alteration must be submitted to the Community Development Director for approval. Additional details about the architectural review process can be found in City Code Chapter 18.120.020.

4.1.1.2 *Existing Conditions*

Scenic Highways

There are no state-designated scenic highways in the City of Santa Clara. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in Santa Clara, is an eligible, but not officially designated, State Scenic Highway.³

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

The closest state-designated highway, SR 280, is approximately 10 miles northeast of the project.⁴

Project Site

The 0.39-acre, rectangular shaped project site is located at 2303 Gianera Street in the City of Santa Clara and is currently developed with a single-family residence, one accessory structure, and a shed totaling 4,440 square feet, as well as landscaping, and parking. The single-family residence is located on the southern portion of the site and has an attached two-car garage. It is a one-story, wood frame Ranch-style house, with a stucco and brick façade and recessed entryway. The front yard consists mainly of overgrown grass and shrubs.

The accessory structure and shed are both located on the northern portion of the site, within the backyard. The backyard itself has little landscaping and is mostly paved with concrete. The accessory structure is a wood-frame building that originally was a garage but has now been converted into a two unit dwelling. The shed is comprised of a mix of metal and wood. Refer to photos 1 and 2 for views of the project site.

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³ California Department of Transportation. "Scenic Highways." Accessed June 6, 2024. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

⁴ California Department of Transportation. "California State Scenic Highway System Map." Accessed June 6, 2024. https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa.



Photo 1: View of the on-site single-family residence from Gianera Street looking north.



Photo 2: View of the driveway on-site looking south towards Gianera Street.

Surrounding Area

The project site is bounded by a strip of unpaved land owned by SFPUC to the north, Gianera Street and two-story, single-family residences to the south; a two-story, multi-family building to the east, and two-story townhouses to the west. The townhouses and single-family residences surrounding the site are subdivisions with uniform building styles.

Levi's Stadium is approximately 745 feet northwest of the site. The back of the stadium is visible from the site, including views of stairways (see Photo 3). The Northern Receiving Station is located approximately 80 feet north of the project site and its associated metal utility poles are also visible from the site. Refer to photos 3 and 4 for views of the surrounding land uses.

Scenic Views, Resources, and Corridors

The City of Santa Clara Draft 2010-2035 General Plan Integrated Final Environmental Impact Report (General Plan FEIR) lists the Santa Cruz Mountains, Diablo Range, San Tomas Aquino Creek, Saratoga Creek, Calabazas Creek, and the Guadalupe River as "visual resources" within the City.⁵ The project site and the surrounding area are relatively flat and, as a result, the site is only visible from the immediate area. Based on the City's General Plan, the project area is not located within a scenic vista or scenic corridor. The Diablo Mountains to the east and the Santa Cruz Mountains to the west are partially visible from the southern portion of the site.

Light and Glare

Sources of light and glare are abundant in the urban environment of the project site and area. Existing sources include but are not limited to streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

Location within a Transit Priority Area

This project site is located within a 0.5 mile of a major transit stop on Stars and Stripes Drive. The Santa Clara/Great America light rail station is located approximately 0.5 mile away from the project site at 5099 Stars and Stripes Drive. Therefore, the project site is within a transit priority area as defined in SB 743.

⁵ City of Santa Clara. City of Santa Clara Draft 2010-2035 General Plan Integrated Final Environmental Impact Report (SCH# 2008092005). January 2011. Page 127.

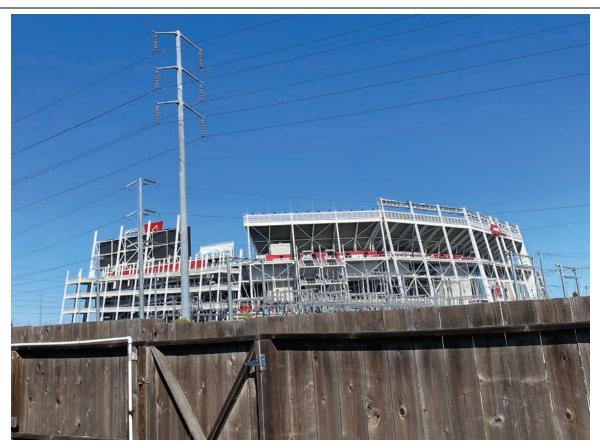


Photo 3: View of the fencing along the southern property line with Levi's Stadium and utility lines at the Northern Receiving Station in the background.



Photo 4: View of the neighboring single-family residences on the south side of Gianera Street.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
 a) Have a substantial adverse effect on a scenic vista? 				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ⁶ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				
a) Would the project result in significant aest	hetic impact	:s?		

Development of the proposed project would result in changes to the built environment; however, the project is a residential project located on an infill site within a transit priority area pursuant to SB 743. Therefore, the aesthetics impacts of the project are not significant. (Less than Significant Impact)

⁶ Public views are those that are experienced from publicly accessible vantage points.

4.2 Agriculture and Forestry Resources

4.2.1 Environmental Setting

4.2.1.1 Regulatory Framework

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁷ Programs such as CAL FIRE's Fire and Resource Assessment Program are used to identify whether forest land, timberland, or timberland production areas could be affected are located on or adjacent to a project site.

⁷ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

4.2.1.2 *Existing Conditions*

The project site is classified as Urban and Built-Up Land.⁸ The project site does not contain agricultural resources or timberland resources and is not under an existing Williamson Act contract.⁹

4.2.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?				
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				
d)	Result in a loss of forest land or conversion of forest land to non-forest use?				
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				

⁸ California Department of Conservation. "California Important Farmland Finder." Accessed June 6, 2024. https://maps.conservation.ca.gov/DLRP/CIFF/.

⁹ County of Santa Clara. *Williamson Act Properties Geodatabase*. Accessed June 6, 2024. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

As discussed above, the project site is designated as "Urban and Built-Up land." Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to nonagricultural uses as a result of project implementation. (No Impact)

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is not zoned for agricultural use, nor is it under a Williamson Act contract. Therefore, the proposed project would not conflict with an existing agricultural use or Williamson Act contract. (No Impact)

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is currently located in an urbanized area of the City of Santa Clara and zoned for residential development. Therefore, the project would not conflict with land zoned as forest land, timberland, or timberland zoned Timberland Production. (No Impact)

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

As discussed above, the project site is not zoned or used as forest land. The project site is located within an urbanized area and would not result in a loss of forest land or convert forest land to nonforest use. (No Impact)

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project would not conflict with zoning for agricultural operations or facilitate the unplanned conversion of farmland elsewhere in the City to non-agricultural uses because it will keep the same land use (i.e., residential) as existing conditions. The project site and surrounding properties are not utilized as forest lands and, therefore, would not result in the loss of forest lands in the City. For these reasons, the project would not result in impacts to agricultural or forest resources. (No Impact)

4.3 Air Quality

The following discussion is based upon an Air Quality Assessment prepared by Illingworth & Rodkin, Inc. in April 2024. The report is attached as Appendix A to this document.

4.3.1 Environmental Setting

4.3.1.1 Background Information

Criteria Pollutants

Criteria air pollutants are pollutants that have established federal or state standards for outdoor concentrations to protect public health. Pursuant with the federal and state Clean Air Acts, the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established and enforced the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively. The NAAQS and CAAQS address the following criteria air pollutants: ozone (O_3) , nitrogen dioxide (NO_2) , carbon monoxide (CO), particulate matter with a diameter of 10 microns or less (PM_{10}) , particulate matter with a diameter of 2.5 micros or less $(PM_{2.5})$, sulfur dioxide (SO_2) , and lead. The CAAQS also includes visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

Toxic Air Contaminants

Toxic air contaminants (TACs) include airborne chemicals that are known to have short- and long-term adverse health effects. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Unlike criteria air pollutants, which have a regional impact, TACs are highly localized and regulated at the individual emissions source level.

DPM is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury). ¹⁰ Chemicals in diesel exhaust, such as benzene and formaldehyde, are also TACs identified by the CARB.

An overview of the sources of criteria pollutants and TACs, as well as their associated health effects, is provided in Table 4.3 1.

¹⁰ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 6, 2024. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

Table 4.3-1: Sources and Health Effects of Criteria Air Pollutants and Toxic Air Contaminants

Pollutants	Description and Sources	Primary Effects
Ozone (O ₃)	O_3 is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO _x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common source for this reaction. High O_3 levels are caused by the cumulative emissions of ROG and NO _x . These precursor or primary pollutants react under certain meteorological conditions to form high O_3 levels. Commons sources of ROG and NO _x are vehicles, industrial plants, and consumer products.	 Aggravation of respiratory and cardiovascular diseases Irritation of eyes Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	NO_2 is a reactive gas that combines with nitric oxide (NO) to form NO_x . NO_2 the byproduct of fuel combustion with common sources of NO_2 being emissions from cars, trucks, buses, power plants, and off-road equipment. Sources of NO_2 include motor vehicle exhaust, high temperature stationary combustion, and atmospheric reactions.	 Aggravation of respiratory illness Reduced visibility
Carbon Monoxide (CO)	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	 Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood Fatigue, headaches, confusion, and dizziness
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Particulate Matter (PM) is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM_{10} and $PM_{2.5}$ are both small enough particulates to be inhaled into the human lungs, and $PM_{2.5}$ is small enough to deposit into the lungs, which poses an increased health risk compared to PM_{10} . Typical sources of PM include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	 Reduced lung function, especially in children Aggravation of respiratory and cardiorespiratory diseases Increased cough and chest discomfort Reduced visibility
Sulfur Dioxide (SO ₂)	SO ₂ is a pungent and colorless gaseous pollutant that is part of the sulfur oxides (SO _x) group and is the pollutant of greatest concern in the SO _x group. SO _x can react with other compounds in the atmosphere to form small particles. These particles contribute to pollution. SO ₂ is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO ₂ include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. Industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	 Aggravation of respiratory illness Respiratory irritation such as wheezing, shortness of breath and chest tightness Increased incidence of pulmonary symptoms and disease, decreased pulmonary function

Pollutants	Description and Sources	Primary Effects
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metals processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system
Toxic Air Contaminants (TACs)	TACs include certain air pollutants known to increase the risk of cancer and/or a range of other serious health effects. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	 Cancer Chronic eye, lung, or skin irritation Neurological and reproductive disorders

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following groups who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants, discussed previously; PM, O₃, CO, SO₂, NO₂, and lead.¹¹

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of

 $^{^{11}}$ NO_x is the group of nitrogen compounds (NO₂ and nitric oxide [NO]) that typically represents NO₂ emissions because NO₂ emissions contribute the majority of NO_x exhaust emissions emitted from fuel combustion.

these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Diesel Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, this plan involves the application of emission control strategies to existing diesel vehicles and equipment to reduce DPM and other pollutants. Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment, including off-road equipment, will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area, which includes the project area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how federal and state air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan. The 2017 Clean Air Plan focuses on the following two related BAAQMD goals and how to achieve them:

- Protect air quality and health at the regional and local scale by attaining all state and
 national air quality standards and eliminating disparities among Bay Area communities in
 cancer health risk from TAC; and
- Protect the climate by reducing Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.¹²

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023, by the BAAQMD's Board of Directors.

¹² Bay Area Air Quality Management District. *Final 2017 Clean Air Plan*. April 19, 2017. Page 12.

Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to air quality are applicable to the proposed project.

Policies	Description
5.10.2-P6	Require "Best Management Practices" for construction dust abatement.
5.10.5-P34	Implement minimum setbacks of 500 feet from roadways with average daily trips of 100,000 or more and 100 feet from railroad tracks for new residential or other uses with sensitive receptors, unless a project-specific study identifies measures, such as site design, tiered landscaping, air filtration systems, and window design, to reduce exposure, demonstrating that the potential risks can be reduced to acceptable levels.
5.10.5-P35	Establish minimum buffers between odor sources and new residential or other uses with sensitive receptors, consistent with BAAQMD guidelines, unless a project-specific study demonstrates that these risks can be reduced to acceptable levels.

4.3.1.3 Existing Conditions

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

As discussed above, CO, O_3 , NO_2 , and PM_{10} and $PM_{2.5}$ are considered criteria pollutants by the EPA and CARB as they can result in health effects such as respiratory impairment and heart/lung disease symptoms.

The Bay Area is considered non-attainment for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered non-attainment for PM_{10} under the state act, but not the federal act. The Bay Area is considered in attainment or unclassified for all other pollutants.

Emissions at the site are currently generated from vehicles coming to and from the site, electricity usage, and typical residential usages. The closest sensitive receptors include residences to the west and east 65 and 30 feet away from the site, respectively.

4.3.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?				
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				
c)	Expose sensitive receptors to substantial pollutant concentrations?				
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				

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

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for 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 considered the air quality 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 BAAQMD CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 4.3-2. Table 4.3-3 below lists the BAAQMD health risk and hazards thresholds for single-source and cumulative-sources.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds

Cuitavia Ain	Construction Thresholds*	Operation Thresholds	Operation Thresholds	
Criteria Air Pollutant	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year	
ROG and NO _x	54	54	10	
PM ₁₀	82 (exhaust)	82	15	
PM _{2.5}	54 (exhaust)	54	10	
СО	Not Applicable	9.0 ppm (eight-hour) o	r 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable		

Notes: ROG = reactive organic gases; NOx = oxides of nitrogen; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; CO = carbon monoxide

Source: Bay Area Air Quality Management District. 2022 California Environmental Quality Act Air Quality Guidelines. April 2023. Pages 3-5 and 3-6.

Table 4.3-3: BAAQMD Health Risks 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 μg/m³ (average)

Notes: $\mu g/m^3$ = micrograms per cubic meter; PM_{2.5}= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less

Thresholds are applicable to construction and operational activities.

Source: Bay Area Air Quality Management District. 2022 California Environmental Quality Act Air Quality Guidelines. April 2023. Pages 3-5 and 3-6.

^{*} The Air District recommends that for construction projects that require less than one year to complete, lead agencies should annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year. Additionally, for phased projects that results in concurrent construction and operational emissions. Construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap.

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if a) it supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of the 2017 CAP control measures.

Support of Primary 2017 CAP Goals

As discussed in Section 4.3.1.2, the goals of the 2017 CAP include 1) protecting public health by progressing towards attaining air quality standards and eliminating health risk and 2) protecting the climate. If a project exceeds the BAAQMD criteria air pollutants thresholds of significance, its emissions are considered to result in significant adverse air quality impacts to the region's existing air quality conditions. An analysis of the project's construction and operational air pollutant emissions and health risk is provided below. The project's impact on climate is discussed in Section 4.8 Greenhouse Gas Emissions and was concluded to be less than significant.

Construction Period Emissions

Implementation of the proposed project would result in short-term emissions from construction activities associated with development. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM₁₀ and PM_{2.5} emissions, is generated when wheels or blades disturb surface materials. Fugitive dust would be temporarily generated, especially during site preparation and grading. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby.

Demolition and construction activities can also generate PM_{10} and $PM_{2.5}$ emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO_x emissions, in addition to PM_{10} and $PM_{2.5}$ emissions. Diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors.

Average daily construction emissions were estimated for the total duration of the project (222 days) and summarized in Table 4.3-4. As indicated in Table 4.3-4, the predicted daily project construction emissions would be below the BAAQMD significance thresholds. Refer to Appendix A for details about the modeling, data inputs, and assumptions.

Table 4.3-4: Construction Period Emissions

Scenario	ROG	NOx	PM ₁₀ Exhaust	PM _{2.5} Exhaust
Construction Emissions Total (Tons) (Year 2025)	0.20	0.31	0.01	0.01
Average Daily Construction Emissions (pounds/day) (222 construction workdays)	1.83	2.76	0.12	0.11
BAAQMD Thresholds (pounds/day)	54	54	82	54
Exceed threshold?	No	No	No	No

BAAQMD considers construction emission impacts that are below the thresholds of significance (such as those of the project) less than significant if Best Management Practices (BMPs) are implemented.

Condition of Approval:

The contractor shall implement the following best management practices during construction:

- 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- 7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- 8. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

With the implementation of these BMPs, the project construction period emissions would be reduced to a less than significant level by controlling dust, limiting equipment idling, and properly maintaining equipment.

Operational Period Emissions

Vehicles driven by future residents and their guests would be the primary source of ROG, NO_x , and PM air pollutant emissions. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are also typical ROG emission sources from these types of uses. Emissions were calculated assuming 365 days of operation.

Table 4.3-5 summarizes the operational period emissions for the proposed project. As indicated in Table 4.3-5, the predicted daily project construction emissions would be below the BAAQMD significance thresholds. Refer to Appendix A for details about the modeling, data inputs, and assumptions.

Table 4.3-5: Operational Period Emissions

Scenario	ROG	NOx	PM ₁₀ Exhaust	PM _{2.5} Exhaust
2026 Project Operational Emissions (tons/year)	0.14	0.02	0.05	0.01
BAAQMD Thresholds (tons/year)	10	10	15	10
Exceed threshold?	No	No	No	No
2026 Project Operational Emissions (lbs/day)	0.78	0.12	0.25	0.06
BAAQMD Thresholds (lbs/day)	54	54	82	54
Exceed threshold?	No	No	No	No
Notes: assumes 365-day operation				

Health Risk

As discussed under checklist question c), the project would not include stationary sources of TACs and the emissions from project-generated trips would not be substantial to result in significant health risk impacts. Construction of the project would result in significant TAC emissions, however, the project with implementation of mitigation measure MM AQ-3.1 would reduce health risk impacts to a less than significant level by reducing the DPM emissions of construction equipment.

Consistency with 2017 CAP Control Measures

Because the project would not exceed the BAAQMD impact thresholds for criteria air pollutant emissions, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP.

Based on the above discussion, the project would not conflict with the 2017 CAP. (Less than Significant Impact)

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

BAAQMD has established thresholds of significance for criteria air pollutants and their precursors, as listed in Table 4.3-2 above. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10} , and $PM_{2.5}$, and apply to both construction period and operational period impacts. As discussed in Section 4.3.1.3, the Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal and state Clean Air Act. The Bay Area is also considered a non-attainment area for PM_{10} under the state act, but not the federal act. The Bay Area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards.

As discussed under checklist question a), the construction period and operational period criteria air pollutant emissions would not exceed the BAAQMD thresholds of significance with regards to ROG, NO_x , PM_{10} , and $PM_{2.5}$, and the project would implement BAAQMD recommend construction BMPs to controlling dust, limiting equipment idling, and properly maintaining equipment. (Less than Significant Impact)

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Community Risk

Development of the proposed project can increase the health risk of existing sensitive receptors during construction and operation. The primary health risk impact issues associated with construction projects are cancer risks associated with diesel exhaust (i.e., DPM), which is a known TAC, and exposure to high ambient concentrations of dust (i.e., PM_{2.5}). While the project would not include stationary sources of air pollutants or TACs, the project would generate vehicle trips consisting of mostly light-duty gasoline-powered vehicles, which would produce TAC and air pollutant emissions.

A community risk assessment for the project was completed to evaluate the health effects to nearby sensitive receptors from construction and operational emissions. Refer to Appendix A for details about community health risk modeling, data inputs, and assumptions. Community risk impacts were addressed by predicting increased cancer risk, the increase in annual PM_{2.5} concentrations and computing the Hazard Index (HI) for non-cancer health risks. Unlike the increased maximum cancer risk, the annual PM_{2.5} concentration and HI values are not additive but based on the annual maximum values for the entirety of the project. A summary of the project's community risk impacts is provided below.

Construction Period Emissions

The construction maximally exposed individual (MEI) is located at the same receptor on two different floors. The cancer risk MEI is located at a receptor east of the project site on the second floor of a multi-family residence, and the annual PM_{2.5} MEI is located at the same receptor but on the first floor. Without mitigation, construction risk impacts from the proposed project would exceed BAAQMD single-source thresholds for incremental cancer risk and PM_{2.5} concentration per Table 4.3-6. The single source HI threshold is not exceeded before mitigation.

Table 4.3-6: Construction Risk Impacts at the Off-Site MEI

Source	Cancer Risk (per million)	Annual PM _{2.5} (μg/m³)	Hazard Index	
Project Construction: unmitigated	20.68	0.32	0.02	
Project Construction: mitigated	4.82	0.28	0.01	
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0	
Exceed Threshold? Unmitigated	Yes	Yes	No	
Exceed Threshold? Mitigated	No	No	No	
Bold = exceeds the threshold				

Impact AQ-3: Construction of the proposed project would exceed BAAQMD single-source thresholds for incremental cancer risk and PM_{2.5} concentration.

Mitigation Measures:

MM AQ-3.1: The project shall implement a feasible plan to reduce DPM emissions by 55 percent such that increased cancer risk and annual PM_{2.5} concentrations from construction would be reduced below TAC significance levels. The 55-percent reduction can be achieved in one of the following ways:

1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 interim emission standards for PM (PM_{10} and $PM_{2.5}$).

- 2. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 55 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
- 3. A combination of some of the following measures to achieve a reduction in construction diesel particulate matter emissions by 55 percent or greater:
 - Implementation of No. 1 above to use Tier 4 interim engines or alternatively fueled equipment,
 - Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
 - Use of electrically-powered equipment,
 - Forklifts and aerial lifts used 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.

Modeling was completed to determine the effectiveness of mitigation measure MM AQ-3.1 (restricting the project wide-fleet emissions) at reducing health risk impacts to project MEI. The modeling results show that with the implementation of mitigation measure MM AQ-3.1, the project's significant cancer risk and PM_{2.5} construction impacts would be reduced to a less than significant level (see Table 4.3-6). Refer to Appendix A for additional details about the modeling.

Operation Period Emissions

The proposed project would not include stationary sources of TACs. The primary concern for local traffic-generated TAC impacts are diesel powered vehicles. Given that most project trips would be by light-duty, non-diesel vehicles and the minimal project trips (approximately 58 daily trips),¹³ the mobile source emissions from the project would not result in significant health risk impacts.

Cumulative Emissions

Air pollution, by its nature, is largely a cumulative impact. Cumulative health risk assessments look at all substantial sources of TACs located within 1,000 feet of a project site that can affect sensitive receptors. These sources include rail lines, highways, busy surface streets, and stationary sources

¹³ Based on Land Use 215 Single Family Attached trip generation rates of 7.20 daily, 0.48 AM peak hour, and 0.57 PM peak hour trips per dwelling unit. Source: Institute of Transportation Engineers. *Trip Generation Manual, 11th Edition.* 2021.

identified by BAAQMD. This distance of 1,000 feet is recommended by BAAQMD because adverse effects are the greatest within this distance. At further distances, health risk diminishes.

A review of the project area indicates existing sources of TACs within approximately 1,000 feet of the project site include: one local roadway (Lafayette Street), one local railway (Union Pacific Railroad), and two stationary sources (the City of Santa Clara Gianera Generating Station, which utilizes fossil fuels to generate electric power, and the City of Santa Clara Gianera Storm Water Pump Station, which has a generator on-site).

Community risk impacts from the cumulative sources to the project MEIs were modeled and the results are summarized in Table 4.3-7, which shows the project would not exceed the BAAQMD cumulative thresholds for cancer risk, annual PM_{2.5} and HI.

Table 4.3-7: Impacts from Combined Sources at Project MEI

Source	Cancer Risk (per million)	Annual PM _{2.5} (μg/m³)	Hazard Index
Project Construction: unmitigated	20.68	0.32	0.02
Project Construction: mitigated	4.82	0.28	0.01
Lafayette Street	4.20	0.10	0.01
Union Pacific Railroad	4.82	0.01	0.01
City of Santa Clara Gianera Generating Station	0.18	<0.01	<0.01
City of Santa Clara Gianera Storm Station	0.64	<0.01	<0.01
Cumulative Total Unmitigated	30.52	<0.45	<0.06
Cumulative Total Mitigated	14.66	<0.41	<0.05
BAAQMD Cumulative Source Threshold	100	0.8	10.0
Exceed Threshold? Unmitigated	No	No	No
Exceed Threshold? Mitigated	No	No	No

Health Effects from Criteria Air Pollutants

In a 2018 decision (Sierra Club v. County of Fresno), the Supreme Court of California determined that CEQA requires that the potential for the project's emissions to affect human health in the air basin must be disclosed when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a considerably to a significant cumulative impact. Federal and state ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to result in non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a

project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed not to have an adverse health effect. As discussed under checklist questions a) and b), the project's construction and operation emissions would be below the BAAQMD criteria air pollutant emissions thresholds with the implementation of BMPs. For these reasons, the project's criteria air pollutant emissions would not result in a significant health impact. (Less than Significant Impact)

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

According to BAAQMD's CEQA Guidelines, an odor source with five or more confirmed complaints per year averaged over three years is considered to have a significant impact. Project construction activities could result in odorous emissions from diesel exhaust associated with construction equipment. However, these emissions would be temporary and diesel exhaust has highly diffusive properties. Hence, odorous exposure of sensitive receptors to these emissions would be limited and the impact is considered less than significant.

BAAQMD has identified a variety of land uses and types of operations that would produce emissions that may lead to odors, including wastewater treatment plants, sanitary landfills, food processing facilities, coffee roasters, composting facilities, and confined animal facility/feed lot/dairy facility. The project proposes a residential use, which does not fall under any of the land uses identified by BAAQMD to cause objectionable odors. Therefore, the impact would be less than significant. (Less than Significant Impact)

4.3.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Santa Clara has policies (including General Plan Policy 5.10.5-P34) that address existing air quality conditions affecting a proposed project.

A health risk assessment was completed to determine if existing TAC sources would have a health risk on the new sensitive receptors (residents) that the project would create. The TAC sources near the project site, including Lafayette Street, Union Pacific Railroad, the City of Santa Clara Gianera Generating Station, and the City of Santa Clara Gianera Storm Station, were included in this health risk assessment. Maximum increased cancer risks were calculated for the future residents of the project site using the maximum modeled TAC concentrations.

As shown on Table 4.3-8, the surrounding sources of TAC were determined to not exceed BAAQMD thresholds and would not represent a significant source of health hazard for the new residents of the proposed project.

Table 4.3-8: Community Health Risks at Project Site

Source	Cancer Risk (per million)	Annual PM _{2.5} (μg/m³)	Hazard Index
Lafayette Street	5.61	0.14	0.02
Union Pacific Railroad	4.39	0.01	0.01
City of Santa Clara Gianera Generating Station	0.28	<0.01	<0.01
City of Santa Clara Gianera Storm Water Pump Station	0.99	<0.01	<0.01
BAAQMD Single Source Threshold	10	0.3	1.0
Exceed Threshold?	No	No	No
Cumulative Total	11.27	<0.17	<0.05
BAAQMD Cumulative Source Threshold	100	0.8	10.0
Exceed Threshold?	No	No	No

4.4 Biological Resources

The following discussion is based, in part, on a Preliminary Arborist Report completed by HortScience in October 2023. A copy of the report is provided in Appendix B of this document.

4.4.1 Environmental Setting

4.4.1.1 Regulatory Framework

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers, Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to biological resources are applicable to the proposed project.

Policies	Description			
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.			
5.10.1-P3	Require preservation of all City-designated heritage trees listed in the Heritage Tree Appendix 8.10 of the General Plan			
5.10.1-P4	Protect all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property, as well as in the public right-of-way.			

City Code Chapter 12.35 Trees and Shrubs

Per Section 12.35.080 of the City Code, the following trees shall not be removed without first obtaining a permit from the City:

- (a) Heritage trees in all zoning districts.
- (b) All specimen trees with a diameter of twelve (12) inches or more when measured at fifty-four (54) inches above natural grade of the following species on private property:
 - (1) Aesculus californica (California buckeye);
 - (2) Acer macrophyllum (big leaf maple);
 - (3) Cedrus deodara (deodar cedar);
 - (4) Cedrus atlantica "Glauca" (blue Atlas cedar);

- (5) Cinnamomum camphora (camphor tree);
- (6) Platanus racemosa (western sycamore);
- (7) Quercus (native oak tree species), including:
 - (A) Quercus agrifolia (coast live oak);
 - (B) Quercus lobata (valley oak);
 - (C) Quercus kelloggii (black oak);
 - (D) Quercus douglasii (blue oak);
 - (E) Quercus wislizeni (interior live oak);
- (8) Sequoia sempervirens (coast redwood); and
- (9) Umbellularia californica (bay laurel or California bay).
- (c) Approved development trees.
- (d) A private tree which has a trunk with a diameter of thirty-eight (38) inches or more measured at fifty-four (54) inches above natural grade.
- (e) A multibranched private tree which has major branches below fifty-four (54) inches above the natural grade with a diameter of thirty-eight (38) inches or more measured just below the first major trunk fork.

Pursuant to Section 12.35.090 of the City Code, an application for a tree removal permit shall be filed with the Community Development Department for the removal of a protected tree. At the discretion of the Department of Community Development, replacement trees will be required as a condition of issuance of a tree removal permit, or as a condition of any discretionary permit for development or redevelopment that involves the removal of a tree at the following replacement ratios:

- Dead tree or unsuitable tree (e.g., eucalyptus, liquidambar, pine, tree of heaven, tulip tree, and palm tree) 1:1 Replacement ratio, minimum 15-gallon
- Single-family residence 1:1 Replacement ratio, minimum 15-gallon
- Multifamily/commercial/industrial 2:1 Replacement ratio (24-inch box), or 4:1 Replacement ratio (15-gallon)

4.4.1.2 Existing Conditions

The project site is located in a developed, urban area in the City of Santa Clara. Habitats in developed areas such as the project site and area include predominantly urban-adapted birds and animals. The main biological resources on site are trees. There are no waterways, wetlands, or other sensitive habitats located on or adjacent to the project site. The nearest waterway, San Tomas Aquino Creek, is 0.24 miles approximately miles west of the project site.

Mature trees (both native and non-native) are valuable to the human environment as they reduce the impacts of global climate change through CO_2 absorption, reduce urban heat island effect, provide nesting and foraging habitat for raptors and other migratory birds, and provide visual enhancement. The arborist report assessed a total of 18 trees, four of which were off-site and the remaining 14 trees were on-site. Three of the trees are protected trees under General Plan Policy 5.10.1-P4. Table 4.4-1 identifies the species and size of the trees surveyed.

Table 4.4-1: Trees Surveyed

Tree Number	Species	Diameter (inches)	Protected Tree Per General Plan Policy 5.10-1-P4?	Disposition?
150	Holly oak	6,5	Yes	Remove
151	Holly oak	4	Yes	Remove
152	Loquat	5,5,2	No	Remove
153	Holly oak	3	Yes	Remove
154	Almond	5,4,3,1,1,1	No	Remove
155	Almond	5	No	Remove
156	Carolina cherry Laurel	7	No	Remove
157	Mexican fan palm	21	No	Remove
158	Peach	11,4	No	Remove
159	Monterey cypress	12,7	No	Remove
160	Mexican fan palm	18	No	Remove
161	Apple	3,3,3,2,2,2	No	Remove
162	Japanese privet	4,4,3,3,3,2,2,2	No	Remove
163	Glossy privet	4,3,3,2,2	No	Remove
164	Callery pear	10	No	Remain (Off-site)
165	Victorian box	7	No	Remain (Off-site)
166	Mexican fan palm	16	No	Remain (Off-site)
167	Mexican fan palm	16	No	Remain (Off-site)

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?				

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?				
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?				
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
а	a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?				

Special-Status Species

The project site does not contain any habitat that is suitable for a special-status plant and animal species. The site is currently developed with a single-family dwelling in an urbanized area of the City. Consequently, the proposed project would not adversely affect any candidate, sensitive, or special-status species. (Less than Significant Impact)

Nesting/Migratory Birds

The trees and shrubs within and bordering the project site could potentially provide nesting habitat for birds, including migratory birds or raptors. Nesting birds are species protected under the provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 3800. Therefore, project construction activities during the nesting season (February to August) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

Disturbance that results in loss of reproductive effort and/or abandonment is considered a taking by the CDFW and would constitute a significant impact.

Impact BIO-1:

Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment, which would constitute a significant impact under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3800.

Mitigation Measures:

MM BIO-1.1:

The project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive).

During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Community Development Director or Director's designee.

With implementation of the identified mitigation measure, construction impacts to nesting birds would be reduced to a less than significant level. (Less than Significant Impact with Mitigation Incorporated)

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The nearest waterway is San Tomas Aquino Creek, which is approximately 0.24 miles west of the project site. No riparian habitat or sensitive natural communities exist on or adjacent to the site. For these reasons, the development of the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. (No Impact)

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

The project site does not contain wetlands, nor are there wetlands adjacent to the site. As a result, the project would not affect any federally protected wetlands. (**No Impact**)

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site is surrounded by residences and utility infrastructure (i.e., SFPUC property and Northern Receiving Station). Migratory movements of animal species are often associated with riparian corridors and there are no sensitive habitats or waterways on or adjacent to the project site. Due to the highly disturbed land surface of the project area, the project site does not provide dispersal habitat for any native resident migratory fish or wildlife species and does not act as a substantial wildlife corridor. For these reasons, the proposed project would have a less than significant impact on migratory fish or wildlife species, wildlife corridors, and wildlife nursery sites. As aforementioned, mitigation measures were identified to mitigate impacts to nesting raptors and other migratory birds during construction. As a result, the project would not substantially interfere with the movement of any native or migratory species, or the use of any nursery sites. (Less than Significant Impact)

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project would remove all 14 trees on site. While City Code Chapter 12.35 does not consider the trees on-site as protected trees, General Plan Policy 5.10.1-P4 protects all healthy oaks of any size. There are three holly oak trees on-site. According to the arborist report, these holly oak trees are young and in fair condition. In addition, General Plan Policy 5.3.1-P10 requires new development to provide a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal; therefore, the project would be required to plant 28 replacement trees. The project proposes to plant 10 trees on-site and 18 trees off-site. The four trees off-site would be protected during asphalt demolition and project construction by implementing the tree protection measures identified in the arborist report, consistent with City Code Section 12.35.100(d). Therefore, the proposed project would have a less than significant impact on trees. (Less than Significant Impact)

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is not located within an adopted Habitat Conservation Plan, Natural Community Plan, or other approved habitat conservation plan. Therefore, the project would not conflict with any approved local, regional, or state habitat conservation plan. (Less than Significant Impact)

4.5 Cultural Resources

The following discussion is based upon a Literature Search prepared by Archaeological/Historical Consultants (A/HC) in May 2024. A copy of the Literature Search, which is a confidential report, is on file at the City of Santa Clara Community Development Department. The analysis is also based on a Historic Resource Evaluation (HRE) prepared by A/HC in May 2024. The HRE is included in Appendix C of this report.

4.5.1 Environmental Setting

4.5.1.1 Regulatory Framework

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹⁴

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics

¹⁴ California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed June 6, 2024.

http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease, and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to cultural resources are applicable to the proposed project.

Policies	Description
5.6.3-P1	Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
5.6.3-P5	In the event that archeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archeologist/paleontologist.
5.6.3-P6	In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State Law.

City of Santa Clara Criteria for Local Significance

The City of Santa Clara's Criteria for Local Significance establishes an evaluation framework that helps to determine significance for properties not yet included in the City's Historic Preservation and Resource Inventory. Any building, site, or property in Santa Clara that is 50 years old or older and archaeological significance is potentially eligible.¹⁵

To be historically or culturally significant, a property must meet at least one of the following criteria:

- 1. The site, building or property has character, interest, integrity, and reflects the heritage and cultural development of the City, region, state, or nation.
- 2. The property is associated with a historical event.
- 3. The property is associated with an important individual or group who contributed in a significant way to the political, social, and/or cultural life of the community.
- 4. The property is associated with a significant industrial, institutional, commercial, agricultural, or transportation activity.
- 5. A building's direct association with broad patterns of local area history, including development and settlement patterns, early or important transportation routes or social, political, or economic trends and activities. Included is the recognition of urban street pattern and infrastructure.
- 6. A notable historical relationship between a site, building, or property's site and its immediate environment, including original native trees, topographical features, outbuildings or agricultural setting.

To be architecturally significant, a property must meet at least one of the following criteria:

- 1. The property characterizes an architectural style associated with a particular era and/or ethnic group.
- 2. The property is identified with a particular architect, master builder or craftsman.
- 3. The property is architecturally unique or innovative.
- 4. The property has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.
- 5. The property has a visual symbolic meaning or appeal for the community.
- 6. A building's unique or uncommon building materials, or its historically early or innovative method of construction or assembly.
- 7. A building's notable or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, details, fenestration, ornamentation, artwork or functional layout.

¹⁵ City of Santa Clara. City of Santa Clara General Plan – 8.9 Historic Preservation and Resource Inventory. 8.9-18 and 8.9-19.

To be geographically significant, a property must meet at least one of the following criteria:

- 1. A neighborhood, group, or unique area directly associated with broad patterns of local area history.
- 2. A building's continuity and compatibility with adjacent buildings and/or visual contribution to a group of similar buildings.
- 3. An intact, historical landscape or landscape features associated with an existing building.
- 4. A notable use of landscaping design in conjunction with an existing building.

4.5.1.2 Existing Conditions

Subsurface Resources

A records search at the Northwest Information Center of the California Historical Resources Information System was completed, to identify all recorded archaeological sites on and within half a mile of the project site. No resources have been recorded on the site, while one archaeological resource is recorded within the half a mile radius.

Historic-era maps were also reviewed to identify the potential for historic archaeological resources in the project site. A review of historic maps shows no evidence of structures on the project area until 1968. Based on the review of historical land use patterns and available records, the project area has a moderate sensitivity for pre-historic resources and a low sensitivity for historic-era archaeological resources.

Historic Resources

A review of the NRHP, CRHR, and City's Historic Preservation and Resource Inventory shows the buildings on and adjacent to the site are not listed as historic resources. 16,17,18

The project area has a long history of agricultural use. Into the late 20th century, the property was used for agriculture. In 1950, the SFPUC constructed an underground pipeline facility immediately to the north of the project parcel. The north side of Gianera Street was subdivided after 1968. In the mid-1990s, the area from Gianera Street south to Third Street was developed. The Northern Receiving Station electrical substation, north of the project, was constructed in 2002.

The single-family residence was constructed on-site between 1968 and 1974, with an attached two-car garage added at a later date. Behind the single-family residence is an accessory structure built between 1980 and 1985. The single-family residence was evaluated against the criteria of the NRHP and CRHR, in addition to the City's criteria for local significance. The evaluation concluded the

¹⁶ City of Santa Clara. "Historic Resources." Accessed June 10, 2024. https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/historic-preservation.

¹⁷ National Park Service. "National Register Database and Research." Accessed June 21, 2024. https://www.nps.gov/subjects/nationalregister/database-research.htm.

¹⁸ California Office of Historic Preservation. "California Historical Resources." Accessed June 21, 2024. https://ohp.parks.ca.gov/ListedResources/?view=name&criteria=Santa+Clara

building did not meet the NRHP, CRHR, and City's eligibility as historic resource because it is not an important example of the development trend in the Santa Clara Valley, not associated with important historical events, not associated with anyone significant locally, regionally, or nationally, and is not architecturally distinguished. Refer to Appendix C for additional details.

4.5.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?				
b)	Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?				
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?				
a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?					

The single-family residence and converted-detached garage are not classified as historic resources, nor are they eligible for listing under the CRHR, NRHP, or local register. In addition, the buildings adjacent to the site are not listed as historic resources. For this reason, implementation of the project would not result in significant impacts to historic resources. (No Impact)

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

No resources have been previously recorded on-site. As discussed above, the project site has moderate sensitivity for buried Native American archaeological resources and a low sensitivity for historic-era archaeological resources. Therefore, the proposed project would have a potential significant impact on archaeological resources on the project site.

Impact CUL-1: Construction of the proposed project could result in impacts to as yet unidentified buried archaeological resources.

Mitigation Measures:

MM CUL-1.1: A qualified archaeologist shall provide sensitivity training to construction crew prior to the initial ground-breaking activities.

MM CUL-1.2: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Community Development Director shall be notified, and a qualified archeologist shall be retained by the project applicant. The archaeologist shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community Development Director.

With implementation of mitigation measures MM CUL-1.1 and CUL-1.2, impacts to unknown buried archaeological resources would be reduced to a less than significant level by completing sensitivity training, stopping work 50 feet around the find, having the find examined by a qualified archaeologist, and implementing recommendations of the qualified archaeologist to preserve the find. (Less than Significant Impact with Mitigation Incorporated)

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The project would not include any substantial excavations (except for trenching for utilities). Nevertheless, construction activities on-site could result in the exposure or destruction of as yet undiscovered human remains.

Impact CUL-2: Construction activities on-site could result in the exposure or destruction of as yet undiscovered human remains.

Mitigation Measure:

MM CUL-2.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped by the project applicant/contractor. The Santa Clara County Coroner shall be notified by the project applicant, and the Coroner shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper

burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

With implementation of mitigation measure MM CUL-2.1, impacts to human remains would be less than significant by notifying the Santa Clara County Coroner, which includes the Coroner contacting the NAHC if the remains are believed to be Native American, and following recommendations of the most likely descendants. (Less than Significant Impact with Mitigation Incorporated)

4.6 Energy

4.6.1 Environmental Setting

4.6.1.1 Regulatory Framework

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan, identify and recommend measures to achieve these policy goals, and implement strategies that enable CO₂ removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Dompliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.²¹

Regional and Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to energy are applicable to the proposed project.

Policies	Description
5.10.3-P3	Reduce energy consumption through sustainable construction practices, materials, and recycling.
5.10.3-P10	Work with Silicon Valley Power to implement adequate energy distribution facilities to
	meet the demand generated by new development.

¹⁹ California Building Standards Commission. "California Building Standards Code." Accessed June 6, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

²⁰ California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed June 6, 2024. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency.

²¹ California Air Resources Board. "Advanced Clean Cars II." Accessed June 6, 2024. https://ww2.arb.ca.gov/ourwork/programs/advanced-clean-cars-program/advanced-clean-cars-ii.

Construction and Demolition Debris Recycling Program

This City of Santa Clara program requires project applicants seeking building and/or demolition permits for projects greater than 5,000 square feet to recycle at least 65 percent of discards.

Santa Clara Reach Code

Reach Codes are local ordinances adopted by the local government that exceed and enhance the current version of state's Energy and Green Building standards codes. By adopting the City Reach Code ordinance, the City of Santa Clara utilized this opportunity to not only meet local climate action goals to reduce greenhouse gas emissions, but also to achieve greater energy savings and accelerate decarbonization through all-electric requirements. The Santa Clara Reach Code includes all-electric building electrification requirements and mandatory measures for Electrical Vehicle Charging that are applicable to all new building permit applications filed with the City. Although the City has suspended enforcement of the all-electric construction requirements in the Reach Code in light of California Restaurant Association v. City of Berkeley, the project applicant has voluntarily committed to providing all-electric construction for this project.

4.6.1.2 **Existing Conditions**

Total energy usage in California was approximately 7,359 trillion British thermal units (Btu) in the year 2021, the most recent year for which this data was available.²² Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 20 percent (1,473 trillion Btu) for residential uses, 19 percent (1,397 trillion Btu) for commercial uses, 23 percent (1,704 trillion Btu) for industrial uses, and 38 percent (2,785 trillion Btu) for transportation. ²³ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2022 was consumed primarily by the non-residential sector (75 percent), followed by the residential sector consuming 25 percent. In 2022, a total of approximately 17,101 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.²⁴

Silicon Valley Power (SVP) is the City of Santa Clara's energy utility and would provide electricity service to the project site. SVP provides residential customers with carbon-free power as their standard, default power supply. This means the power generation produces no net carbon emissions.

²² United States Energy Information Administration. "California State Energy Profile." Accessed June 6, 2024. https://www.eia.gov/state/print.php?sid=CA.

²³ Ibid.

²⁴ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed June 6, 2024. http://ecdms.energy.ca.gov/elecbycounty.aspx.

Natural Gas

PG&E provides natural gas services within the City of Santa Clara. In 2023, California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.²⁵ In 2022, residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 0.1 percent, the industrial sector used 32 percent.²⁶ In 2022, Santa Clara County used approximately 3.6 percent of the state's total consumption of natural gas.²⁷

Fuel for Motor Vehicles

In 2023, California produced 112 million barrels of crude oil and in 2019, 11.7 billion gallons of gasoline were sold in California.^{28, 29} The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 26.0 mpg in 2022.³⁰ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.^{31,32}

Energy Use by Existing Development

The units on-site are unoccupied; therefore, minimal electricity, natural gas, and fuel for motor vehicles are used.

 ²⁵ California Gas and Electric Utilities. 2023 California Gas Report. Accessed June 6, 2024.
 https://www.socalgas.com/sites/default/files/Joint Biennial California Gas Report 2023 Supplement.pdf
 ²⁶ United States Energy Information Administration. "Natural Gas Consumption by End Use. 2021." Accessed March 18, 2024. https://www.eia.gov/state/?sid=CA#tabs-2.

²⁷ California Energy Commission. "Natural Gas Consumption by County." Accessed June 6, 2024. http://ecdms.energy.ca.gov/gasbycounty.aspx.

²⁸ U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." February 28, 2023. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a

²⁹ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed June 6, 2024. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

³⁰ United States Environmental Protection Agency. "The 2023 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2023. https://www.epa.gov/system/files/documents/2023-12/420r23033.pdf

³¹ United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed June 6, 2024. http://www.afdc.energy.gov/laws/eisa.

³² United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed June 6, 2024. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	
Would the project:					
 Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? 					
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?					
a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?					

Construction

Project construction would comply with the City's Construction and Demolition Diversion Program, which would reduce waste and energy consumption. The energy consumption and use of materials for the construction process would be minimized and would not be wasteful and inefficient in order to avoid excess monetary costs. For these reasons, the proposed project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction.

Operation

Table 4.6-1 summarizes the energy usage of the proposed development.

Table 4.6-1 Estimated Annual Energy of Proposed Development

Electricity Use (kWh)	Natural Gas Use (kBtu)	Fuel
102,715	0	5,063.84

Source: Energy usage estimated from the Air Quality Assessment CalEEMod output. Fuel consumption based on an annual VMT of 131,660 with an average fuel economy of 26.0 mpg.

Table 4.6-1 shows that, since the proposed development would be all-electric, the proposed project would result in a decrease of 86,141 kBtu of natural gas usage annually compared to the existing use. The proposed project would result in a demand of 102,715 kWh, or a net increase of 89,029 kWh of electricity compared to existing conditions. The proposed project would be built according to California Building Code (CBC), CALGreen, and the City's Reach Code, which include provisions to

minimize wasteful energy consumption. The project would include rooftop solar panels. The project would also include one level 2 EV ready space and one level 1 EV ready space for each parking garage and install a level 2 EV ready space for each guest parking space. For these reasons, implementation of the proposed project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during operation of the project. (Less than Significant Impact)

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

As discussed under checklist question a), the project would comply with the City's Reach Code and the most recent CALGreen requirements. Therefore, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. (Less than Significant Impact)

4.7 Geology and Soils

The following discussion is based upon a Geotechnical Investigation prepared by Silicon Valley Soil Engineering in February 2023. A copy of the report is attached in Appendix D.

4.7.1 Environmental Setting

4.7.1.1 Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to geology are applicable to the proposed project.

Policies	Description
5.10.5-P5	Regulate development, including remodeling or structural rehabilitation, to ensure adequate mitigation of safety hazards, including flooding, seismic, erosion, liquefaction and subsidence dangers.
5.10.5-P6	Require that new development is designed to meet current safety standards and implement appropriate building code to reduce risks associated with geologic conditions.
5.10.5-P7	Implement all recommendations and design solutions identified in project soils reports to reduce potential adverse effects associated with unstable soils or seismic hazards.

City Code

Title 15 of the City Code includes the City's adopted Building and Construction Code. These regulations are based on the CBC and include requirements for building foundations, walls, and seismic resistant design. Requirements for grading and excavation permits and erosion control are included in Chapter 15.15 Building Code. Requirements for building safety and earthquake reduction hazard are addressed in Chapter 15.55 Seismic Hazard Identification.

4.7.1.2 Existing Conditions

Regional Geology

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the south, Diablo Mountain Range to the east, and San Francisco Bay to the north. The Santa Clara Valley consists of a large structural basin containing alluvial deposits from the Diablo Range and Santa Cruz Mountains.

Topography and Soils

Soils on-site are comprised of stiff silty clay from the surface to the depth of seven feet, stiff sandy silty clay from the depths of seven feet to twelve feet, stiff clayey silt/silty clay from the depths of 12 to 20 feet, and stiff silt clay from the depths of 20 to 50 feet. Per the Geotechnical Investigation, the near-surface soil and the native soil on the site was found to have a highly expansion potential when subjected to fluctuation in moisture.³³ There are no unique geological features on or adjacent to the project site and the topography of the project area is relatively flat.

Seismicity

The project site is located within the San Francisco Bay Area, the most seismically active region in the United States. The project area is not located within the Alquist-Priolo Earthquake Fault Zone³⁴ nor are there any active faults present on-site. The closest active fault near the project site is the Silver Creek Fault, which is about 1.8 miles away from the site.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. Per the California Department of Conservation liquefaction zone map, the project site is located within a liquefaction zone. ³⁵ While the project site is located within a liquefaction on-site is minimal because there is no liquefiable soil underlying the site. ³⁶

³³ Silicon Valley Soil Engineering. 2303 Gianera Street Geotechnical Investigation. February 2023. Page 8.

³⁴ United States Geologic Survey. "Alquist-Priolo Faults." Accessed June 6, 2024.

 $[\]underline{https://earthquake.usgs.gov/education/geologic maps/apfaults.php}.$

³⁵ United States Department of Conservation. "CGS Seismic Hazards Program: Liquefaction Zones." Accessed June 6, 2024.

 $[\]frac{https://gis.data.ca.gov/datasets/b70a766a60ad4c0688babdd47497dbad\ 0/explore?location=37.351970\%2C-121.989118\%2C18.63.$

³⁶ Silicon Valley Soil Engineering. *2303 Gianera Street Geotechnical Investigation*. February 2023. Page 7.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. The project site is not adjacent to an open area. San Tomas Aquino Creek is located approximately 0.24 miles west of the project site. Based on these characteristics, the potential for lateral spreading on-site is low.

Landslides

Landslides occur when the stability of a slope changes from a stable to an unstable condition. Since the project area is relatively flat, the potential for landslides on-site is low.

Groundwater

Groundwater in the vicinity of the site has been encountered at 22 feet below the ground surface (bgs).³⁷ Groundwater levels fluctuate seasonally depending on variables including variations in rainfall, irrigation, and groundwater pumping.

Paleontological Resources

The project site is underlain by deposits from the Holocene age. Holocene geologic units are not generally considered paleontological sensitive because remains dated less than 10,000 years are not usually considered fossils. Recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

4.7.2 Impact Discussion

Potentially
Significant
Impact

Less than
Significant with
Mitigation
Incorporated

Less than Significant Impact

No Impact

Would the project:

 a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

³⁷ Silicon Valley Soil Engineering. *2303 Gianera Street Geotechnical Investigation*. February 2023. Page 3.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
 Rupture of a known earthquake faul as delineated on the most recent Alquist-Priolo Earthquake Fault Zoni Map issued by the State Geologist for the area or based on other substant evidence of a known fault (refer to Division of Mines and Geology Speci Publication 42)? 	ng or ial			
 Strong seismic ground shaking? 		\boxtimes		
 Seismic-related ground failure, including liquefaction? 				
Landslides?			\boxtimes	
b) Result in substantial soil erosion or the loss o topsoil?	f 🗌			
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	e 🗌			
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers a not available for the disposal of wastewater?	re			
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?				

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

As aforementioned, the project site is located within a seismically active region. The site could experience intense ground shaking in the event of a large earthquake. When subjected to fluctuations in moisture, the near-surface soil and the native surface soil at the site has been found to have a high expansion potential. The potential for lateral spreading during a seismic event would be low because the site is 0.24 miles east of the San Tomas Aquino Creek. The potential for liquefaction and landslides would also be low.

Consistent with state guidelines, a site-specific Geotechnical Investigation (see Appendix D) was prepared for the project and includes specific recommendations regarding site preparation and grading, water wells, foundation design, concrete slab-on-grade construction, retaining walls, excavation, drainage, on-site utility trenching, pavement design, and general construction. As discussed below, the project would implement all recommendations in the Geotechnical Investigation.

Impact GEO-1: Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake.

Mitigation Measure:

MM GEO-1.1:

Consistent with General Plan Policy 5.10.5-P6, the project shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of the February 2023 geotechnical investigation prepared by Silicon Valley Soil Engineering for the project. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process to confirm the findings of the report and consistency of the project plans with the recommendations. The building shall meet the requirements of applicable Building and Fire Codes, including the latest California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including shrink swell capacity of soils, and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

The proposed project would be built in conformance with the recommendations of the site-specific Geotechnical Investigation (refer to Appendix D), and therefore, would not expose people or structures to substantial adverse effects due to ground shaking because the buildings would be

designed to withstand potential geologic hazards identified on the site. With implementation of the mitigation measure MM GEO-1.1, the project would not exacerbate existing geological hazards on-site such that it would impact or worsen off-site geological and soil conditions. (Less than Significant Impact with Mitigation Incorporated)

b) Would the project result in substantial soil erosion or the loss of topsoil?

Project construction activities could expose disturbed areas and cause erosion during windy or rainfall events, leading to a loss of soil from the site and potential impacts on the City's storm drain system. However, as discussed in Section 4.10, Hydrology and Water Quality, the project would be required to control erosion and sedimentation using BMPs as required under the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System permit (MRP). The project would incorporate Low Impact Development (LID) stormwater treatment measures in accordance with the Municipal Regional Permit, which would reduce the rate and volume of runoff from the site. Adherence to these measures would ensure that substantial erosion does not occur during construction and post-construction periods. (Less than Significant Impact)

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

As discussed above, while the project site is located in a liquefaction zone, soil sampling determined on-site soils were not liquefiable. There are no other identified geologic conditions (i.e., lateral spreading, subsidence, or collapse) affecting the project site. (Less than Significant Impact)

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

The surface soil has a high expansion potential. The site-specific Geotechnical Investigation contains recommendations to reduce expansion potential. The project would be required to implement the recommendations identified in the site-specific Geotechnical Investigation per mitigation measure MM GEO-1.1 to reduce expansion potential to a less than significant level. Therefore, the project would not create substantial direct or indirect risks to life or property. (Less than Significant Impact with Mitigation Incorporated)

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The site would not need to support septic tanks or alternative wastewater disposal systems. The project site is located within an urbanized area where sewers are available, and the project would connect to the existing sewer system to dispose of wastewater from the project site. (No Impact)

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

As described above, older sediments (greater than 10 feet bgs) have the potential to yield fossil remains. The project does not propose substantial excavation, except for trenching for utilities which would not be greater than 10 feet bgs. Therefore, the project would have a less than significant impact on paleontological resources. (Less than Significant Impact)

4.8 Greenhouse Gas Emissions

The following discussion is based upon a City of Santa Clara 2022 Climate Action Plan Compliance Checklist completed by the applicant in March 2024. The checklist is attached in Appendix E of this document.

4.8.1 Environmental Setting

4.8.1.1 Background Information

Greenhouse gases (GHG) are gases that trap heat in the atmosphere and regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2 e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities (anthropogenic). Natural and anthropogenic sources of GHGs are generally as follows:

- CO₂ exchange between the atmosphere, ocean, and land surface
- CO₂, CH₄, and N₂O are emitted from wildfires and volcanic eruptions
- CO₂ and N₂O are byproducts of fossil fuel combustion
- N₂O is associated with agricultural operations such as fertilization of crops
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty
- HFCs are now used as a substitute for CFCs in refrigeration and cooling
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. Atmospheric concentrations of CO_2 have increased by 50 percent since the Industrial Revolution and continue to increase at a rate of two parts per million each year, which will result in increased global temperatures. The climate within California is adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and loss of plant and animal species could also occur. Potential effects of global

³⁸ CARB. 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022. Page 3.

climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 Regulatory Framework

State

Assembly Bill 32 and State Bill 32

Under the California Global Warming Solutions Act, known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to accelerate the 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.³⁹ The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

³⁹ CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022. Page 5.

Senate Bill 375 and Plan Bay Area 2050

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050.

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.⁴⁰

Play Bay Area 2050 includes a goal to increase the number of households that live within 0.5 mile of frequent transit by 2050. Plan Bay Area 2050 promotes strategies that support active and shared modes, combined with a transit-supportive land use patterns, which together are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050, resulting in a decrease in GHG emissions. Plan Bay Area 2050 also provides a path to emissions reductions via goals to expand TDM initiatives that support and augment employers' commute programs.

SB 100

SB 100, known as The 100 Percent Clean Energy Act of 2018, was adopted on September 10, 2018. The overall goal is to have all retail electricity sold in California be procured from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

⁴⁰ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and implement strategies that enable CO₂ removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero-emission vehicles. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles (EV) and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid EVs in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

<u>California Building Standards Code – Title 24 Part 11 and Part 6</u>

The CALGreen Code is part of the California Building Standards Code under Title 24, Part 11.⁴¹ The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. For example, CALGreen consists of a set of mandatory EV charging infrastructure standards for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers.

⁴¹ California Department of General Services. "CALGreen." Accessed June 12, 2024. https://www.dgs.ca.gov/BSC/CALGreen.

CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated. The most recent CALGreen Code (2022 CALGreen Code) became effective January 1, 2023.

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process. The 2022 Energy Code replaced the 2019 Energy Code as of January 1, 2023. Major changes include electric-ready single-family and multi-family residence and solar photovoltaic systems and energy storage systems for residential and commercial developments. 42,43,44

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 Clean Air Plan prepared by BAAQMD includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

BAAQMD CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

In April 2022, the BAAQMD Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes BAAQMD's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides substantial evidence to support these thresholds. The April 2022 GHG thresholds are included in the current 2022 BAAQMD CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

Santa Clara Reach Code

In September 2022, the City of Santa Clara adopted reach codes that require all new developments with permit applications filed on or after September 15, 2022, to be all electric buildings (Chapter 15.36 Energy Code). New developments must also comply with the building energy efficiency mandatory measures for solar photovoltaic systems pursuant with the reach codes. Additionally, all residential and non-residential developments must comply with the CALGreen mandatory measures

⁴² California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Single-Family Residential." Revised July 15, 2022. Accessed June 6, 2024. https://www.energy.ca.gov/sites/default/files/2022-08/2022 Single-family Whats New Summary ADA.pdf.

⁴³ California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed June 6, 2024. https://www.energy.ca.gov/sites/default/files/2022-08/2022 Multifamily Whats new Summary ADA.pdf.

⁴⁴ California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Nonresidential." Revised August 4, 2022. Accessed June 6, 2024. https://www.energy.ca.gov/sites/default/files/2022-08/2022 Nonresidential Whats New Summary ADA.pdf.

for EV charging. Although the City has suspended enforcement of the all-electric construction requirements in the Reach Code in light of California Restaurant Association v. City of Berkeley, the project applicant has voluntarily committed to providing all-electric construction for this project.

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to GHGs are applicable to the proposed project.

Policies	Description
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.8.5-P1	Require new development and City employees to implement TDM programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.
5.8.1-P4	Expand transportation options and improve alternate modes that reduce GHG emissions.

Santa Clara Climate Action Plan 2022

The City of Santa Clara Climate Action Plan 2022 (2022 CAP) is designed to meet the statewide GHG reduction targets for 2030 set by SB 32. As a Qualified Climate Action Plan, the 2022 CAP allows for tiering and streamlining of GHG analyses under CEQA. The 2022 CAP identifies existing City policies and regulations as well as new measures to be implemented by development projects in the areas of building/energy use, transportation and land use, materials and consumption, natural resources and water resources, and community resilience and wellbeing. Projects that comply with the policies and strategies outlined in the 2022 CAP would have a less than significant GHG impact.

Construction and Demolition Debris Recycling Program

This City of Santa Clara program requires project applicants seeking building and/or demolition permits for projects greater than 5,000 square feet to recycle at least 65 percent of discards.

4.8.1.3 Existing Conditions

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

GHG emissions are currently generated by daily traffic trips to and from the project site, as well as electricity required for lighting, heating, and cooling of the existing buildings.

4.8.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a)	Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?				
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?				
а) Would the project generate GHG emissions significant impact on the environment?	s, either dire	ectly or indirect	ly, that may	have a

Construction Emissions

Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. The project would be constructed for a period of approximately 11 months. The proposed project would result in a temporary increase in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the site.

Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions. BAAQMD encourages the incorporation of BMPs to reduce GHG emissions during construction where feasible and applicable.

In conformance with CALGreen and the City's Construction and Demolition Debris Recycling Program, the project would track and divert at least 65 percent of discards generated during project demolition and construction in order to reduce the amount of construction waste going to the landfill. In addition, the project would be required to comply with the Conditions of Approval listed under checklist question a) in Section 4.3 Air Quality, which include minimizing idling times of construction equipment to five minutes or less. Because project construction would be a temporary condition and would not result in a permanent increase in local or regional emissions that would interfere with the implementation of AB 32 or SB 32, and the fact that the project would implement BMPs, the increase in project construction emissions would be less than significant. (Less than Significant Impact)

Operational Emissions

Per 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's 2022 Climate Action Plan is a GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), therefore, threshold B of the BAAQMD threshold of significance for projects is used. The project is part of planned growth from the build out of the General Plan FEIR and would comply with all applicable 2022 CAP actions (see discussion under checklist question b). Therefore, the project would result in a less than significant operational GHG emissions impact. (Less than Significant Impact)

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

2017 Clean Air Plan

As discussed in Section 3.3 Air Quality, the project would not conflict with the 2017 CAP because it would not exceed the BAAQMD impact thresholds for criteria air pollutant emissions during construction and operation; would implement construction BMPs to control dust, limit equipment idling, and properly maintaining equipment; and would implement mitigation measure MM AQ-3.1 during construction to reduce health risk impacts below the BAAQMD impact thresholds for health risk and hazards. For these reasons, the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 CAP. (Less than Significant Impact)

2022 Climate Action Plan

In June 2022, the City of Santa Clara adopted the updated 2022 CAP. As a Qualified Climate Action Plan, the 2022 CAP allows for tiering and streamlining of GHG analyses under CEQA through the year 2030. Therefore, if a project is consistent with the City's 2022 CAP and is approved prior to January 1, 2031, it is presumed that the project would not have significant GHG emissions under CEQA. The project's conformance with applicable reduction measures for new development in the CAP are summarized below.

The project would comply with the City's Reach Code by constructing all-electric buildings and having one level two EV-ready space and one level one EV-ready space in each garage. The project would be required to be built in accordance with the most recent CALGreen requirements. The project would be compliant with SB 1383 since organic waste would be collected and delivered to a mixed waste processing facility where it would be separated from the garbage and made into compost material. In addition, to comply with Action N-3-5, the on-site irrigation system would be recycled water ready. To reduce stormwater pollution, the project proposes flow-through planters

along the project frontage. The project would reconstruct a portion of the sidewalk along the site frontage to meet current sidewalk standards. The project would also use high albedo concrete pavers. Refer to Appendix E for more detail about the project's conformance with the 2022 CAP Compliance Checklist.

For these reasons, the project would be consistent with the 2022 CAP and result in a less than significant GHG impact. (Less than Significant Impact)

4.9 Hazards and Hazardous Materials

4.9.1 Environmental Setting

The information in this section is based upon a Phase I Environmental Site Assessment (ESA) and a Phase II Limited Agricultural Investigation Report prepared by AEI Consultants in April 2024. The reports are included in Appendix F and Appendix G of this document.

4.9.1.1 Regulatory Framework

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

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

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites;
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁴⁵

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

⁴⁵ United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed June 6, 2024. https://www.epa.gov/superfund/superfund-cercla-overview.

The Federal Hazardous and Solid Waste Amendments are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁴⁶

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁴⁷

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products. ⁴⁸ The EPA is currently considering a proposed ban on on-going use of asbestos. ⁴⁹ National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

 ⁴⁶ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act."
 Accessed June 6,2024. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
 ⁴⁷ California Environmental Protection Agency. "Cortese List Data Resources." Accessed June 6,2024. https://calepa.ca.gov/sitecleanup/corteselist/.

⁴⁸ United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed April 19, 2022. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos
⁴⁹Ibid.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint (LBP) in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional and Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to hazards and hazardous materials are applicable to the proposed project.

Policies	Description
5.10.5-P22	Regulate development on sites with known or suspected contamination of soil and/or groundwater to ensure that construction workers, the public, future occupants and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations.
5.10.5-P23	Require appropriate clean-up and remediation of contaminated sites.
5.10.5-P24	Protect City residents from the risks inherent in the transport, distribution, use and storage of hazardous materials
5.10.5-P26	Survey pre-1980 buildings and abate any lead-based paint and asbestos prior to structural renovation and demolition, in compliance with all applicable regulations.

Santa Clara Emergency Operations Plan

In June 2016, the City of Santa Clara adopted an Emergency Operations Plan (EOP) to address the planned response of the City of Santa Clara to emergency situations associated with natural disasters and technological incidents, as well as chemical, biological, radiological, nuclear and explosive emergencies. The EOP establishes the emergency organization, assign tasks, specifies policies and general procedures, and provides for coordination of planning efforts for emergency events such as earthquake, flooding, dam failure, and hazardous materials responses.

4.9.1.2 *Existing Conditions*

History of the Project Site

The current single-family residence and garage (which is now converted into two dwelling units) onsite was developed in 1979. Before the development of the single-family residence in 1979, the project site was used as agricultural land from 1939 to 1974. From 1900 to 1938 it is assumed that the site would have been agricultural land, if not developed with a residence. The site was undeveloped from 1889 to 1899. Based on the Phase II prepared for the site, which tested soils onsite, no concentrations of organochlorine pesticides (OCPs), arsenic, or lead were detected above the appliable Environmental Screening Levels (ESLs) and/or background concentrations.

On-site Sources of Contamination

Based on the Phase I ESA prepared for the site, there are no Recognized Environmental Conditions (RECs) on-site. RECs are defined as the presence of hazardous substances or petroleum projects in, on, or at the subject property due to a release to the environment; the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or the presence of hazardous substances or petroleum projects in, on, or at the subject property under conditions that pose a material threat of a future release to the environment. Two unlabeled, 55-gallon drums were observed behind the accessory structure on the northeast portion of the property. The contents of the drums are unknown but are not considered a REC as no evidence of leaking was observed. The Phase I ESA did not identify any other environmental conditions that warrant further discussion.

Asbestos and Lead-Based Paint

LBP and ACMs can cause hazards during demolition of structures if these materials were used in the original construction of on-site structures. The buildings on-site were constructed before 1980 and, therefore, could contain paint with lead and ceiling and floor tiles containing ACMs.

Off-site Sources of Contamination

A review of the regulatory database shows there are no sites within a one-mile radius that have a potential environmental concern to the project site, or vapor migration from contaminated soil and/or groundwater within a third-mile radius of the project site that would be released to the site.

There is a natural gas pipeline located in Gianera Street, however, no stressed vegetation or olfactory indications of a release were observed in the vicinity of the pipeline and is not expected to represent a potential threat to soil or groundwater conditions on-site.

Other Hazards

The Norman Y. Mineta San José International Airport is located approximately two miles southeast of the project site. The project site is located within the Airport Influence Area (AIA) of the Norman Y. Mineta San José International Airport, as defined by the Comprehensive Land Use Plan (CLUP), however, it is not located within any of the safety zones or the 65 dB noise contour area.⁵⁰ The project site is not in a fire hazard severity zone.⁵¹

⁵⁰ Santa Clara County Airport Land Use Commission. *San José Mineta International Airport. Airport Land Use Compatibility Plan*. March 27, 2024. Figure 8.

⁵¹Cal Fire Office of the State Fire Marshal. "Fire Hazard Severity Zone Viewer." Accessed June 6,2024. https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/.

4.9.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	
Would the project:						
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?					
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?					
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?					
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?					
f)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?					
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?					
а	a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					

Future residential development at the project site would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities. The small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. (Less than Significant Impact)

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As discussed under Section 4.9.1.2, no significant levels of contamination were found in on-site soils and no off-site sources of contamination were identified that could affect the project. As aforementioned, there are two 55-gallon drums on site that are not considered to be a REC and, with the implementation of the below condition of approval, shall be properly removed and disposed.

Condition of Approval:

 All 55-gallon drums on-site shall be properly removed and disposed of by the applicant at the appropriate facility. Removal activities shall be completed under the direction of the Santa Clara Fire Department.

The only identified hazardous materials of concern on-site are ACMs and LBP. The project proposes the demolition of buildings constructed between 1974 and 1979, which likely contain ACMs and LBP. During demolition, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of asbestos. If the LBP is still bonded to the building materials, its removal is not required prior to demolition. If the LBP is flaking, pealing, or blistering, it should be removed prior to demolition. Demolition of the existing buildings could expose construction workers or occupants of adjacent buildings to harmful levels of ACMs or lead. The project would be required to implement the following measures consistent with OSHA requirements, as Conditions of Approval, to reduce impacts due to the presence of ACMs and/or LBP.

Conditions of Approval:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of ACSMs and/or LBP.
- During demolition activities, all building materials containing LBP shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos shall also be removed in accordance with BAAQMD requirements and notifications.

With implementation of the identified Conditions of Approval, demolition of the existing residence would result in a less than significant ACM and LBP impact by testing the soil on-site, implementing a SMP if necessary, and testing for ACM and LBP prior to demolishing structures on-site. (Less than Significant Impact)

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There is one school, Kathryn Hughes Elementary School, within one-quarter mile of the project site. However, as discussed under checklist questions a) and b), the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor would it create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment with implementation of the Conditions of Approvals identified under checklist question b). For these reasons, the project would not emit significant hazardous emissions or acutely hazardous materials within one-quarter mile of an existing or proposed school. (Less than Significant Impact)

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.⁵² (No Impact)

e) If located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The Norman Y. Mineta San José International Airport is located approximately two miles southeast of the project site. As mentioned in Section 4.9.1.3, the project site is within the Norman Y. Mineta San José International Airport CLUP-defined AIA but is not within its safety zones or 65-db noise contour area.

⁵² California Environmental Protection Agency. "Cortese List Data Resources." Accessed June 6,2024. https://calepa.ca.gov/sitecleanup/corteselist/.

For the project site, any proposed structure that exceeds 312 feet in height above mean sea level (or 298 feet above ground) on-site is required under FAR Part 77 to be submitted to the FAA for review.⁵³ The proposed townhouse units would have a maximum height of 30 feet to the highest point of the roof. Therefore, the proposed project would not be considered an aircraft hazard. For these reasons, the project would not result in a substantial safety hazard for people residing or working at the project site. (Less than Significant Impact)

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Construction of the project could temporarily impede the circulation of adjacent roadways, but this would not prevent emergency responders from servicing the site or the surrounding areas. Once operational, the project would increase local traffic, but this increase would be minor and would not interfere with the City's emergency response planning. Thus, the impact would be less than significant. (Less than Significant Impact)

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project is an urbanized portion of the City and is not adjacent to any wildland. The project site is not in a fire hazard severity zone.⁵⁴ (No Impact)

⁵³ Santa Clara County Airport Land Use Commission. *San José Mineta International Airport. Airport Land Use Compatibility Plan*. March 27, 2024. Figure 6.

⁵⁴Cal Fire Office of the State Fire Marshal. "Fire Hazard Severity Zone Viewer." Accessed June 6,2024. https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/.

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 Regulatory Framework

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list," can be found on the on the SWRCB's website. ⁵⁵

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged

⁵⁵ California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed June 6,2024. https://www.waterboards.ca.gov/water issues/programs/water quality assessment/2020 2022 integrated report.html.

by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. ⁵⁶ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan (GWMP) describes Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the Valley Water's State Water Project and Central Valley contract supplies and supplies delivered by the SFPUC to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by Valley Water's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water

⁵⁶ California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.⁵⁷

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulates construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail. Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. Dams under the jurisdiction of the California Division of Safety of Dams are identified in California Water Code Sections 6002, 6003, and 6004 and regulations for dams and reservoirs are included in the California Code of Regulations. In accordance with the state's Dam Safety Act, dams are inspected regularly, and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to hydrology and water quality are applicable to the proposed project.

Policies	Description
5.10.5-P11	Require that new development meet stormwater and water management requirements in conformance with state and regional regulations.
5.10.5-P13	Require that development complies with the Flood Damage Protection Code.
5.10.5-P15	Require new development to minimize paved and impervious surfaces and promote on-site Best Management Practices for infiltration and retention, including grassy swales, pervious pavement, covered retention areas, bioswales, and cisterns, to reduce urban water run-off.
5.10.5-P16	Require new development to implement erosion and sedimentation control measures to maintain an operational drainage system, preserve drainage capacity and protect water quality.

⁵⁷ Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

Policies	Description
5.10.5-P17	Require that grading and other construction activities comply with the Association of Bay Area Governments' Manual of Standards for Erosion and Sediment Control Measures and with the California Stormwater Quality Association, Stormwater Best Management Practice Handbook for Construction.
5.10.5-P18	Implement the Santa Clara Valley Nonpoint Source Pollution Control Program (SCVNSPC), Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and the Urban Runoff Management Plan (URMP).
5.10.5-P20	Maintain, upgrade and replace storm drains throughout the City to reduce potential flooding.
5.10.5-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

City Code

Chapter 13.20, Storm Drain and Discharges, of the City Code is enacted for the protection of health, life, resources and property through prevention and control of unauthorized discharges into watercourses. The primary goal of this chapter is the cleanup of stormwater pollution from urban runoff that flows to creeks and channels, eventually discharging into the San Francisco Bay. The City Code also includes Floodplain Management Regulations (Chapter 15.45) and requirements for grading and excavation permits and erosion control (Chapter 15.15).

4.10.1.2 *Existing Conditions*

Storm Drainage

The site is currently developed with 10,222 square feet of impervious area and 6,671 square feet of pervious area. Runoff from the site flows to a 10-inch storm drain in Gianera Street.

Groundwater

The depth to groundwater can vary seasonally and can be influenced by underground drainage patterns, regional fluctuation, and other factors. Groundwater was found on the site at approximately 22 bgs.⁵⁸ The project site is in the Santa Clara Subbasin but is not in a recharge area.⁵⁹

Flooding

Based on the FEMA flood maps, the project site is located in Zone X which is an area of 0.2 percent chance of flood, or areas of one percent annual chance of flood with average depths of less than one-foot, or with drainage areas less than one square mile, and areas protected by levees from one percent annual chance of flood. ⁶⁰ This area is not a special flood hazard area.

⁵⁸ Silicon Valley Soil Engineering. 2303 Gianera Street Geotechnical Investigation. February 2023.

⁵⁹ Valley Water. "Groundwater Management Plan 2021 for the Santa Clara and Llagas Subbasins." November 2021.

⁶⁰ FEMA. "FEMA Flood Map Service Center: Search By Address." Accessed June 6, 2024. <u>FEMA Flood Map Service</u> <u>Center | Search By Address</u>.

Dam Failure

According to Valley Water, the project site is located in a dam failure inundation hazard zone for the following dams: Calero Dam and Reservoir, Almaden Dam and Reservoir, Anderson Dam and Reservoir, Coyote Dam, Guadalupe Dam and Reservoir, and Lexington Dam and Reservoir. Valley Water operates a comprehensive dam safety program to protect the public, which includes periodic special engineering studies, surveillance and monitoring, dam inspections and maintenance, and emergency response and preparedness.

Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near enough that would affect the site in the event of a seiche. A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.

4.10.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	uld the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	 result in substantial erosion or siltation on- or off-site; 			\boxtimes	

⁶¹ Valley Water. "Local Dams and Reservoirs." Accessed June 6, 2024. https://www.valleywater.org/yourwater/local-dams-and-reservoirs.

⁶² Valley Water. "Dam Safety Program." Accessed June 19, 2024. https://www.valleywater.org/flooding-safety/dam-safety-program.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 				
 create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or 				
 impede or redirect flood flows? 			\boxtimes	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				
a) Would the project violate any water quality otherwise substantially degrade surface or			arge require	ments or

Construction Impacts

The proposed project is required to comply with the BMPs listed below to reduce construction-related water quality impacts.

Conditions of Approval:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during period of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Establish and maintain effective perimeter controls.
- All construction entrances and exits shall be stabilized to sufficiently control erosion and sediment discharges.
- Vegetation in disturbed areas shall be replanted as quickly as possible.

With the implementation of the Conditions of Approval above, construction of the proposed project would not violate any water quality standards, or waste discharge requirements, or otherwise substantially degrade surface or ground water quality because measures would be implemented during construction to prevent water and wind from carrying soil off of the project site in a manner that could impact water and air quality. (Less than Significant Impact)

Post-Construction Impacts

The site is currently developed with 10,222 square feet of impervious area and 6,671 square feet of pervious area. The project would result in 14,353 square feet of impervious area and 2,541 square feet of pervious area, hence the impervious area would be increased by 4,131 square feet (40.4 percent) compared to existing conditions.

Construction of the project would result in the replacement of more than 5,000 square feet of impervious surface area; therefore, the project would be required to comply with the MRP. The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities. The project specifically proposes using concrete lined flow through planters with an underdrain and subsurface infiltration systems, to treat stormwater.

As aforementioned, the project will include LID features and will comply with all applicable RWQCB BMPs, which would reduce post-construction water quality impacts to a less than significant level by installing treatment controls to treat stormwater runoff. (Less than Significant Impact)

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Groundwater recharge occurs when surface water percolates through the soil to recharge groundwater aquifers. The proposed project would increase on-site impervious surfaces by approximately 4,131 square feet compared to existing conditions. However, the project site is not located within the recharge area of the Santa Clara Subbasin, and the project would construct on-site infiltration systems, in compliance with Provision C.3 of the MRP. Implementation of the project would not require pumping of groundwater underneath the project site, nor would it interfere with any recharge facilities operated by Valley Water. For these reasons, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. (Less than Significant Impact)

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

As discussed under checklist question a) the project would increase the impervious surface area onsite by 4,131 square feet, consequently increasing stormwater runoff from the site compared to existing conditions. However, the project would implement BMPs and comply with the MRP to allow infiltration on-site and reduce erosion and siltation to a less than significant level. On-site stormwater runoff would be directed to the LID treatment areas to allow for infiltration prior to discharge to the storm drain system. The existing storm drain infrastructure in the area has sufficient capacity to accommodate runoff from the site and no off-site flooding would occur as a result of the project.⁶³ Therefore, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff.

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

The project site is located in Zone X which is an area that is not subject to a 100-year flood hazard. The project would not be subject to inundation by seiche or tsunami due to its location. As discussed above, the project site is in a dam failure inundation hazard zone, however, Valley Water routinely inspects its dams for safety, which reduces the potential for dam failure and inundation. In addition, the project would not store substantial amounts of hazardous materials or other pollutants on-site. Therefore, implementation of the project would not significantly risk release pollutants due to dam, seiche, or tsunami inundation. (Less than Significant Impact)

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As discussed under checklist question a), the project would implement the Conditions of Approval and the MRP that would improve water quality. As aforementioned under checklist question b) the site is not in a groundwater recharge zone. Therefore, the project would not interfere with groundwater recharge or deplete groundwater supplies. For these reasons, implementation of the project would not conflict with, or obstruct implementation of, any water quality control plan or sustainable groundwater management plan. (Less than Significant Impact)

⁶³ Nguyen, Viet. Associate Engineer, City of Santa Clara Department of Public Works. Personal communications. August 30, 2024.

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 Regulatory Framework

Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to land use and planning are applicable to the proposed project.

Policies	Description
5.3.1-P8	Work with property owners to improve or redevelop underutilized and vacant properties.
5.3.1-P29	Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies.

City of Santa Clara Zoning Code

The City's Zoning Code regulates land uses within the boundaries of Santa Clara. The overall goals of the Zoning Code are to promote the city's growth in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare in conformance with the General Plan. For each of the zoning districts in the city, the Code identifies land uses that are permitted, conditionally permitted, and not permitted. It also establishes standards such as minimum lot size, maximum building height, and the minimum distance buildings must be set back from the street. Provisions for parking, landscaping, lighting, and other rules that guide the development of projects in the city are also included.

4.11.1.2 Existing Conditions

Existing Land Uses

The 0.39-acre site is currently developed with a one-story single-family dwelling, an accessory dwelling, and shed totaling 4,400 square feet. The site is zoned as R2, Single-Family, and has a General Plan land use designation of Low Density Residential. Low Density Residential has densities of eight to 19 units per gross acre and can include detached or attached dwelling units.⁶⁴ It includes a variety of other housing types, such as townhomes.

⁶⁴ City of Santa Clara. "Land Use Classifications." Accessed June 6, 2024. <u>Land Use Classifications | City of Santa Clara (santaclaraca.gov)</u>.

Surrounding Land Uses

Development in the area consists of a multi-family residential building to the east, townhouses to the west, and single-family residences to the south, and the Northern Receiving Station to the north. Between the project site and the Northern Receiving Station is a strip of undeveloped land owned by the SFPUC with underground utility lines.

4.11.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wc	ould the project:				
a)	Physically divide an established community?			\boxtimes	
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				
a) Would the project physically divide an esta	blished com	nmunity?		
- he	project would demolish a single-family dwelli	ing and asso	ciated improve	ments on-si	te to

The project would demolish a single-family dwelling and associated improvements on-site to develop eight townhouse units in an existing residential neighborhood. The project does not propose any physical features (i.e., a railway, roadway, highway) that would physically divide the community. For these reasons, the project would not physically divide an established community. (Less than Significant Impact)

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed project is consistent with the existing Low Density Residential General Plan land use designation. The project would, however, require a rezoning to PD.

PD Zoning is meant for developments that are compatible with the community and it allows for most land uses, including residential uses. Under the PD zoning designation, development projects must be designed to provide a similar character to the surrounding neighborhood and allow for integration with the existing architecture and quality of surrounding properties. Moreover, the number of dwelling units proposed for a residential property should not substantially deviate from what the General Plan designation permits for the site. The project proposes a townhouse development adjacent to existing townhouse, single-family, and multi-family developments.

As described throughout this Initial Study, with incorporation of the Conditions of Approval, mitigation measures, regulatory requirements, and mitigation measures, the project would not cause a significant environmental impact due to a conflict with plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect. As a result, the impact is less than significant. (Less than Significant Impact)

4.12 Mineral Resources

4.12.1 Environmental Setting

4.12.1.1 Regulatory Framework

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

The City of Santa Clara is located in an area zoned MRZ-1 by the Department of Conservation, which is classified as an area where no significant mineral deposits are present.⁶⁵ The City is not known to support significant resources of any type. No mineral resources are currently being extracted in the City.

4.12.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?				
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				

⁶⁵ City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report* (SCH# 2008092005). January 2011. Page 182.

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

As discussed above, the project site is not comprised of known mineral resources. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. (**No Impact**)

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project site is not delineated in the General Plan or other land use plan as a locally important mineral resource recovery site. For this reason, the project would not result in the loss of availability of a locally important mineral resource recovery site delineated in any adopted plan. (No Impact)

4.13 Noise

The following discussion is based on a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. in August 2024. A copy of this report is included as Appendix H of this document.

4.13.1 Environmental Setting

4.13.1.1 Background Information

Noise

Factors that influence sound as it is perceived by the human ear include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.⁶⁶ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

 $^{^{66}}$ Leq is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour Leq.

4.13.1.2 Regulatory Framework

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)				
	Frequent Event	Occasional Events	Infrequent Events		
Category 1: Buildings where vibration would interfere with interior operations	65	65	65		
Category 2: Residences and buildings where people normally sleep	72	75	80		
Category 3: Institutional land uses with primarily daytime use	75	78	83		

Source: Federal Transit Administration. Transit Noise and Vibration Assessment Manual. September 2018.

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources do not exceed 45 DNL/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class of 40 or Outdoor-Indoor Transmission Class of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

City of Santa Clara 2010-2035 General Plan

The City of Santa Clara's General Plan identifies noise and land use compatibility standards for various land uses and establishes policies to control noise within the community. Table 8.14-1 from the General Plan shows acceptable noise levels for various land uses. Residential land uses are considered compatible in noise environments of 55 dBA CNEL or less. The guidelines state that where the exterior noise levels are greater than 55 dBA CNEL and less than 70 dBA CNEL at

residential uses, the design of the project should include measures to reduce interior noise to acceptable levels.

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to noise, and vibration are applicable to the proposed project.

Policies	Description
5.10.6-P1	Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels defined on Table 5.10-1.
5.10.6-P2	Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan "normally acceptable" levels, as defined on Table 5.10-1.
5.10.6-P3	New development should include noise control techniques to reduce noise to acceptable levels, including site layout (setbacks, separation and shielding), building treatments (mechanical ventilation system, sound-rated windows, solid core doors and baffling) and structural measures (earthen berms and sound walls).
5.10.6-P5	Require noise-generating uses near residential neighborhoods to include solid walls and heavy landscaping along common property lines, and to place compressors and mechanical equipment in sound-proof enclosures

City Code

Section 9.10.040 of the City Code establishes noise level performance standards for fixed sources of noise. Noise levels at single-family residences, multi-family residences, and at public spaces are limited to 55 dBA during daytime hours (7:00 AM to 10:00 PM) and 50 dBA at night (10:00 PM to 7:00 AM).

Construction activities are not permitted within 300 feet of residentially zoned property except within the hours of 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 6:00 PM on Saturdays. No construction is permitted on Sundays or holidays.

4.13.1.3 Existing Conditions

The project site is located within a residential neighborhood with residential land uses to the east, south, and west. To the north of the project site are the SFPUC property, Northern Receiving Station, and Levi's Stadium.

The primary source of noise in the project vicinity is from aircraft associated with the San José Mineta International Airport. Events, such as concerts and football games, held at Levi's Stadium contribute to the ambient noise environment. Noise from traffic on Lafayette Street and the noise from trains on the Union Pacific Railroad (UPRR) tracks also contribute to the noise environment.

Ambient noise monitoring data collected at the Cheeney Street and Lenox Place intersection 300 feet south of the project site is summarized in Table 4.13-2 below. As shown in the table, the noise level in the project area ranges from 56 to 58 on typical weekdays and weekends with no events, and 56 to 63 when there are events at Levi's Stadium.

Table 4.13-2 Summary of Noise Levels Recorded at Cheeney Street and Lenox Place Intersection

Event Scenario	Date (Hours)		Measured Noise Levels with Jets dBA		Noise nout Jets
		L_{eq}	CNEL	L_{eq}	CNEL
Typical Weekdays (No Events)	4/15/2024 to 4/19/2024 (7:00 a.m. to 10:00 p.m.)	51 to 67	64 to 65	47 to 65	56 to 58
Typical Weekdays (No Events)	4/15/2024 to 4/19/2024 (10:00 p.m. to 7:00 a.m.)	42 to 66	64 to 65	42 to 56	56 to 58
Typical Weekends (No Events)	4/20/2024 to 4/21/2024 (7:00 a.m. to 10:00 p.m.)	52 to 66	62 to 63	49 to 62	56 to 57
Typical Weekends (No Events)	4/20/2024 to 4/21/2024 (10:00 p.m. to 7:00 a.m.)	42 to 63	62 to 63	42 to 55	56 to 57
Typical NFL Game (non- game weekdays)	10/6/2023 and 10/9/2023 (7:00 a.m. to 10:00 p.m.)	57 to 65	62 to 65	50 to 61	56 to 59
Typical NFL Game (non- game weekdays)	10/6/2023 and 10/9/2023 (10:00 p.m. to 7:00 a.m.)	42 to 66	62 to 65	45 to 56	56 to 59
Typical NFL Game (non- game weekend)	10/7/2023 (7:00 a.m. to 10:00 p.m.)	54 to 63	63	49 to 56	57
Typical NFL Game (non- game weekend)	10/7/2023 (10:00 p.m. to 7:00 a.m.)	48 to 62	63	47 to 53	57
Typical NFL Game (gameday)	10/8/2023 (7:00 a.m. to 10:00 p.m.)	60 to 66	66	52 to 62	60
Typical NFL Game (gameday)	10/8/2023 (10:00 p.m. to 7:00 a.m.)	48 to 63	66	48 to 55	60
NFL Playoff Game (non- game weekdays)	1/19/2024 and 1/22/2024 (7:00 a.m. to 10:00 p.m.)	56 to 64	63 to 65	49 to 63	59 to 60
NFL Playoff Game (non- game weekdays)	1/19/2024 and 1/22/2024 (10:00 p.m. to 7:00 a.m.)	48 to 66	63 to 65	47 to 56	59 to 60
NFL Playoff Game (non- game weekend)	1/21/2024 (7:00 a.m. to 10:00 p.m.)	58 to 63	63	53 to 57	59

Event Scenario	Date (Hours)	Measured Noise Levels with Jets dBA		Measured Noise Levels without Jets dBA	
		L_{eq}	CNEL	L_{eq}	CNEL
NFL Playoff Game (non- game weekend)	1/21/2024 (10:00 p.m. to 7:00 a.m.)	46 to 62	63	45 to 55	59
NFL Playoff Game (gameday)	1/20/2024 (7:00 a.m. to 10:00 p.m.)	55 to 61	62	54 to 60	59
NFL Playoff Game (gameday)	1/20/2024 (10:00 p.m. to 7:00 a.m.)	48 to 58	62	46 to 53	59
NFC Champ. Game (non- game weekdays)	1/26/2024 and 1/29/2024 (7:00 a.m. to 10:00 p.m.)	54 to 70	65	50 to 68	59 to 60
NFC Champ. Game (non- game weekdays)	1/26/2024 and 1/29/2024 (10:00 p.m. to 7:00 a.m.)	47 to 65	65	47 to 58	59 to 60
NFC Champ. Game (non- game weekend)	1/27/2024 (7:00 a.m. to 10:00 p.m.)	54 to 66	64	48 to 62	58
NFC Champ. Game (non- game weekend)	1/27/2024 (10:00 p.m. to 7:00 a.m.)	49 to 65	64	49 to 53	58
NFC Champ. Game (gameday)	1/28/2024 (7:00 a.m. to 10:00 p.m.)	60 to 65	66	52 to 63	60
NFC Champ. Game (gameday)	1/28/2024 (10:00 p.m. to 7:00 a.m.)	46 to 63	66	46 to 53	60
Soccer match	9/27/2023 (7:00 a.m. to 10:00 p.m.)	56 to 64	64	51 to 61	58
Soccer match	9/27/2023 (10:00 p.m. to 7:00 a.m.)	45 to 64	64	44 to 53	58
Taylor Swift Concerts	7/28/2023 (7:00 a.m. to 10:00 p.m.)	61 to 66	67	55 to 66	63
Taylor Swift Concerts	7/28/2023 (10:00 p.m. to 7:00 a.m.)	45 to 64	67	45 to 59	63
Taylor Swift Concerts	7/29/2023 (7:00 a.m. to 10:00 p.m.)	60 to 64	66	52 to 63	62
Taylor Swift Concerts	7/29/2023 (10:00 p.m. to 7:00 a.m.)	46 to 65	66	46 to 61	62
Ed Sheeran Concert	9/16/2023 (7:00 a.m. to 10:00 p.m.)	60 to 64	64	50 to 60	60

Event Scenario	Date (Hours)	Measured Levels with		Measured Noise Levels without Jets dBA	
		L _{eq}	CNEL	L _{eq}	CNEL
Ed Sheeran Concert	9/16/2023 (10:00 p.m. to 7:00 a.m.)	41 to 63	64	41 to 57	60
Source: Illingworth & Ro	odkin. 2303 Gianera Street Noise A	nd Vibration Asse	essment. M	ay 2, 2024.	

4.13.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	uld the project result in:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b)	Generation of excessive groundborne vibration or groundborne noise levels?				
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise

The project would demolish the existing single-family house and accessory structures to subdivide the project site to construct a total of eight, three-story, townhouse units. Construction of the project would last for approximately 11 months. Construction phases would include demolition, site preparation, grading, trenching, building construction, architectural coating, and paving. A varying amount of construction equipment and activities would be required for each construction phase.

Noise impacts would also change based on the location of construction activities and the distance between those activities and surrounding uses.

The Santa Clara City Code limits construction activities within 300 feet of residentially zoned property between 7:00 am to 6:00 pm on weekdays and between 9:00 am and 6:00 pm on Saturdays. Construction is not permitted on Sundays or holidays. The City does not have noise thresholds for temporary construction in its General Plan or City Code. Therefore, for the purposes of this analysis, the City relies upon the noise limits established by the Federal Transit Administration (FTA) to identify potential impacts from temporary construction noise. Based on these standards, during daytime hours, an exterior threshold of 80 dBA Leq would apply at residential land uses, 85 dBA Leq would apply at commercial land uses, and 90 dBA Leq would apply at industrial land uses. The estimated noise levels for each phase of construction based on the equipment for each phase of construction are summarized in Table 4.13-3.

Table 4.13-3: Hourly Average Construction Noise Levels

Phase of Construction	South Residences (125 feet)	East & West Residences (60 feet)	North Substation (160 feet)
Demolition	79	85	77
Site Preparation	77	83	74
Grading/Excavation	79	86	77
Trenching/Foundations	74	80	72
Building – Exterior	68	74	65
Building – Interior/ Architectural Coating	66	72	64
Paving	79	85	76

Source: Illingworth & Rodkin. 2303 Gianera Street Noise And Vibration Assessment. May 2, 2024.

As shown in Table 4.13-3, construction noise levels would range from 66 to 86 dBA L_{eq} at existing residences and from 64 to 77 dBA L_{eq} at the existing substation. The 90 dBA L_{eq} threshold for industrial uses would not be exceeded at the north substation. However, construction noise levels would potentially exceed the exterior threshold of 80 dBA L_{eq} at residential land uses to the east and west.

Impact NOI-1.1: Construction noise levels would potentially exceed the exterior threshold of 80 dBA L_{eq} at residential land uses to the east and west.

Mitigation Measure:

MM NOI-1.1: A qualified acoustical consultant shall prepare a construction noise control plan to be submitted to the City for review and approval prior to issuance of a demolition and/or grading permit, including, but not limited to, the following available controls:

- Ensure that excavating, grading and filling activities, and other
 construction activities (including the loading and unloading of materials
 and truck movements) within 300 feet of residentially zoned property,
 are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and
 between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No
 construction is permitted on Sundays or holidays.
- Construct a solid plywood fence along the eastern and western property lines, where feasible, to shield the adjoining residential receptors from construction work. A temporary eight-foot-tall noise barrier would be tall enough to block direct line-of-sight with ground-level receptors.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors
 or portable power generators, as far as possible from sensitive receptors
 as feasible. If they must be located near receptors, adequate muffling
 (with enclosures where feasible and appropriate) shall be used to reduce
 noise levels at the adjacent sensitive receptors. Any enclosure openings
 or venting shall face away from sensitive receptors.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses

- so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of the mitigation measure MM NOI-1.1, the project's impact from construction noise would be reduced to a less than significant level by limiting construction activities to daytime hours, constructing temporary noise barriers around the site, and designating a disturbance coordinator to respond to any complaints from neighboring properties regarding excessive construction noise. (Less than Significant Impact with Mitigation Incorporated)

Operational Noise

Traffic Noise

The proposed eight townhouse units would generate minimal daily and peak hour trips. When compared to the existing traffic volumes on Lafayette Street and the existing traffic volume within the residential neighborhood, the project would result in a zero CNEL increase.

Mechanical Equipment Noise

While the site plan for the building does not show heating, ventilation, or air conditioning (HVAC units), these units are typically located on ground level, on the exterior of buildings. The HVAC units are assumed to be three feet tall and located on the corner of each townhome in the backyard. The proposed six-foot privacy fence would provide a minimum decrease of 10 dBA to surrounding receptors from three-foot tall HVAC units. During operation, noise from the HVAC units would range from 53 to 63 dBA at three feet. The maximum amount of noise would come from two HVAC units clustered together given their location outside. The latter scenario would result in a noise level of 66 dBA at three feet. Therefore, mechanical equipment noise levels would be expected to exceed the City's nighttime threshold of 50 dBA at the adjacent residential land uses to the east and west as shown in Table 4.13-4.

Table 4.13-4: Operational Noise Levels

Receptor	Distance from Nearest HVAC Equipment, feet	Hourly L _{eq} , dBA	CNEL, dBA
South Residences	65	29ª	36ª
East Residences	5	52°	58ª
West Residences	5	52°	58ª
North Substation	100	26ª	32ª

Source: Illingworth & Rodkin. 2303 Gianera Street Noise And Vibration Assessment. May 2, 2024.

Impact NOI-1.2: The operation of mechanical equipment would potentially exceed the City's nighttime threshold at residential receptors to the east and west of the project.

Mitigation Measure:

MM NOI-1.2:

The applicant shall have a qualified acoustical consultant prepare a detailed acoustical study during final design to evaluate the potential noise generated by mechanical equipment and demonstrate the necessary noise control to meet the City's 50 dBA nighttime noise threshold at the receiving property lines. Noise control features, such as selection of quiet units, sound attenuators, enclosures, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise shall not exceed 50 dBA at the receiving property lines. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit.

With implementation of the mitigation measure MM NOI-1.2, the project's impact from mechanical noise equipment would be reduced to a less than significant level by installing sound attenuators, enclosures, and barriers, as appropriate to ensure noise levels would not exceed 50 dBA. (Less than Significant Impact with Mitigation Incorporated)

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

The construction of the project may generate vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include grading, foundation work, paving, and new building framing and finishing. Impact or vibratory pile driving activities, which can cause excessive vibration, are not expected for the proposed project.

For structural damage, the California Department of Transportation (Caltrans) recommends a vibration limit of 0.5 in/sec PPV for buildings that are structurally sound and designed to modern

^a Minimum attenuation of 10 dBA is applied to these noise levels due to the proposed six-foot privacy fence.

engineering standards, which typically consist of buildings constructed since the 1990s. A conservative vibration limit of 0.3 in/sec PPV is used for buildings that are found to be structurally sound but structural damage is a major concern. A vibration limit of 0.25 in/sec PPV would apply to historical buildings or some older buildings. The 0.3 in/sec PPV would apply to the surrounding residential buildings, as many of the neighborhood's residences were built in the 1990s, and the substation. As discussed in Section 4.5 Cultural Resources, there are no historic buildings within 200 feet of the site.

Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Typical vibration levels that could be expected from construction equipment at 25 feet and estimated vibration levels at existing buildings surrounding the project site are summarized below in Table 4.13-5.

The estimated maximum vibration level expected for structures near the proposed project is 0.575 in/sec PPV, which would exceed the threshold of 0.3 in/sec PPV.

Table 4.13-5: Construction Vibration Levels

Equipment	South Residences ^a (60 feet)	East & West Residences ^a (10 feet)	North Substation ^a (525 feet)
Clam shovel drop	0.077	0.553	0.007
Hydromill (slurry wall) in soil	0.003	0.022	0.000
Hydromill (slurry wall) in rock	0.006	0.047	0.001
Vibratory Roller	0.080	0.575	0.007
Hoe Ram	0.034	0.244	0.003
Large bulldozer	0.034	0.244	0.003
Caisson drilling	0.034	0.244	0.003
Loaded trucks	0.029	0.208	0.003
Jackhammer	0.013	0.096	0.001
Small bulldozer	0.001	0.008	0.000

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., April 2024.

Bold = exceeds the threshold

^a All surrounding residences and substation buildings would conservatively be subject to the 0.3 in/sec PPV threshold. Units are measured in in/sec PPV.

Impact NOI-2: Construction vibration levels would exceed the 0.3 in/sec PPV threshold at the residences east and west of the site.

Mitigation Measure:

MM NOI-2.1: The project applicant or the applicant's contractor shall implement the following measures during construction to reduce construction vibration generated by the project:

- Avoid using vibratory rollers and clam shovel drops within 25 feet of the adjacent buildings to the east and west.
- Select demolition methods that do not involve large impact tools such as hoe-rams within 25 feet of the adjoining residences to the east and west.
 Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 25 feet of the adjacent buildings to the east and west.
- Smaller equipment (less than 18,000 pounds) shall be used near the
 property lines adjacent to buildings to minimize vibration levels. For
 example, a smaller vibratory roller similar to a Caterpillar model CP433E
 vibratory compactor could be used when compacting materials within 25
 feet of the adjacent buildings.
- Hoe rams, large bulldozers, drill rigs, loaded trucks, and other similar equipment shall not be used within 25 feet of adjacent buildings to the east and west.

With implementation of mitigation measure MM NOI-2.1, the project would have a less than significant construction vibration impact because equipment would be selected and used to minimize vibration. (Less than Significant Impact with Mitigation Incorporated)

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project site is located approximately 2.5 miles southeast of the Norman Y. Mineta International Airport and is located outside of the 65 dBA noise contour. The proposed residences would also require forced-air mechanical ventilation systems to be incorporated into the project. See Section 4.13.3 for a further discussion of the conditions of approval required to achieve the interior noise standard. (Less than Significant Impact)

4.13.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Santa Clara has policies (including Policies 5.10.6-P1, 5.10.6-P2, and 5.10.6-P3) that address existing noise conditions affecting a proposed project.

Future Exterior Noise Environment

The proposed townhomes units would have the centers of their backyards set back 45 to 150 feet from the centerline of Gianera Street. Future exterior noise levels would range from 63 to 66 dBA CNEL on typical days and days of soccer matches. On days of NFL games and concerts, future noise levels would range from 67 to 68 dBA CNEL. Future exterior noise levels would not meet the City's exterior threshold of 55 dBA CNEL, and conventional attenuation methods, such as a noise barrier, would not reduce exterior noise levels since the dominant noise source at the project site is aircraft.

Future Interior Noise Environment

Residential units located along Gianera Street would be set back approximately 40 feet from the centerline and would be exposed to future exterior noise levels ranging from 63 to 66 dBA CNEL on typical days and on days with soccer games. The units would be exposed to noise levels of 67 to 68 dBA CNEL on days of NFL games and concerts, and aircraft noise by being located in the 60 dBA CNEL noise contour line. Future interior noise levels in these units would be up to 53 dBA CNEL, assuming the windows are open.

To meet the interior noise requirements set forth by the State of California of 45 dBA CNEL, the project would be required to implement the following Condition of Approval.

Conditions of Approval:

• The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared by a qualified acoustical consultant to ensure that the design incorporates controls (i.e., forced-air mechanical ventilation systems) to reduce interior noise levels to 45 dBA CNEL or lower within the residential units. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

With implementation of the Conditions of Approval, the project would be consistent with General Plan Policies 5.10.6-P1, 5.10.6-P2, and 5.10.6-P3.

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 Regulatory Framework

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the statemandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁶⁷ The City of Santa Clara Housing Element and related land use policies were last updated in 2024.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.⁶⁸

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

⁶⁷ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed June 6, 2024. http://hcd.ca.gov/community-development/housing-element/index.shtml.

⁶⁸ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

4.14.1.2 *Existing Conditions*

The City of Santa Clara had a population of 132,476 people and 128,213 households with an average of 2.57 persons per household as of January 2023.⁶⁹ The City is estimated to have a population of approximately 154,990 people and up to 154,000 jobs with 86,800 employed residents in 2035.⁷⁰

The project site is currently developed with one single-family residence with an accessory building with two units, all of which are currently unoccupied.

4.14.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	uld the project:				
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				
a)	Would the project induce substantial unplandirectly (for example, by proposing new hor through extension of roads or other infrastr	nes and bu	_		

The project proposes to increase the number of housing units within the City compared to existing conditions by providing eight townhome units when the site is currently occupied with one single-family residence and an accessory building with two units. While the project would accommodate an increase in the local population, this increase would not be substantial. Using an estimate of 2.57 residents per household, the proposed project would increase the population of the City by approximately 21 people.⁷¹ The City expects an increase of 28,300 new residents in the period

⁶⁹ California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2023. Accessed on March 20, 2024. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/.

⁷⁰ City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011.

⁷¹ California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2023. Accessed on March 20, 2024. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/.

between 2010 and 2035.⁷² The growth in population that the project would facilitate would fall within the planned development levels set forth by the City's General Plan as its development is consistent with the General Plan land use designation of the site. No roads would be extended as a component of the project, nor would other infrastructure be developed that would induce population growth beyond the scope of the project. Therefore, the project would not result in a significant population impact by inducing substantial unplanned growth. (Less than Significant Impact)

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is currently unoccupied and does not have any residents. Therefore, the project would not require the construction of replacement housing due to displacement of existing people. In addition, the implementation of the project would result in a net increase of five dwelling units compared to existing conditions. (Less than Significant Impact)

⁷² City of Santa Clara. 2010-2035 General Plan. 2014.

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 Regulatory Framework

State

Government Code Section 66477

The California Legislature enacted the Quimby Act (Government Code Section 66477) to ensure that new residential developments set aside sufficient parkland and open space for recreational purposes. It provides for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to public services are applicable to the proposed project.

Policies	Description
5.3.1-P9	Require new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.4.3-P3	Provide pedestrian-oriented ground floor uses and a network of parks and public spaces to serve both residential and non-residential development.
5.9.1-P1	Develop additional parkland in the City so that it is integrated into neighborhoods and meets the standards for size, amenities, and locations to serve residents and employees.
5.9.1-P2	Develop new parks to serve the needs of the surrounding community based on the criteria for mini (less than one acre, appropriate for all areas), neighborhood (1-15 acres, appropriate for medium-and high-density residential areas serving individual neighborhoods), and community (over 15 acres, appropriate for medium- and high-density residential areas serving the City as a whole) parks.
5.9.3-P3	Maintain a City-wide average three minute response time for 90 percent of police emergency service calls.
5.9.3-P4	Maintain a City-wide average three-minute response time for fire emergency service calls.

City Code Chapter 17.35

The purpose of City Code Chapter 17.35 is to help mitigate the impacts of new housing development growth on existing parkland and recreational facilities pursuant to the provisions of the Quimby Act and/or the California Mitigation Fee Act (MFA). Chapter 17.35 requires new residential developments to provide developed park and recreational facilities and/or pay a fee in-lieu of parkland dedication, at the City's discretion.

4.15.1.2 *Existing Conditions*

Fire Protection

Fire protection services are provided by the City of Santa Clara Fire Department (SCFD). The SCFD currently has nine fire stations, with one more planned in 2025. The SCFD has approximately 155 personnel and a Volunteer Reserve Firefighter Program.⁷³ The SCFD has eight engines, two trucks, one rescue/light unit, one hazardous materials unit, and two command vehicles.⁷⁴ Fire Station 8 is the closest to the project site at 2400 Agnew Road, 1.1 miles north of the project site.

⁷³ City of Santa Clara. "History of the Fire Department." Last Updated December 7, 2021. Accessed June 7, 2024. https://www.santaclaraca.gov/our-city/departments-a-f/fire-department/about-us/history.
⁷⁴ Ibid.

Police

The Santa Clara Police Department (SCPD) has 232 full time employees, 153 of those employees being sworn authorized personnel. The average response time for priority one calls for service was two minutes and thirty-five seconds in 2023.⁷⁵ The closest police station is 1.1 miles southeast of the project site at 3992 Rivermark Parkway.

Schools

The project site is located within the Santa Clara Unified School District (SCUSD). SCUSD serves over 15,300 kindergarten through 12th grade students and 6,000 students in preschool and adult school. The Students in the project area attend Kathryn Hughes Elementary School (0.25 miles north of the site), Dolores Huerta Middle School (1.78 miles away), and Kathleen MacDonald High School (1.8 miles east of the site).

Parks

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. The Department maintains and operates Central Park, a 45.04-acre community park, 28neighborhood parks, 15 mini parks, public open space, recreational facilities, recreational trails, and joint use facilities throughout the City totaling approximately 236.935 improved acres and 80.43 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

There are no neighborhood parks within walking distance (a 10-minute walk) of the site. The nearest neighborhood parks to the site are Lick Mill Park and Fairway Glen Park; however, both parks are more than a 30-minute walk because there are railroad tracks that prevent foot traffic and vehicles from crossing anywhere other than the designated areas for safety.

⁷⁵ Santa Clara Police Department. "Fact Sheet." Accessed March 20, 2024. https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet

⁷⁶ Santa Clara Unified School District. "About Us." Accessed March 20, 2024. https://www.santaclarausd.org/domain/15

⁷⁷ Santa Clara Unified School District. "MySchool Locator." Accessed March 20, 2024. https://locator.decisioninsite.com/?StudyID=217157

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire Protection?b) Police Protection?c) Schools?d) Parks?e) Other Public Facilities?				
 a) Would the project result in substantial adversariation of new or physically altered governaltered governmental facilities, the construction environmental impacts, in order to maintain other performance objectives for fire prote 	nmental faction of when acceptable	cilities, need fo ich could cause e service ratios	r new or phy significant	rsically

The proposed project would be located in a suburban area that is already served by the SCFD. The project would incrementally increase the demand for fire protection services within the SCFD's jurisdiction compared to existing conditions. The proposed project would increase the local population by approximately 21 people, which is not a sufficient population increase to require new or expanded fire stations, personnel, or equipment. The proposed townhouses would be built to applicable fire code standards when construction permits are issued and include smoke detectors and sprinklers. The project would not result in a significant impact to fire protection services and no new facilities would be required to maintain acceptable service ratios, response times, or other performance objectives. (Less than Significant Impact)

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

The proposed project would incrementally increase the demand for police services because it would increase the number of residents on-site compared to existing conditions. The project site is, however, located within a suburban area that is already served by the SCPD. The project design would be reviewed by the SCPD to ensure that it incorporates appropriate safety features to minimize criminal activity. No new facilities would be required to provide adequate police services to serve the proposed project. (Less than Significant Impact)

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

The project would result in the addition of approximately three new students in the Santa Clara Unified School District (one elementary student, one middle school student, and one high school students).⁷⁸ Table 4.15-1 below summarizes the 2020-2021 student enrollment and capacity of the schools that would serve the project site.

Table 4.15-1: School Capacity and Enrollment

School	2020-2021 Capacity ¹	2022-2023 Enrollment ²
Kathryn Hughes Elementary School	421	293
Dolores Huerta Middle School	1,000	398
Kathleen MacDonald High School	1,600	225

¹ Santa Clara Unified School District. *Residential and Commercial/Industrial Development School Fee Justification Study.* March 28, 2024. Accessed June 20, 2024.

 $\frac{https://resources.finalsite.net/images/v1714077505/santaclarausdorg/jiv7lvbzaig9gs5lzr4p/SCUSDLevel1DevelopmentFeeJustificationStudy2024.pdf.$

² Education Data Partnership. "Ed Data Education Data Partnership CDE/EdSource/FCMAT." Accessed April 12, 2024. http://www.ed-data.org/index.

⁷⁸ Based on the SCUSD School Fee Justification Study, single-family detached units generate approximately 0.0970 elementary students, 0.0461 middle school students, and 0.0682 high school students. Source: Santa Clara Unified School District. *Residential and Commercial/Industrial Development School Fee Justification Study*. March 28, 2024. Accessed June 20, 2024.

 $[\]frac{https://resources.final site.net/images/v1714077505/santaclarausdorg/jiv7lvbzaig9gs5lzr4p/SCUSDLevel1DevelopmentFeeJustificationStudy2024.pdf.$

As shown in the table above, Kathryn Hughes Elementary School, Dolores Huerta Middle School, and Kathleen MacDonald High School have the capacity to accommodate the project-generated students. The proposed project would contribute minimally to the demand placed on the schools' infrastructure, staffing, and resources.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code Section 65996 would offset project-related increases in student enrollment. Therefore, implementation of the project would not result in substantial adverse physical impacts due to the need for new or expanded schools. (Less than Significant Impact)

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

The project would incrementally increase the resident demand on existing City parks and comply with Chapter 17.35 of the City Code by paying fees in lieu of parkland dedication to help mitigate the impacts of the new resident demand on existing parks and recreational facilities. (Less than Significant Impact)

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

The existing library facilities serve the City's population of 132,476 residents. The project would result in 21 new residents, which would represent an approximately 0.016 percent increase in the City's current population. The nominal increase in library demand from the proposed development would not result in substantial adverse impacts to existing library or other facilities, and would not require the construction of new facilities. Therefore, the proposed project would result in a less than significant impact on libraries. (Less than Significant Impact)

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 Regulatory Framework

State

Government Code Section 66477

The California Legislature enacted the Quimby Act (Government Code Section 66477) to ensure that new residential developments set aside sufficient parkland and open space for recreational purposes. It provides for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

Local

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to recreation are applicable to the proposed project.

Policies	Description
5.3.1-P9	Require new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.4.3-P3	Provide pedestrian-oriented ground floor uses and a network of parks and public spaces to serve both residential and non-residential development.
5.9.1-P1	Develop additional parkland in the City so that it is integrated into neighborhoods and meets the standards for size, amenities, and location to serve residents and employees.
5.9.1-P2	Develop new parks to serve the needs of the surrounding community based on the criteria for mini (less than one acre, appropriate for all areas), neighborhood (1-15 acres, appropriate for medium-and high-density residential areas serving individual neighborhoods), and community (over 15 acres, appropriate for medium- and high-density residential areas serving the City as a whole) parks.

City Code Chapter 17.35

The purpose of City code Chapter 17.35 is to help mitigate the impacts of new housing development growth on existing parkland and recreational facilities pursuant to the provisions of the State of California Quimby Act (Quimby) and/or the MFA. Chapter 17.35 requires new residential developments to provide developed park and recreational facilities and/or pay a fee in lieu of parkland dedication, at the City's discretion.

4.16.1.2 *Existing Conditions*

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. The Department maintains and operates Central Park, a 45.04-acre community park, 28 neighborhood parks, 15 mini parks, public open space, recreational facilities, recreational trails, and joint use facilities throughout the City totaling approximately 236.935 improved acres and 80.43 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

There are no neighborhood parks within walking distance (a 10-minute walk) of the site. The nearest neighborhood parks to the site are Lick Mill Park and Fairway Glen Park; however, both parks are more than a 30-minute walk because there are railroad tracks that prevent foot traffic and vehicles from crossing anywhere other than the designated areas for safety.

4.16.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?				
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

As discussed in Section 4.15 Public Services, the project would incrementally increase the resident demand on existing City parks; however, the project would be required to comply with Chapter 17.35 of the City Code by paying fees in lieu of parkland dedication to help mitigate the impacts of the new resident demand on existing parks and recreational facilities. In addition, each unit would include a private backyard which would help offset demand on existing recreational facilities. For these reasons, the project would not result in the substantial physical deterioration of recreational facilities or accelerate the physical deterioration of recreational facilities. (Less than Significant Impact)

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project does not propose any recreational facilities on- or off-site, the construction of which could result in additional environmental impacts. Therefore, the proposed project would not result in significant impacts. (Less than Significant Impact)

4.17 Transportation

4.17.1 Environmental Setting

4.17.1.1 Regulatory Framework

State

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by the Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of Santa Clara VMT Policy

The Santa Clara City Council adopted a VMT policy in compliance with SB 743 on June 23, 2020. The policy sets thresholds of significance for various land uses, using the countywide average VMT as the environmental baseline. To determine whether a project will have a significant transportation impact, project VMT is compared to the appropriate threshold. For residential land uses, the adopted threshold is 15 percent below the existing countywide VMT per capita.

In addition to establishing the environmental baseline and thresholds of significance, the VMT policy establishes screening criteria for certain projects that are presumed to have a less than significant VMT impact. Projects which meet the screening criteria would not be required to quantify VMT and compare it to the City's adopted threshold. For example, projects which generate 110 daily vehicle trips or less would be screened out from a quantitative VMT analysis and would be presumed to have a less than significant VMT impact.

All proposed development projects are required to undergo environmental review as part of the approval process. This includes an analysis of CEQA impacts (VMT) and non CEQA operational measures of intersection efficiency (LOS). The City's VMT policy also establishes LOS as an operational measure of intersection efficiency, which is not defined as a transportation environmental impact per CEQA.

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to transportation are applicable to the proposed project.

Policies	Description
5.3.1-P9	Require new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.8.2-P9	Require all new development to provide streets and sidewalks that meet City goals and standards, including new development in employment areas.
5.8.3-P9	Require new development to incorporate reduced on-site parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.
5.8.4-P6	Require new development to connect individual sites with existing and planned bicycle and pedestrian facilities, as well as with on-site and neighborhood amenities/services, to promote alternate modes of transportation.
5.8.4-P7	Require new development to provide sidewalks, street trees and lighting on both sides of all streets in accordance with City standards, including new developments in employment areas.
5.8.4-P8	Require new development and public facilities to provide improvements, such as sidewalks, landscaping and bicycling facilities, to promote pedestrian and bicycle use.
5.8.5-P3	Encourage all new development to provide on-site bicycle facilities and pedestrian circulation.

Policies	Description
5.10.2-P2	Encourage development patterns that reduce vehicle miles traveled and air pollution.

4.17.1.2 Existing Conditions

Roadway Network

The project site is accessed from Gianera Street. Local access to the project site is provided by local roadways including Agnew Road and Cheeney Street. Regional access to the project site is provided by US 101, SR 237, Lafayette Street, and Montague Expressway. Figure 2.4-1 and Figure 2.4-2 show the roadway network serving the site.

Pedestrian Facilities

Sidewalks are present on both sides of Gianera Street, Cheeney Street, and Agnew Road in the vicinity of the project site.

Bicycle Facilities

There are no designated bicycle facilities on Gianera Street and Cheeney Street in the immediate vicinity of the project site; however, Class II bicycle lanes are present on both sides of Agnew Road in the project vicinity.

Transit Facility

The nearest transit facility is the Santa Clara/Great America Amtrak stop, which is 0.45 miles northeast of the project site. The VTA operates bus services in the project area. The nearest bus stop to the site is on Agnew Road, near the intersection with Cheeney Street, approximately 0.53 miles south of the site.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
 a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities? 				
b) Conflict or be inconsistent with CEQA Guidelin Section 15064.3, subdivision (b)?	es 🗌			

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact		
Would the project:						
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?						
d) Result in inadequate emergency access?						
a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?						

Roadway Systems

The proposed project would generate 58 daily trips, including four AM peak hour trips, and five PM peak hour trips.⁷⁹ The number of project trips are minimal and would not result in operational issues to the roadway system. For this reason, no operational LOS analysis is required. Additionally, the project would not alter the roadway circulation network. Therefore, the proposed project would result in less than significant impacts on roadway facilities. (Less than Significant Impact)

Pedestrian Facilities

Sidewalks are present in the immediate vicinity of the project site along Gianera Street. A portion of the existing sidewalk on Gianera Street that is substandard would be reconstructed to meet City standards, consistent with General Plan policies 5.8.2-P9, 5.8.4-P7, and 5.8.4-P8. The project also includes on-site pedestrian pathways to facilitate safe pedestrian circulation, consistent with General Plan policy 5.8.5-P3. Therefore, the project would not conflict with a program, plan, ordinance, or policy controlling pedestrian facilities. (Less than Significant Impact)

Bicycle Facilities

No existing bicycle facilities would be altered by the proposed project and the proposed project would not conflict with any planned bicycle facilities. Therefore, the project would not interfere with existing plans, policies, or ordinances corresponding to bicycle facilities. (Less than Significant Impact)

⁷⁹ Based on Land Use 215 Single Family Attached trip generation rates of 7.20 daily, 0.48 AM peak hour, and 0.57 PM peak hour trips per dwelling unit. Source: Institute of Transportation Engineers. *Trip Generation Manual, 11th Edition.* 2021.

Transit Facilities

As aforementioned in Section 4.17.1.2, the Santa Clara/Great America Amtrak stop is the nearest transit facility, located approximately 0.45 miles northeast of the project site. The nearest bus stop is approximately 0.53 miles south of the site on Agnew Road near the Cheeney Street intersection. The proposed project does not include improvements that would conflict with existing (or planned) transit facilities, nor would it conflict with a program, plan, ordinance, or policy addressing transit. (Less than Significant Impact)

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Per the City's VMT policy, projects that generate less than 110 daily vehicle trips or less would be screened out from a quantitative VMT analysis and presumed to have a less than significant VMT impact. The proposed project would not generate more than 110 daily vehicle trips; therefore, the project would result in a less than significant VMT impact and would not conflict with CEQA Guidelines Section 15064.3, subdivision (b)(1). (Less than Significant Impact)

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project proposes residential uses in an existing residential neighborhood. The project would not include incompatible uses, such as farm equipment on-site. A private street would provide access to the site with a 24-foot-wide driveway, which is consistent with the City's driveway standards in City Code 18.74.050. The City has evaluated the proposed project and determined that it would not increase on-site hazards due to the design of the townhomes, including garages and driveways, and the reconstructed sidewalk. Therefore, the project would result in a less than significant hazards impact. (Less than Significant Impact)

d) Would the project result in inadequate emergency access?

Site access would be provided via a driveway on Gianera Street that would meet City design standards, including those for adequate emergency vehicle access. Therefore, the project would not result in inadequate emergency access. (Less than Significant Impact)

4.18 Tribal Cultural Resources

4.18.1 Environmental Setting

4.18.1.1 Regulatory Framework

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - o Included or determined to be eligible for inclusion in the CRHR, or
 - Included in a local register of historical resources as defined in Public Resources
 Code Section 5020.1(k).
 - A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

In July 2021, the City of Santa Clara received a letter from Tamien Nation requesting to be notified of proposed projects within the City. A Sacred Lands File Search request was submitted to the Native American Heritage Commission (NAHC) for the project area, and the result came back negative on March 22, 2024. The NAHC provided a contact list of Native American tribal contact list and recommended the contacts be consulted to confirm presence of any TCRs. Tamien Nation, along with the tribal contacts provided by the NAHC, were contacted on May 13, 2024, via email and certified US mail, with a follow-up email on May 30, 2024.

No request for consultation was received by the City. Two replies were received. Irenne Zwierlein of the Amah Mutsun Tribal Band of San Juan Bautista replied with a form letter and rate sheet on May 14, 2024, stating that archaeological monitoring should be used if an NWIC or NAHC record search suggested that the project area was archaeologically sensitive. Valentin Lopez of the Amah Mutsun Tribal Band replied on May 31, 2024, by email, stating that the tribe had no comment on the project. No other replies were received during the 30-day response period. Furthermore, no other replies have been received since the circulation of this Initial Study began.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?				
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
 a) Would the project cause a substantial adverse resource that is listed or eligible for listing or in a local register of historical resources 5020.1(k)? 	in the Califo	rnia Register o	f Historical R	esources,

As discussed above, the project site does not contain any known TCRs listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). As discussed in Section 4.5 Cultural Resources, the project site has moderate sensitivity for archaeological resources. Typically, archaeological monitoring is only required when a site has high sensitivity for archaeological resources. Because the project site does not have high sensitivity for archaeological resources, archaeological monitoring is not warranted. With implementation of mitigation measures CUL-1.1 and CUL-1.2 to have construction crews receive cultural resources training and stopping work in the even resources are encountered, would reduce unknown cultural resources, including TCRs, impacts to a less than significant level. (Less than Significant Impact with Mitigation Incorporated)

⁸⁰ Shoup, Daniel. Principal and registered professional archaeologist at A/HC. Personal communications. June 2024.

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

As mentioned under checklist question a), the project site does not have any known TCRs. However, in the event any archaeological resources are found mitigation measures CUL-1.1 and CUL-1.2 identified in Section 4.5 Cultural Resources would be implemented to preserve and protect the find. Therefore, the proposed project would not cause a substantial adverse change in the significance of a TCR. (Less than Significant Impact with Mitigation Incorporated)

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

4.19.1.1 Regulatory Framework

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an Urban Water Management Plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Santa Clara adopted its most recent UWMP in June 2021.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a Water Supply Assessment (WSA) containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the California Integrated Waste Management Board (CIWMB), required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels) by 2000 and thereafter. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August 2020 (revised November 2020), which recommended maintaining the disposal reduction targets set forth in SB 1383.⁸¹

California Green Building Standards Code

CALGreen establishes mandatory green building standards for all buildings in California. The code is updated every three years. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris;
 and
- Providing readily accessible areas for recycling by occupants.

⁸¹ CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals. Revised November 30, 2020. Accessed June 7, 2024.

 $[\]frac{\text{https://www2.calrecycle.ca.gov/Publications/Details/1693\#:} \text{``:text=Analysis\%20of\%20the\%20Progress\%20Toward,}}{\text{(DRRR\%2D2020\%2D1693)\&text=SB\%201383\%20establishes\%20targets\%20to,75\%20percent\%20reduction\%20by\%202025.}}$

Regional and Local

Santa Clara County Integrated Waste Management Plan

The waste management agency of each county must develop and adopt, in consultation with the state board, an integrated waste management plan (IWMP). The Santa Clara County IWMP was approved by the CIWMB in 1996 and is reviewed and revised, if necessary, every five years. The jurisdictions in the Santa Clara County IWMP include Campbell, Cupertino, Gilroy, Morgan Hill, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale and the Unincorporated Areas of Santa Clara County.

City of Santa Clara 2010-2035 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following General Plan policies related to utilities and service systems are applicable to the proposed project.

Policies	Description
5.1.1-P3	Prior to the implementation of Phase III of the General Plan, undertake a comprehensive assessment of water, sanitary sewer conveyance, wastewater treatment, solid waste disposal, storm drain, natural gas, and energy demand and facilities in order to ensure adequate capacity and funding to implement the necessary improvements to support development in the next phase.
5.1.1-P21	Prior to 2023, identify and secure adequate solid waste disposal facilities to serve development in Phase III.
5.3.1-P9	Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.10.1-P6	Require adequate wastewater treatment and sewer conveyance capacity for all new development.
5.10.4-P4	Require an adequate water supply and water quality for all new development.
5.10.4-P6	Maximize the use of recycled water for construction, maintenance, irrigation and other applications.
5.10.4-P7	Require installation of native and low-water-consumption plant species when landscaping new development and public spaces to reduce water usage.
5.10.4-P8	Require all new development within a reasonable distance of existing or proposed recycled water distribution systems to connect to the system for landscape irrigation.
5.10.5-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

Santa Clara Reach Code

In September 2022, the City of Santa Clara adopted reach codes that require all new developments with permit applications filed on or after September 15, 2022, to be all electric buildings (Chapter 15.36 Energy Code). New developments must also comply with the building energy efficiency mandatory measures for solar photovoltaic systems pursuant with the reach codes. Additionally, all residential and non-residential developments must comply with the CALGreen mandatory measures for EV charging. Although the City has suspended enforcement of the all-electric construction requirements in the Reach Code in light of *California Restaurant Association v. City of Berkeley*, the project applicant has voluntarily committed to providing all-electric construction for this project.

Construction and Demolition Debris Recycling Program

This City of Santa Clara program requires project applicants seeking building and/or demolition permits for projects greater than 5,000 square feet to recycle at least 65 percent of discards.

4.19.1.2 Existing Conditions

Water Supply

The City of Santa Clara has four sources of water; surface water from the SFPUC, treated surface water from Valley Water, groundwater, and recycled water. The City's water demand was approximately 16.3 million gallons per day (mgd) for potable water and 3.1 mgd for recycled water in 2020.⁸²

The water supply system consists of approximately 335 miles of water mains, 21 active water wells, seven storage tanks with 28.8 million gallons of water storage capacity, and three booster pump stations.⁸³

An existing 12-inch water main is located in Gianera Street. The project site is unoccupied and, therefore, uses minimal water.

Wastewater Services

Wastewater treatment in Santa Clara is provided by the San José-Santa Clara Regional Wastewater Facility (Facility). The Facility serves approximately 1.4 million residents and over 17,000 businesses across eight cities. ⁸⁴ It treats an average of 110 mgd of wastewater, with a capacity of up to 167 mgd. ⁸⁵ Based on this average treatment amount, the Facility has approximately 57 mgd of available treatment capacity. The project site is unoccupied and, therefore, generates minimal wastewater.

⁸² City of Santa Clara. 2020 Urban Water Management Plan. June 22, 2021.

⁸³ Ibid.

⁸⁴ City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed June 7, 2024. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility.

⁸⁵ Ibid.

Stormwater Drainage

The City of Santa Clara owns and maintains the municipal storm drainage system, which serves the project site. Stormwater runoff on-site drains to an existing 10-inch storm drain line located in Gianera Street. The site is currently developed with 10,222 square feet of impervious area and 6,671 square feet of pervious area.

Electricity, Natural Gas, and Telecommunications

SVP is the City of Santa Clara's default energy utility, while PG&E provides natural gas services within the City of Santa Clara. Telecommunications is also available in the project area.

Solid Waste

Mission Trail Waste System provides solid waste collection in the City of Santa Clara through a contract. Organic waste, such as food waste, is collected in the garbage container and is delivered to a mixed waste processing facility where it is separated from the garbage and ultimately made into compost material, and yard waste is collected separately. See Stevens Creek Disposal and Recycling provides recycling services. Through 2024, the City has a contract with the Newby Island Landfill (NISL), located in San José, to provide disposal capacity. As of May 2023, NISL had approximately 12.4 million cubic yards of remaining capacity. In addition to NISL, other local landfills include the Kirby Canyon Landfill and Guadalupe Landfill. Per the IWMP, the county has adequate disposal capacity at least through 2036. The project site is unoccupied and, therefore, generates minimal solid waste.

4.19.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	uld the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				

⁸⁶ City of Santa Clara. "Mixed Waste Processing." Accessed June 20, 2024. https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/residential-garbage-recycling/mixed-waste-processing.

⁸⁷ Boccaleoni, Anthony. Division Manager, Republic Services. Personal Communication. May 12, 2024.

⁸⁸ Santa Clara County. Santa Clara County Five Year CIWMP/RAIWMP Review Report. June 23, 2021.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	
Wo	ould the project:					
b)	Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?					
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?					
e)	Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?					
a	a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?					

Water Delivery System

Once operational, the project would use approximately 290,130 gallons of water per year. ⁸⁹ Lateral connections would be made to the existing water main in Gianera Street to service the eight new residences on-site. An additional fire hydrant may be installed along the private road on-site, if determined required by the City at the building permit stage. The proposed development is consistent with the planned buildout of the General Plan and would not require the construction or expansion of water delivery systems. For specific development projects, such as the proposed project, the City confirms whether improvements to water delivery system are necessary to serve the project during the permitting stage. In the event improvements are needed, they would be minor, localized, and limited to work within the right-of-way. Construction of such improvements do not result in significant environmental impacts with the implementation of standard construction-related mitigation measures and conditions of approval identified in Sections 4.3 Air Quality, 4.4 Biological Resources, 4.5 Cultural Resources, 4.10 Hydrology and Water Quality, and 4.13 Noise of this Initial Study. The City's Fire Department has confirmed the water pressure and

⁸⁹ Water usage was estimated from the Air Quality Assessment CalEEMod output included in Appendix A.

fire flow in the water system would meet the City's performance standards with implementation of the project. ⁹⁰ Therefore, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities.

Storm Drainage

As discussed in Section 4.10 Hydrology under checklist question c), the project would not exceed the capacity of the existing storm drainage system serving the project site, and therefore, would not require expansion of the stormwater system.

Wastewater Treatment and Sanitary Sewer Facilities

The project would generate approximately 246,611 gallons of wastewater per year, or 675.6 gpd (or 0.0006756 mgd).⁹¹ As described above, the Facility has approximately 57 mgd of available treatment capacity. Based on the treatment capacity available, there would be sufficient capacity to serve the project and would not result in the relocation or construction of sanitary sewer and wastewater treatment facilities.

The project would abandon an existing six-inch sewer lateral line and install a new six-inch private sewer line to connect to Gianera Street, which has adequate capacity to service the project, as confirmed by the City's Department of Public Works. ⁹² Therefore, the project would not require the construction or relocation of new or expanded wastewater lines. The project would have a less than significant impact.

Electric Power, Natural Gas, and Telecommunication Facilities

The project proposes to voluntarily comply with the City's Reach Code and have all-electric residences. No use of natural gas is proposed. Additionally, the project would connect to existing electric and telecommunication systems and infrastructure. Therefore, the demand for these resources would be satisfied by existing services and construction of new or expanded facilities would not be required.

For these reasons, the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. (Less than Significant Impact)

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

⁹⁰ Plascencia, Calvin. Community Risk Reduction Division, Santa Clara Fire Department. Personal communications. September 3, 2024.

⁹¹ Based on the general assumption that wastewater generated is approximately 85 percent of indoor water use.

⁹² Nguyen, Viet. Associate Engineer, City of Santa Clara Department of Public Works. Personal Communication. August 23, 2024.

Once operational, the project would use approximately 290,130 gallons of water per year. ⁹³ The proposed project is part of planned growth from the General Plan. It was determined that there are sufficient water supplies to serve the buildout of the General Plan under normal, single critical dry year, and multiple dry year events in each five year UWMP planning period with the exception of 2035 in the event the City no longer has a contract with SFPUC and no longer receives water from SFPUC. ⁹⁴ However, the General Plan FEIR noted the shortfall in supply of 0.6 percent is well within the margin of error related to the projections and, therefore, is negligible and conservatively assumed no increase in conservation or recycled water use, or mandatory conservation measures are required. ⁹⁵

The City relies on imported water from Valley Water and SFPUC. The City's contract with SFPUC is interruptible and may be unavailable after 2028. As discussed in the General Plan FEIR, with the uncertainties inherent in future imported water supplies, the City of Santa Clara plans to meet future demand growth by pumping additional groundwater, relying on more recycled water, and increased conservation.⁹⁶ (Less than Significant Impact)

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed under checklist question a), the project would generate 0.0006756 mgd of wastewater. As described above, the Facility has approximately 57 mgd of available treatment capacity. Based on the treatment capacity available, there would be sufficient capacity to serve the project in addition to the Facility's existing commitments. (Less than Significant Impact)

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The proposed project would generate 5.94 tons, or 6.42 cubic yards, of waste per year. NISL has a remaining capacity of approximately 12.4 million cubic yards, as of May 2023. Based on the remaining capacity at NISL, there is sufficient disposal capacity to serve the project. The project would not impair solid waste reduction goals by participating in the City's Construction and Demolition Debris Recycling Program and being served by the City's waste collection services. For these reasons, construction and operation of the proposed project would not result in a significant

⁹³ Water usage was estimated from the Air Quality Assessment CalEEMod output Appendix A.

⁹⁴ City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. January 2011. Page 223.

⁹⁵ Ibid.

⁹⁶ Ibid. Page 224.

⁹⁷ Solid waste was estimated from the Air Quality Assessment CalEEMod output included in Appendix A. Cubic yards based on a compaction rate of 1,850 pounds per cubic yard.

⁹⁸ Boccaleoni, Anthony. Division Manager, Republic Services. Personal Communication. May 12, 2024.

increase in solid waste generated within the City and would not require that new landfill facilities be contracted with or constructed to serve the proposed project. (Less than Significant Impact)

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

The proposed project would be required to comply with existing federal, state, and local regulations and programs pertaining to solid waste, including AB 341, SB 1383, CALGreen, and the City's Construction and Demolition Debris Recycling Program. Therefore, implementation of the project would have a less than significant impact on solid waste. (Less than Significant Impact)

4.20 Wildfire

4.20.1 Environmental Setting

4.20.1.1 Regulatory Framework

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

4.20.1.2 Existing Conditions

The project site is located in an urbanized area of the City. This area is not located within a SRA or FHSZ as designated by Cal Fire's Fire and Resource Assessment Program.⁹⁹

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
 Substantially impair an adopted emergency response plan or emergency evacuation plan? 				
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				

⁹⁹ Cal Fire Office of the State Fire Marshal. "Fire Hazard Severity Zone Viewer." Accessed June 6,2024. https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. (No Impact)

4.21 Mandatory Findings of Significance

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?					
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)					
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?					
a	a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?					

As discussed in the individual resource sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. The project would implement mitigation measures MM BIO-1.1 to reduce potential disturbance to nesting birds and raptors (see Section 4.4 Biological Resources) and mitigation measures MM CUL-1.1, MM CUL-1.2, and MM CUL-2.1 to reduce potential impacts to buried cultural and TCRs (see Section 4.5 Cultural Resources and Section 4.18 Tribal Cultural Resources). (Less than Significant Impact with Mitigation Incorporated)

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

As discussed in Section 4.1, the project meets the criteria identified in SB 743; therefore, the project would result in less than significant aesthetic impacts (including cumulative aesthetic impacts). The project would not result in any impacts to agriculture and forestry resources, mineral resources, or wildfire; therefore, the project would not contribute to significant cumulative impacts to those resources.

The project's impact on broader resources including air quality, energy, GHG, and VMT are evaluated at a cumulative level. That is, if a project results in a significant impact to air quality (specifically criteria air pollutants), energy, GHG, and VMT, the project would be considered to have a significant cumulative impact on those resources. As discussed in Sections 4.3 Air Quality, 4.6 Energy, 4.8 Greenhouse Gas Emissions, and 4.17 Transportation, the project would not result in significant (individual and cumulative) impacts to those resources. The project's cumulative community health risk impact was evaluated under checklist question c) in Section 4.3 Air Quality and concluded to be less than significant.

In addition, the project is consistent with the General Plan and the impacts from buildout of the General Plan were evaluated in the General Plan FEIR. As identified in the General Plan FEIR, buildout of the General Plan would result in significant cumulative unavoidable impacts to land use, population and housing, noise, transportation, and solid waste. The significant cumulative land use and population and housing impacts were due to regional jobs-housing imbalance, the significant cumulative noise impact was due to increased traffic noise levels on roadway segments, the significant cumulative transportation impact was due to substandard levels of service, and the significant cumulative solid waste impact was due to uncertainties of solid waste disposal location beyond the contract year with NISL. The project's contribution to the significant cumulative land use, population and housing, noise, transportation, and solid waste impacts are not cumulatively considerable because the project size and associated growth is relatively small compared to the General Plan buildout for the City.

The General Plan FEIR also concluded that buildout of the General Plan (which includes the proposed project) would result in less than significant cumulative biological resources, cultural resources (including TCRs), geology and soils, hazards and hazardous materials, hydrology and water quality, public services, recreation, and utilities and service systems (except for solid waste disposal), assuming compliance with applicable laws and regulations, conditions of approval, and project-specific mitigation measures. As discussed throughout this Initial Study, the project would be consistent with the General Plan FEIR assumptions by complying with applicable laws and regulations, conditions of approval, and project-specific mitigation measures (including mitigation measures MM AQ-3.1, MM BIO-1.1, MM CUL-1.1, MM CUL-1.2, MM CUL-2.1, MM GEO-1.1, MM NOI-1.1, MM NOI-1.2, and MM NOI-2.1). Therefore, the project would not result in cumulatively considerable contributions to significant cumulative impacts. (Less than Significant Impact with Mitigation Incorporated)

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials, construction TACs, and noise. As explained in Sections 4.3 Air Quality, 4.9 Hazards and Hazardous Materials, and 4.13 Noise, the project's implementation of conditions of approval, mitigation measures MM AQ-3.1, MM NOI-1.1, MM NOI-1.2, and MM NOI-2.1 identified in those sections would reduce these impacts to a less than significant level. (Less than Significant Impact with Mitigation Incorporated)

Section 5.0 References

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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 https://www.energy.ca.gov/sites/default/files/202208/2022_Multifamily_Whats_new_Summary_ADA.pdf.
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- Shoup, Daniel. Principal and registered professional archaeologist, A/HC.

Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of Santa Clara

Community Development Department Reena Brilliot, Acting Director Daniel Sobczak, Associate Planner

6.2 Consultants

David J. Powers & Associates, Inc.

Environmental Consultants and Planners
Kristy Weis, Vice President/Principal Project Manager
Amy Wang, Project Manager
Kishann Rai, Researcher
Ryan Osaka, Graphic Artist

AEI Consultants

Hazardous Materials Consultant

Cade Klock, Senior Geologist

Samantha Golding, Project Geologist II

Archaeological/Historical Consultants

Archaeological Consultants

Dan Shoup, Archaeologist

Jennifer Ho, Archaeologist

HortScience | Bartlett Consulting

Biological Consultants

Pam Nagle, Consulting Arborist and
Urban Forester

Illingworth & Rodkin, Inc.

Acoustical and Air Quality Consultants
Michael Thill, Principal
Carrie Janello, Senior Consultant
Zachary Palm, Staff Consultant
Jordyn Bauer, Staff Consultant

Silicon Valley Soil Engineering

Geotechnical Consultants
Vien Vo, P.E.
Sean Deivert, Project Manager

Section 7.0 Acronyms and Abbreviations

AB Assembly Bill

ABAG Association of Bay Area Governments

ACM asbestos-containing material

ALUC Airport Land Use Commission

APN Assessor's Parcel Number

ATCM air toxic control measure

BAAQMD Bay Area Air Quality Management District

Bay Area San Francisco Bay Area

bgs below ground surface

BMPs Best Management Practices

Btu British thermal unit

CAAQS California Ambient Air Quality Standard

CAL FIRE California Department of Forestry and Fire Protection

Cal/OSHA California Department of Industrial Relations, Division of Occupational Safety and

Health

CalARP California Accidental Release Prevention

CalEPA California Environmental Protection Agency

CALGreen California Green Building Standards

Caltrans California Department of Transportation

CARB California Air Resources Board

CBC California Building Standards Code

CDFW California Department of Fish and Wildlife

CEQA California Environmental Quality Act

CERCLA Comprehensive Environmental Response, Compensation, and Liability Act

CFC chlorofluorocarbon

CFR Code of Federal Regulations
CGS California Geological Survey

CH₄ methane

CLUP Comprehensive Land Use Plan

CNEL Community Noise Equivalent Level

CO carbon monoxide

CO₂ carbon dioxide

CO₂e carbon dioxide equivalents

CRHR California Register of Historical Resources

CUPA Certified Unified Program Agency

dBA A-weighted decibel

DNL Day/Night Average Sound Level

DPM diesel particulate matter

DTSC Department of Toxic Substances Control

EIR Environmental Impact Report

EO Executive Order

EPA Environmental Protection Agency

ESA Environmental Site Assessment

EV Electric Vehicles

FAA Federal Aviation Administration

FAR Federal Aviation Regulations

FEMA Federal Emergency Management Agency

FHSZ Fire Hazard Severity Zone

FMMP Farmland Mapping and Monitoring Program

General Plan City of Santa Clara General Plan

General Plan FEIR City of Santa Clara Draft 2010-2035 General Plan Integrated Final Environmental

Impact Report

GHG greenhouse gas

GHGRS Greenhouse Gas Reduction Strategy

GWh gigawatt hour

GWP Global Warming Potential

Habitat Plan Santa Clara Valley Habitat Plan

ibid Same source as previous footnote

L_{eq} Energy-Equivalent Sound/Noise Descriptor

 $L_{\text{max}} \hspace{1.5cm} \text{Maximum A-weighted noise level during a measurement period} \\$

LBP lead-based paint

LID Low Impact Development

LOS Level of Service

LRA Local Responsibility Area

MBTA Migratory Bird Treaty Act

MEI maximally exposed individual

MMTCO₂e million metric tons of carbon dioxide equivalent

MND Mitigated Negative Declaration

mpg miles per gallon

MTC Metropolitan Transportation Commission

N₂O nitrous oxide

NAAQS National Ambient Air Quality Standard

NAHC Native American Heritage Commission

NCP National Contingency Plan

NESHAP National Emission Standards for Hazardous Air Pollutants

NISL Newby Island Landfill

NO₂ nitrogen dioxide

NOD Notice of Determination

NO nitric oxide

NO_x nitrogen oxides

NRHP National Register of Historic Places

O₃ ozone

PCB polychlorinated biphenyls

PFC perfluorocarbon

PDA Priority Development Areas

PG&E Pacific Gas and Electric Company

PM particulate matter

PM₁₀ particulate matter with a diameter of 10 microns or less

PM_{2.5} particulate matter with a diameter of 2.5 microns or less

PPV Peak Particle Velocity

R&D Research and Development

RCRA Resource Conservation and Recovery Act

ROG reactive organic gases

RWQCB Regional Water Quality Control Board

SB State Bill

SCFD City of Santa Clara Fire Department

SCS Sustainable Communities Strategy

SFHA Special Flood Hazard Areas

SCPD Santa Clara Police Department

SCUSD Santa Clara Unified School District

SFPU San Francisco Public Utilities Commission

SF₆ sulfur hexafluoride

SHMA Seismic Hazards Mapping Act

SMARA Surface Mining and Reclamation Act

SMGB State Mining and Geology Board

SMP Site Management Plan

SO_x sulfur oxides

SO₂ sulfur dioxide

SR State Route

SRA State Responsibility Area

SWRCB State Water Resources Control Board

TACs Toxic Air Contaminants

Title 24 Title 24, Part 6 of the California Code of Regulations

TSCA Toxic Substances Control Act

USFWS United States Fish and Wildlife Service

VMT vehicle miles traveled

Williamson Act California Land Conservation Act

DRAFT

MITIGATION MONITORING AND REPORTING PROGRAM

2303 Gianera Street Tentative Subdivision Project

File #: PLN23-00577

CITY OF SANTA CLARA

October 2024

PREFACE

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

On ______, the City Council adopted the Initial Study/Mitigated Negative Declaration (IS/MND) for the 2303 Gianera Street Tentative Subdivision project. The IS/MND concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the IS/MND concluded that mitigation measures would not be required to reduce significant impacts.

MITIGATION MONITORING OR REPORTING PROGRAM				
Impacts	2303 GIANERA STREET TENTAIVE SUB Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	Air Quality			
IMPACT AQ-3: Construction of the proposed project would exceed BAAQMD single-source thresholds for incremental cancer risk and PM2.5 concentration.	 MM AQ-3.1: The project shall implement a feasible plan to reduce DPM emissions by 55 percent such that increased cancer risk and annual PM_{2.5} concentrations from construction would be reduced below TAC significance levels. The 55-percent reduction can be achieved in one of the following ways: 1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 interim emission standards for PM (PM₁₀ and PM_{2.5}). 2. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 55 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). 3. A combination of some of the following measures to achieve a reduction in construction diesel particulate matter emissions by 55 percent or greater: - Implementation of No. 1 above to use Tier 4 interim engines or alternatively fueled equipment, 	During construction	Project applicant and contractor	Director of Community Development or Director's Designee

	 Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors, Use of electrically-powered equipment, Forklifts and aerial lifts used 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. Biology			
Impact BIO-1:	MM BIO-1.1: The project applicant shall schedule demolition	If demolition and	Project applicant	Director of
Construction activities associated with the	and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most	construction activities cannot	and qualified	Community Development or
proposed project could result in the loss of	raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).	be scheduled between	ornithologist	the Director's Designee
fertile eggs, nesting raptors or other migratory birds, or nest abandonment, which would constitute a significant impact under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3800.	If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the	September 1 st and January 31 st (inclusive), a qualified ornithologist shall complete pre-construction surveys no more than 14 days prior to the initiation of demolition or		

construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Community Development Director or Director's designee.

construction activities during the early part of the breeding season and no more than 30 days prior to the initiation of these activities during the late part of the breeding season as described in MM BIO-1.1. If an active nest is found, a construction free buffer zone shall be established as needed per MM BIO-1.1. Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), a qualified ornithologist

shall submit a

		report per MM BIO-1.1.		
	Cultural Resources			
IMPACT CUL-1: Construction of the proposed project could result in impacts to as yet unidentified buried archaeological resources.	MM CUL-1.1: A qualified archaeologist shall provide sensitivity training to construction crew prior to the initial ground-breaking activities. MM CUL-1.2: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Community Development Director shall be notified, and a qualified archeologist shall be retained by the project applicant. The archaeologist shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community Development Director.	Prior to commencement of any ground-disturbing activity on-site for MM CUL-1.1. During construction if resources are encountered for MM CUL-1.2.	Project applicant and a registered professional archaeologist	Director of Community Development or Director's Designee
Impact CUL-2: Construction activities on-site could result in the exposure or	MM CUL-2.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped by the project applicant/contractor. The Santa Clara County Coroner shall be	In the event that human remains are discovered during	Project applicant and contractor	Santa Clara County Coroner and

destruction of as yet undiscovered human remains.	notified by the project applicant, and the Coroner shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	excavation and/or grading of the site		Native American Heritage Commission (NAHC)
	Geology and Soils			
Impact GEO-1: Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake.	MM GEO-1.1: Consistent with General Plan Policy 5.10.5-P6, the project shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of the February 2023 geotechnical investigation prepared by Silicon Valley Soil Engineering for the project. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process to confirm the findings of the report and consistency of the project plans with the recommendations. The building shall meet the requirements of applicable Building and Fire Codes, including the latest California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including shrink swell capacity of soils, and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.	As part of the building permit review and issuance process, the site-specific geotechnical investigation shall be approved. During construction, standard engineering and seismic safety design techniques, recommendation	Project applicant and contractors	City of Santa Clara's Building Division

		s from the geotechnical investigation, and compliance to existing code requirements and regulations shall be implemented.		
Impact NOI-1.1: Construction noise levels would potentially exceed the exterior threshold of 80 dBA L _{eq} at residential land uses to the east and west.	 Noise and Vibration MM NOI-1.1: A qualified acoustical consultant shall prepare a construction noise control plan to be submitted to the City for review and approval prior to issuance of a demolition and/or grading permit, including, but not limited to, the following available controls: Ensure that excavating, grading and filling activities, and other construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property, are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. Construct a solid plywood fence along the eastern and western property lines, where feasible, to shield the adjoining residential receptors from construction work. A temporary eight-foot-tall noise barrier would be tall enough to block direct line-of-sight with ground-level receptors. 	Prior to issuance of a demolition and/or grading permit, prepare and submit a construction noise control plan to the City. During construction, implement the construction noise control plan.	Project applicant and a qualified acoustical consultant Project applicant and contractor	Director of Community Development or Director's Designee

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

Impact NOI-1.2: The operation of mechanical equipment would potentially exceed the City's nighttime threshold at residential receptors to the east and west of the project.	 Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule. MM NOI-1.2: The applicant shall have a qualified acoustical consultant prepare a detailed acoustical study during final design to evaluate the potential noise generated by mechanical equipment and demonstrate the necessary noise control to meet the City's 50 dBA nighttime noise threshold at the receiving property lines. Noise control features, such as selection of quiet units, sound attenuators, enclosures, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise shall not exceed 50 dBA at the receiving property lines. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit. 	Prior to issuance of a building permit.	Project applicant and qualified acoustical consultant	Director of Community Development or Director's Designee
Impact NOI-2: Construction vibration levels would exceed the 0.03 in/sec PPV	MM NOI 2.1: The project applicant or the applicant's contractor shall implement the following measures during construction to reduce construction vibration generated by the project:	During construction	Project applicant or contractors	Director of Community Development or Director's
threshold at the residences east and west of the site.	 Avoid using vibratory rollers and clam shovel drops within 25 feet of the adjacent buildings to the east and west. 			Designee
	Select demolition methods that do not involve large impact tools such as hoe-rams within 25 feet of the adjoining residences to the east and west. Portable			

jackhammers, saws, or grinders shall be used to minimize impacts to the ground. • Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 25 feet of the adjacent buildings to the east and west. • Smaller equipment (less than 18,000 pounds) shall be used near the property lines adjacent to buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 25 feet of the adjacent buildings. • Hoe rams, large bulldozers, drill rigs, loaded trucks, and other similar equipment shall not be used within 25 feet of adjacent buildings to the east and west.		
methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 25 feet of the adjacent buildings to the east and west. • Smaller equipment (less than 18,000 pounds) shall be used near the property lines adjacent to buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 25 feet of the adjacent buildings. • Hoe rams, large bulldozers, drill rigs, loaded trucks, and other similar equipment shall not be used within		
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and other similar equipment shall not be used within	used near the property lines adjacent to buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting	
	and other similar equipment shall not be used within	

In addition to mitigation measures listed above, there are also other conditions of approval the project shall implement, including the following:

CONDITIONS OF APPROVAL 2303 GIANERA STREET TENTAIVE SUBDIVISION

Construction Period Emissions Best Management Practices

The contractor shall implement the following best management practices during construction:

- 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- 7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- 8. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Construction Water Quality Best Management Practices

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during period of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Establish and maintain effective perimeter controls.
- All construction entrances and exits shall be stabilized to sufficiently control erosion and sediment discharges.

CONDITIONS OF APPROVAL 2303 GIANERA STREET TENTAIVE SUBDIVISION

Vegetation in disturbed areas shall be replanted as quickly as possible.

55 Gallon Drums Removal Practices

• All 55-gallon drums on-site shall be properly removed and disposed of by the applicant at the appropriate facility. Removal activities shall be completed under the direction of the Santa Clara Fire Department.

ACMs and LBP

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of ACSMs and/or LBP.
- During demolition activities, all building materials containing LBP shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos shall also be removed in accordance with BAAQMD requirements and notifications.

Interior Noise Building Design Measures

• The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared by a qualified acoustical consultant to ensure that the design incorporates controls (i.e., forced-air mechanical ventilation systems) to reduce interior noise levels to 45 dBA CNEL or lower within the residential units. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

Source: City of Santa Clara. 2303 Gianera Street Tentative Subdivision Initial Study/Mitigated Negative Declaration. October 2024.

RESOLUTION	NO.
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN INITIAL STUDY, MITAGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM IN ORDER TO ALLOW A RESIDENTIAL DEVELOPMENT CONSISTING OF EIGHT SEMI-ATTACHED SINGLE-FAMILY RESIDENCES LOCATED AT 2303 GIANERA STREET, SANTA CLARA

PLN23-00577 (Rezone)
PLN24-00262 (Vesting Tentative Subdivision Map)

WHEREAS, on November 29, 2023, VCI Companies ("Applicant") filed an application (PLN23-00577) to redevelop a 16,893 square-foot parcel, located at 2303 Gianera Street ("Project Site") with eight residential single family units;

WHEREAS, the Owner simultaneously applied to rezone the Project Site from Low Density Residential (R2) to Planned Development (PD) and subdivide the land through a Vesting Tentative Subdivision Map application to allow the construction of eight two-story for-sale semi-attached single-family residences, associated on- and off-site improvements and a common lot to be used as a utility corridor, vehicle access, landscape open space, and bioretention areas to serve the development ("Project");

WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance with the California Environmental Quality Act ("CEQA") and the City circulated copies of the IS/MND for a 20-day review between November 8 and December 2, 2024, to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies; and the City sought the comments of such persons, organizations and agencies;

WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation

Rev. Rev: 1/9/2024

Monitoring and Reporting Program ("MMRP") for the Project would reduce the potentially

significant effects to less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the

comments received during the Comment Period and included these responses in a Final

Mitigated Negative Declaration ("MND");

WHEREAS, in the Responses to Comments, the City responded to a comment from Tamien

Nation, which requested certain modifications to Mitigation Measure MM CUL-1.2. Text has

been added to MM CUL-1.2 to clarify that a representative from a Native American tribe

traditionally and culturally affiliated with the project area be retained (in addition to a qualified

archaeologist) in the event a prehistoric or historic resource is encountered during project

construction, to examine the find. The text of mitigation measure MM CUL-1.2 has also been

refined to clarify that, if a treatment plan is prepared, it would be made available to interested

Native American tribe(s) for review:

WHEREAS, the Mitigation Monitoring and Reporting Program ("MMRP") has been prepared for

implementation with Project development to reduce potentially significant impacts identified in

the IS/MND for the Project, to less than significant;

WHEREAS, on May 14, 2025, notices of the Planning Commission Hearing were mailed to all

property owners within 1000 feet of the Project Site boundaries:

WHEREAS, on June 5, 2025, notice of the Planning Commission Hearing was posted at City

Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on

the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Project, MND, MMRP, and all pertinent information in the record during which the

Planning Commission invited and considered any and all verbal and written testimony and

evidence offered in favor of and in opposition to the Project.

Resolution/ 2303 Gianera Street Residential Project - MND and MMRP

2 of 3

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. That pursuant to CEQA Guidelines Section 15074(a), the Planning Commission has

reviewed and considered the information contained in the MND for the Project.

3. That pursuant to CEQA Guidelines Section 15074(b), the Planning Commission hereby

adopts the findings made in the MND, and further finds that approval of the Project as mitigated

will have no significant negative effects on the area's environmental resources, cumulative or

otherwise, as the impacts as mitigated fall within the environmental thresholds identified by

CEQA.

4. That the Planning Commission hereby finds that the MND is complete, prepared in

compliance with CEQA, and represents the independent judgment of the Planning Commission.

5. That pursuant to CEQA Guidelines Section 15074.1(b), with respect to Mitigation

Measure MM CUL-1.2, the Planning Commission hereby finds that the modified mitigation

measure is equivalent or more effective in mitigating or avoiding potential significant impacts,

and that the modification of the mitigation measure itself will not cause any potentially significant

effect on the environment. Here, the modifications are additive, and all of the prior requirements

of MM CUL-1.2 will continue to apply to the Project, and so there is no potential for the

mitigation measure to lose any effectiveness. The modifications will impose additional

obligations on the developer to ensure that adequate tribal notification occurs in the event of

discovery of a tribal cultural resource, and will provide additional opportunities for tribal

involvement in the event of such a find. These additional notification and consultation

3 of 3

requirements do not present any possibility for an additional environmental impact.

Resolution/ 2303 Gianera Street Residential Project - MND and MMRP

6. That the Planning Commission hereby recommends that the City Council adopt the MMRP for implementation with Project Development as required by Section 15097(a) of the CEQA Guidelines.

7. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE 2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

AFSHAN HAMID DIRECTOR OF COMMUNITY DEVELOPMENT CITY OF SANTA CLARA

Attachments Incorporated by Reference:

- 1. Initial Study / Mitigated Negative Declaration
- 2. Mitigation Monitoring and Reporting Program

RESOLUTION NO.	R	ESOL	LUTION	NO.	
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONING FROM LOW DENSITY RESIDENTIAL - R2, TO **PLANNED** DEVELOPMENT (PD) TO **ALLOW RESIDENTIAL** DEVELOPMENT CONSISTING OF EIGHT SEMI-ATTACHED SINGLE-FAMILY RESIDENCES LOCATED AT 2303 GIANERA STREET, SANTA CLARA

PLN23-00577 (Rezone)
PLN24-00262 (Vesting Tentative Subdivision Map)

WHEREAS, on November 29, 2023, VCI Companies ("Applicant") filed an application (PLN23-00577) to redevelop a 16,893 square-foot parcel, located at 2303 Gianera Street ("Project Site") with eight residential single family units;

WHEREAS, the Owner simultaneously applied to rezone the Project Site from Low Density Residential (R2) to Planned Development (PD) and subdivide the land through a Vesting Tentative Subdivision Map application to allow the construction of eight two-story for-sale semi-attached single-family residences, associated on- and off-site improvements and a common lot to be used as a utility corridor, vehicle access, landscape open space, and bioretention areas to serve the development ("Project"), as shown on the attached Development Plans;

WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance with the California Environmental Quality Act ("CEQA") and the City circulated copies of the IS/MND for a 20-day review between November 8 and December 2, 2024, to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies; and the City sought the comments of such persons, organizations and agencies;

WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation

Rev. Rev: 1/9/2024

Monitoring and Reporting Program ("MMRP") for the Project would reduce the potentially

significant effects to less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the

comments received during the Comment Period and included these responses in a Final

Mitigated Negative Declaration ("MND");

WHEREAS, the Mitigation Monitoring and Reporting Program ("MMRP") has been prepared for

implementation with Project development to reduce potentially significant impacts identified in

the IS/MND for the Project, to less than significant;

WHEREAS, the Santa Clara City Code (SCCC) provides for the review and recommendation of

the City's Planning Commission of all rezoning requests before action is to be taken by the City

Council;

WHEREAS, on May 14, 2025, notices of the Planning Commission Hearing were mailed to all

property owners within 1000 feet of the Project Site boundaries;

WHEREAS, on May 21, 2025, a notice of the Planning Commission Hearing on the proposed

Zoning Amendment was published in the Santa Clara Weekly, a newspaper of general

circulation;

WHEREAS, on June 5, 2025, notice of the Planning Commission Hearing was posted at City

Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on

the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Zoning Amendment and the other Approvals for the Project, the MND, the MMRP,

and all pertinent information in the record during which the Planning Commission invited and

considered any and all verbal and written testimony and evidence offered in favor of and in

opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

2 of 5

SANTA CLARA AS FOLLOWS:

Resolution/ 2303 Gianera Street Residential Project – Rezone

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. That the Planning Commission hereby recommends that the City Council rezone the

Project Site from Low Density Residential (R2) to Planned Development (PD) to allow eight

semi-attached single-family residences, associated on- and off-site improvements and a

common lot to be used as a utility corridor, vehicle access, landscape open space, and

bioretention areas to serve the development, as shown on the attached Development Plans and

conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein

by this reference.

3. Pursuant to SCCC Code Section 18.112.040, the Planning Commission determines that

the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable, in that the existing zoning for

the Project Site does not allow for residential development to meet the General Plan designated

density. The Planned Development (PD) zoning would allow residential development to

implement the General Plan's Housing Element more fully than the existing Low Density

Residential (R2) zoning designation for the Project Site.

B. The proposed zone change will conserve property values, protect or improve the

existing character and stability of the area in question, and will promote the orderly and

beneficial development of such area in that the proposal redevelops an underutilized property

and visually improves the Project Site and surrounding neighborhood with physical and financial

investment in the construction of a modern, high quality, residential home ownership

development with on-site parking, site improvements, landscaping, and streetscape

enhancements.

C. The proposed zone change is required by public necessity, public convenience,

or the general welfare of the City in that the proposed zone change provides residential

development consistent with the General Plan designation for the Project Site and for-sale high-

quality homeownership opportunities for eight households, of which one of the residences shall

be available at an affordable income level.

D. The proposed zone change would allow imaginative planning and design

concepts to be utilized that would otherwise be restricted in other zoning districts in that the

proposed zone change would allow flexibility in the development standards to construct for-sale

semi-attached residences that are compatible with existing and planned development in the

surrounding residential and commercial area.

4. That based on the findings set forth in this resolution and the evidence in the City Staff

Report, MND and MMRP, the Planning Commission hereby recommends that the City Council

rezone the Project Site to allow development of eight semi-attached single-family residences, as

shown on the attached Development Plans and conditioned as specified in the attached

Conditions of Rezoning Approval.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED

AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA,

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE

2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

AFSHAN HAMID
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans

2. Rezone Conditions of Approval

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A VESTING TENTATIVE

SUBDIVISION MAP FOR THE PROPOSED DEVELOPMENT OF EIGHT SINGLE FAMILY HOUSING UNITS LOCATED AT 2303

GIANERA STREET, SANTA CLARA

WHEREAS, on November 29, 2023, VCI Companies ("Applicant") filed an application (PLN23-

00577) to redevelop a 16,893 square-foot parcel, located at 2303 Gianera Street ("Project Site")

with eight residential single family units;

WHEREAS, a separate application was opened (File No. PLN24-00262) for a Vesting Tentative

Subdivision Map to subdivide the property into eight residential units;

WHEREAS, the Owner simultaneously applied to rezone the Project Site from Low Density

Residential (R2) to Planned Development (PD) and subdivide the land through a Vesting

Tentative Subdivision Map application to allow the construction of eight two-story for-sale semi-

attached single-family residences, associated on- and off-site improvements and a common lot

to be used as a utility corridor, vehicle access, landscape open space, and bioretention areas to

serve the development ("Project"), as shown on the attached Development Plans and Vesting

Tentative Subdivision Map, incorporated herein by this reference;

WHEREAS, pursuant to Section 17.05.210 of the Code of the City of Santa Clara ("SCCC"), a

Vesting Tentative Map shall be required for all divisions of land into five or more parcels;

WHEREAS, consistent with the proposed uses under the development plan, the proposal

includes the division of the site into eight individual lots and one common lot, as shown on the

proposed Vesting Tentative Subdivision Map, attached hereto and incorporated herein by this

reference:

WHEREAS, on January 9, 2024, the Subdivision Committee determined that the application was

complete and that the Vesting Tentative Subdivision Map be reviewed by the Planning

Commission and the City Council in conformance with Section 17.05.300 of the SCCC as a

Vesting Tentative Subdivision Map along with the Project;

WHEREAS, SCCC Section 17.05.300(g) requires that the Planning Commission make

recommendations of denial, approval or conditional approval to the City Council on the Vesting

Tentative Map;

WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an

Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance

with the California Environmental Quality Act ("CEQA") and the City circulated copies of the

IS/MND for a 20-day review between November 8 and December 2, 2024 to the public agencies

which have jurisdiction by law with respect to the Project, as well as to other interested persons,

organizations and agencies; and the City sought the comments of such persons, organizations

and agencies;

WHEREAS, the IS/MND identified possible impacts on the environment with Project development

that with implementation of the mitigation measures specified in the Mitigation Monitoring and

Reporting Program ("MMRP") for the Project would reduce the potentially significant effects to

less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the

comments received during the Comment Period and included these responses in a Final Mitigated

Negative Declaration ("MND");

WHEREAS, the Mitigation Monitoring and Reporting Program ("MMRP") has been prepared for

implementation with Project development to reduce potentially significant impacts identified in the

IS/MND for the Project, to less than significant;

WHEREAS, Section 17.05.300 (g) of the SCCC requires that the Planning Commission conduct

a public hearing before considering the approval of a Vesting Tentative Subdivision Map for the

division of land:

WHEREAS, on May 14, 2025, notices of the Planning Commission Hearing were mailed to all

property owners within 1000 feet of the Project Site boundaries:

WHEREAS, on May 21, 2025, a notice of the Planning Commission Hearing on the proposed

Vesting Tentative Subdivision Map was published in the Santa Clara Weekly, a newspaper of

general circulation;

WHEREAS, on June 5, 2025, notice of the Planning Commission Hearing was posted at City Hall,

the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the

City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Vesting Tentative Subdivision Map and the other Approvals for the Project, the MND,

the MMRP, and all pertinent information in the record during which the Planning Commission

invited and considered any and all verbal and written testimony and evidence offered in favor of

and in opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. Vesting Tentative Map Findings. Pursuant to California Government Code Sections 66426

and 66428 and SCCC Section 17.05.300(h), the Planning Commission finds and determines that:

A. The Vesting Tentative Map is consistent with the objectives, policies,

general land uses and programs specified in the City's General Plan in that the Vesting Tentative

Map subdivides the existing 16,893 square-foot Project Site into eight residential units subject to

conditions set forth in the Conditions of Vesting Tentative Map Approval, attached hereto and

incorporated by this reference.

Rev. Rev: 1/9/2024;

B. The design and improvements of the proposed subdivision are consistent

with the City's General Plan, in that the Vesting Tentative Subdivision Map facilitates development

of housing stock and construction of ownership housing opportunities for the community; and

furthermore complies with General Plan Land Use and Transitional Goals and Polices of the

General Plan by redeveloping a low density residential lot from a single family unit to eight single

family units, meeting the density allowed and creating additional transition in scale and intensity

of use from the existing surrounding Planned Development units.

C. The site is physically suitable for the proposed type of development, in that

the Project is compatible with the adjacent uses and the zoning code.

D. The site is physically suitable for the proposed intensity of development, in

that the Project Site is located in an urbanized area and is served by existing utilities and

infrastructure.

E. The design of the subdivision and type of improvements are not likely to

cause serious health problems, in that the proposed residential subdivision will implement

Covenants, Conditions, and Restrictions for operation and maintenance of the building and site

improvements and does not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to

cause substantial environmental damage and will not substantially or unavoidably injure fish or

wildlife or their habitat in that the Project Site is located in an urbanized setting, is a developed

site, and the project considered potential environmental impacts as addressed in a Mitigated

Negative Declaration and the Mitigation Monitoring and Reporting Program;

G. The design of the subdivision and type of improvements will not conflict

with easements acquired by the public at large or use of property within the proposed subdivision

in that it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Tentative Subdivision Map provides, to the extent feasible, for future

passive or natural heating or cooling opportunities, in that it would allow flexibility in the

development standards to maximize the benefits of green building standards for site and building design.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the Vesting Tentative Subdivision Map to the City Council, substantially in the form on file as shown on the attached Vesting Tentative Subdivision Map and Conditions of Vesting Tentative Subdivision Map Approval, hereby incorporated by this reference.

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4. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE 2025, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

AFSHAN HAMID DIRECTOR OF COMMUNITY DEVELOPMENT CITY OF SANTA CLARA

Attachments Incorporated by Reference:

- 1. Vesting Tentative Subdivision Map
- 2. Conditions of Vesting Tentative Subdivision Map Approval

Conditions of Adoption of a Rezoning and Architectural Review Conditions of Approval PLN23-00577 / 2303 Gianera Street

Action on a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Rezone, and Vesting Tentative Subdivision Map (PLN23-00577) for the Property Located at 2303 Gianera Street to Allow the Development of 8 Attached Single-Family Residences and Associated On- and Off-Site Improvements

GENERAL

- G1. **Permit Expiration.** This Permit shall automatically be revoked and terminated if not used within **two years** of original grant or within the period of any authorized extensions thereof. The date of granting of this Permit is the date this Permit is approved by the Development Review Officer and all appeal periods have been exhausted. The expiration date is May 21, 2026.
- G2. **Conformance with Plans.** Prior to the issuance of Building Permit, the development of the site and all associate improvements shall conform to the approved plans on file with the Community Development Department, Planning Division. No change to the plans will be made without prior review by the Planning Division through approval of a Minor Amendment or through an Architectural Review, at the discretion of the Director of Community Development or designee. Each change shall be identified and justified in writing.
- G3. **Conditions on Plans.** All conditions of approval for this Permit shall be reprinted and included within the first three sheets of the building permit plan sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- G4. **Code Compliance.** Comply with all requirements of Building and associated codes (the California Building Code. California Electric Code, California Mechanical Code, California Plumbing Code, California Green Building Code, the California Energy Code, etc.) current at the time of application for Building Permit, that includes grading and site utility permits.

DESIGN / PERFORMANCE – PRIOR TO BUILDING PERMIT ISSUANCE

P1. **Tree Replacement (On-site).** Trees permitted by the City for removal shall provide replacement on-site at a ratio of 2:1 with a minimum 15-gallon tree size. (SCC 12.35.090)

DURING CONSTRUCTION

- P2. **Construction Hours.** Construction activity 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 shall not be allowed on recognized State and Federal holidays.
- P3. **Construction Trash/Debris.** During construction activities, the owner or designee is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

- P4. Landscape Water Conservation. The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.
- P5. 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.
- P6. Landscape Water Conservation. The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.

OPERATIONAL CONDITIONS

- P7. **Use of Garage**. The owner or designee shall ensure that the garage always be maintained free and clear for vehicle parking use. It shall not be used only for storage.
- P8. Landscaping Installation & Maintenance. The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.
- P9. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape areas of 2,500 square feet or more shall conform to the California Department of Water Resources Water Efficient Landscape Ordinance.

MITIGATION MEASURES

P10. **Mitigation Monitoring and Reporting Program.** The Mitigation Monitoring and Reporting Program (MMRP), prepared for this project in compliance with the California Environmental Quality Act (CEQA), shall be incorporated by reference as conditions of approval. The applicant shall comply with all specified mitigation measures in the timelines outlined in the project's MMRP.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

DESIGN / PERFORMANCE- PRIOR TO BUILDING PERMIT ISSUANCE

BD1. **Addressing.** 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. **Flood Zone.** 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. Water Pollution Control. 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/publicworks/environmental-programs/stormwater-pollution-prevention and will be routed to a contract consultant for review.
- BD4. **Submittal Requirements.** 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.

DURING CONSTRUCTION - PRIOR TO OCCUPANCY

BD5. **Temporary Certificates of Occupancy.** Temporary Certificates of Occupancy (TCO) 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.

<u>COMMUNITY DEVELOPMENT - HOUSING DIVISION</u> DESIGN / PERFORMANCE - PRIOR TO BUILDING PERMIT ISSUANCE

- H1. In accordance with the Santa Clara City Code chapter 17.40, this project is subject to the affordable housing requirements for the proposed 8 units for-sale residential development. The Applicant is utilizing State Density Bonus on this project and have elected to provide one affordable housing unit.
 - a. The One affordable unit shall be provided at an affordable housing cost for a household earning up to one hundred percent (100%) of area median income (AMI). Affordable Unit shall have prices set in accordance with the City's Below Market Purchase (BMP) Program Policies and Procedures Manual (subject to updates and changes). Applicant shall be responsible for cost incurred under the California Building Standards (California Code of Regulations, Title 24) for the each affordable for- sale residential unit. Affordable units shall be reasonably dispersed throughout the project and shall on average contain the same number of bedrooms and shall be comparable to the design of the market-rate units in terms of appearance, material and finished quality of the market rate units in the project. Affordable units shall have the same access to the project amenities and recreational facilities as market-rate units.
- H2. **Affordable Housing Agreement.** Prior to issuance of Building Permits, the Developer shall enter into an Affordable Housing Agreement (AHA) with the City that will determine the Affordable Sales Price, identify the actual unit to be sold as the Affordable Unit, and apply all terms and covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Community Development. There is a fee for the AHA preparation in the amount of \$XX which will be due prior to execution of the AHA (per Municipal Fee schedule).

FIRE DEPARTMENT

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE

- F1. Emergency rescue openings will have adequate space for ladder pads. Rooms located on the side of structures on the 2nd floor in current planning application represent inadequate spacing as the side yards are not large enough to allow spacing for ladder pads. This will need to be addressed in the building permits.
- F2. **Hazmat Clearance.** Prior to any Building Permit issuance, Hazardous Materials Closure (HMCP) is required as applicable: This is a permit is issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer's due diligence. The

hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.

F1. Hazmat Clearance. Prior to any 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.

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.

For smaller projects that are not moving soil at all, a Phase I environmental assessment may be adequate. Please contact Assistant Fire Marshal Fred Chun at fchun@santaclaraca.gov for more information.

- F2. **Fire Flow Requirement.** 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.
- Fire Hydrants. 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.
- F4. **Emergency Responder Radio Coverage System.** 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.
- F5. **Fire Department Access.** Prior to the start of construction, roadways and water supplies for fire protection are required to be installed and made serviceable and maintained throughout the course of construction.
- F6. **Alternative Means and Methods.** 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 planning process. None of these discussions are binding and can only be formally approved through submitting an AMMR permit. The AMMR permit is formally documenting that and still needs to be submitted.

- F7. **Hazmat Information.** Prior to Building Permit Issuance, a Hazardous Materials Inventory Statement including refrigerants is required to be submitted and reviewed with the Building Permit if applicable.
- F8. **Fire Safety During Construction.** 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.

DURING CONSTRUCTION - PRIOR TO OCCUPANCY

- F9. Shared Fire Protection Features that Cross Property Lines. Prior to Building Permit Final, 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.
- F10. **Fire Protection Systems Before Occupancy.** Prior to any Certificate of Occupancy Issuance (temporary or permanent), fire-life safety systems installations must be fully installed, functional, and approved.

PUBLIC WORKS DEPARTMENT - ENGINEERING

ENGINEERING

DESIGN—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. **Stormwater Control Measures.** The owner or designee shall incorporate Best Management Practices (BMPs) into construction plans in accordance with the City's Urban Runoff Pollution Prevention Program for construction-related water runoff measures prior to issuance of permits.
- E2. **Site Clearance.** 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.
- E3. **Easement.** 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.
- E4. **Subdivision Map.** 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.

DURING CONSTRUCTION

E5. Encroachment Permit. 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.
- E6. Encroachment Permit. 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.
- E7. Encroachment Permit. 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. Encroachment Permit. 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. **Encroachment Permit.** Owner or designee 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. **Encroachment Permit.** Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the City Engineer.
- E11. **Encroachment Permit.** 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. **Encroachment Permit.** Existing streetlights shall be clear of proposed sidewalk, developer shall relocate as necessary.
- E13. **Easement.** 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.
- E14. **Easement.** 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.
- E15. **Agreement.** If requested, owner or designee 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.

TRAFFIC

DURING CONSTRUCTION

TR1. Traffic improvements must comply with the City of Santa Clara Standard Specifications for Public Works Construction

STREETS DIVISION

Right of Way Landscape

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- L1. Tree Preservations Specifications. Include <u>City of Santa Clara Tree Preservation/City Arborist specifications</u> on all improvement plans.
- L2. **Mature Trees.** Identify existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- L3. **Tree Replacement.** 2:1 tree replacement ratio required for all trees removed from the right-of-way.

DURING CONSTRUCTION OR OPERATION

L4. **No Public Root Cutting.** No cutting of any part of *public*, 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).

PRIOR TO FINAL OF BUILDING PERMIT

L5. **In Lieu Fee.** If 2:1 replacement ratio cannot be met for removal of right of way landscape trees, tree planting fee must be paid prior to building permit final.

Solid Waste

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- SW1. Post-Construction Solid Waste Generation Estimation and Collection Form. 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.
- SW2. **Site Plan.** 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. Solid metal roof, gates and a trench drain shall be installed within the trash enclosure and connected to the on-site sewer system.
- SW3. **Construction Waste Diversion.** 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. **Authorized Service Haulers.** 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.
- SW5. **Exclusive Franchise Hauling Area.** Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, 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.

DURING CONSTRUCTION OR OPERATION

SW6. **Waste Generation Tracking.** Applicant to track all waste generated and upload debris tags to GreenHalo for City staff review.

PRIOR TO FINAL OF BUILDING PERMIT

SW7. **Weight Tickets.** 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.

Stormwater

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- ST1. **Final Stormwater Management Plan.** Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, the Special Project Narratives and Worksheet (as appropriate), and an Erosion and Sediment Control Plan.
- ST2. **3rd Party Review of Final Stormwater Management Plan.** The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter (on design) shall be submitted with the Plan.
- ST3. **Notice of Intent.** For project that disturbs a land area of one acre or more, the applicant shall provide a copy of the Notice of Intent (NOI) with WDID number for coverage under the State Construction General Permit. Active projects with NOI will be inspected by the City once per month during the wet season (October April).

- ST4. **Best Management Practices.** 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. Applicant to add Source control measures with designations from C.3 stormwater handbook, Appendix H.
- ST5. **C.3 Treatment Facilities Construction Notes.** Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST6. **Decorative & Recreational Water Features.** Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST7. **Small Projects.** For single-family homes and other small projects that create and/or replace 2,500 10,000 square feet of impervious surface area, the applicant shall implement at least one of the following site design measures:
 - a. Direction of roof runoff into cisterns or rain barrels
 - b. Direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas
 - c. Construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces

Plans shall specify which site design measures are selected for the project and show the direction of flow from impervious surfaces to the selected site design measures. All measures shall meet the design criteria in the 2016 C.3. Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects.

- ST8. **Interior Floor Drains.** Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST9. **Trash Enclosure Floor Drains.** Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. Architectural Copper. The use of architectural copper is prohibited.

DURING CONSTRUCTION OR OPERATION

- ST11. **Biotreatment Soil Media.** Applicant shall install biotreatment soil media that meets the minimum specifications as set forth in the SCVURPPP C.3 Stormwater Handbook. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix (the date of such document shall not be older than 3 months).
- ST12. **Stormwater Control Measure Inspection.** At critical construction phases, all stormwater control measures shall be inspected for conformance to approved plans by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants.
- ST13. **Inspections.** Permeable Pavement, Media Filter vaults, and Trash Full Capture Devices shall be inspected by a 3rd party reviewer and/or manufacturer representative for conformance with the details and specifications of the approved plans. All new pervious concrete and porous asphalt pavements should have a minimum surface infiltration rate of 100 in./hr. as described in the SCVURPPP C.3 Handbook. A map displaying the number, location and details of full trash capture devices shall be prepared as an attachment to the Operations and Maintenance (O&M) Agreement with the City.
- ST14. **Stormwater Treatment Facilities.** Stormwater treatment facilities must be designed, installed, and maintained to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C).

- ST15. Amendments to Operation & Maintenance Agreement. Any site design measures used to reduce the size of stormwater treatment measures shall not be installed for the project without the written approval from the City, installing the corresponding resizing of other stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST16. **Stormwater Pollution Prevention Messaging.** Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping Flows to Bay" on any storm drains located on private property.
- ST17. **Outdoor Storage Areas.** 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.

PRIOR TO FINAL OF BUILDING PERMIT

- ST18. **As-Built Drawings.** As-Built drawing shall be submitted to the Public Works Department.
- ST19. **3**rd **Party Concurrence Letter.** 3rd Party concurrence letter on the C.3 facilities construction shall be submitted to the Public Works Department. The letter shall be prepared by a 3rd party consultant from the SCVURPPP List of Qualified Consultants. The City reserves the right to review the 3rd party inspection report on the C.3 stormwater facility installation.
- ST20. **Final C.3 Inspection.** Applicant shall schedule and City shall conduct a final C.3 inspection.
- ST21. Operation & Maintenance Agreement. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures and full trash capture devices in perpetuity. Applicants should contact Public Works Dept. Environmental Services at (408) 615-3080 or Street@SantaClaraCA.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at http://santaclaraca.gov/stormwater. Inspection of permeable pavement, media filter vaults and full trash capture devices is to be done annually by December 31 of each year.

SILICON VALLEY POWER

GENERAL

- SVP1. **Applicant Design Process:** available to Applicants to expedite distribution electric substructure design.
- SVP Rules and Regulations: Applicant shall comply with all applicable SVP rules, regulations, standards, guidelines, and requirements, as may be amended from time to time.
- **SVP3. SVP Equipment Clearances:**
 - a. **Access Doors:** Ten (10) foot minimum clearance in front of equipment access doors.
 - b. **Pad Sides:** Five (5) foot minimum clearance from pad on sides without access doors
 - c. **Truck Access:** Eighteen (18) foot minimum width on one side of the equipment pad for truck access.
 - d. Barrier pipes: (on sides accessible to vehicles)
 - i. Thirty (30) inches from equipment sides.
 - ii. Forty-Eight (48) inches in front of access doors. (use removable bollards)

SVP4. SVP Conduit Clearances:

- a. **Longitudinal**: Five (5) foot minimum between new conduits/piping and existing/proposed SVP conduits.
- b. **Vertical**: Twelve (12) inch minimum between new conduit/pipes perpendicular to existing SVP conduits.
- c. **Poles/Posts**: Three (3) foot six (6) inches clearance required from poles (electrolier, guy stub, service clearance, self-supporting steel, and light poles), except for riser conduits. This is reduced to a three (3) foot minimum for posts (signposts, barrier pipes, bollards, fence posts, and other similar posts).
- d. **Structures:** Five (5) foot minimum is required from walls, footings, retaining walls, landscape planter, or similar permanent structures.
- e. **Subsurface Facilities:** Five (5) foot minimum from new splice boxes, pull boxes, manholes, vaults, or similar subsurface facilities.
- f. **Fire Hydrant:** Five (5) foot minimum from fire hydrant thrust block. (Extends 5 feet on either side of the hydrant in line with the radial water pipe connected to the hydrant).

SVP5. SVP Vault/Manhole Clearances:

- a. Ten (10) foot minimum between adjacent Vaults or Manholes.
- b. Three (3) foot minimum from face of curb. (bollards required for vaults).
- SVP6. **SVP Guy Anchor Clearances:** Five (5) foot minimum clearance is required between the center of anchor line and any excavation area.

SVP7. Tree Clearances:

- a. **Conduits:** Five (5) foot minimum to tree root barrier or other subsurface wall or structure.
- b. **Equipment:** Five (5) foot minimum to tree root barrier. The tree canopy drip line cannot be over the SVP equipment.
- c. **Subsurface Facilities:** Five (5) foot minimum to any electric department facilities. Any existing trees in conflict will have to be removed.
- d. **Easements:** No trees shall be planted in SVP's U.G.E.E or P.U.E's.
- e. **Transformer & Switch Placement:** these devices and pads may only be located outdoors. Clearances to buildings are defined in UG1225. All projects are to assume mineral oil fluid, unless otherwise approved by SVP.
- SVP8. **SVP Standards.** Applicant shall comply with the following SVP standards (as may be amended or supplemented).
 - a. UG1000 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
 - f. UG1225 Pad mounted Equipment Clearances and Protection
 - g. UG0250 High Density Residential Metering Requirements
 - h. FO-1901 Fiber Optic Splicing and Testing Methods
 - i. SVP Rules and Regulations Latest Edition

SVP9. SVP Standards, Miscellaneous:

- a. 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.
- b. No splice boxes are allowed between the SVP utility connection point and the applicants main switch board.
- c. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.

SVP10. Meter Locations:

- a. For condominium or apartment, all electric meters and service disconnects shall be grouped at one location, outside of the building or in a accessible utility room. If they are townhomes or single-family residences, then each unit shall have its 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.
- b. 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.

SVP11. Underground Service Entrance

- a. (277/480V Service or Lower) Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes to the SVP defined utility connection point.
- b. (12KV Service) SVP terminates cable on the applicant owned switchgear.
- c. No cross-parcel distribution is allowed. SVP service points must be within the parcels that they serve.

SVP12. Code Sections:

- a. The Applicant shall provide and install electric facilities per Santa Clara City Code chapter **17.15.210.**
- b. 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**.
- c. The applicant shall perform, 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 Applicant will dedicate the improvement to the City subject to City's acceptance the work. The applicant shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a applicant to the electrical supply system of and by the City. After completion of the facilities installed by the Applicant, 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 per Santa Clara City Code chapter 17.15.210 (2).

SVP13. Existing Facilities:

- a. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel in a separate document. It is the Applicants responsibility to maintain all clearances from equipment and easements. The Applicant may contact SVP outside of the PCC process for clear definitions of these clearance requirements. Applicant 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.
- b. Any relocation of existing electric facilities shall be at Applicants expense.
- SVP14. **Generators:** 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.

DESIGN / PERFORMANCE - PRIOR TO ISSUANCE OF BUILDING PERMIT

- SVP1. **Initial Information:** Applicant shall provide a site plan showing all existing utilities, structures, easements, and trees. The applicant shall also include a detailed panel schedule showing all current and proposed electric loads.
- SVP2. **SVP Developers Work Drawing:** Applicant shall have a developers work drawing created for the site by either an SVP estimator or through the applicant design process. All SVP standards and clearance requirements as defined in the General Section of the COA's must be met, or variance approvals must be granted by SVP. The developers' work drawing shall include but is not limited to: SVP substructure for primary, low voltage, streetlight, and fiber facilities. SVP facilities may extend off-site to the nearest utility connection point to tie-in with existing infrastructure as deemed necessary by SVP.
- SVP3. **Encroachment Permit:** Prior to issuance of Building Permits, the applicant shall submit an encroachment permit application with an **approved** SVP Developers Work Drawing for construction of electric utilities that comply with the latest edition of SVP Standards and Rules and Regulations, Electric Notes, and Electric Standard Details and Specifications.
- SVP4. **Applicants Switchgear**: All applicant main switchgear with SVP meters must meet EUSERC standards and be approved by SVP's meter shop prior to ordering. Switchgear for 12KV gear must have batteries sized for 4 hours of operation, no capacitive tripping, and 2 sets of relays, CTs, & PTs for each main. All double ended switchgear with a tie breaker, must include a kirk-key interlock scheme and an SVP provided warning label for the operation of the main tiebreaker.
- SVP5. **AMI/Fiber Building Requirements:** All projects implementing high rise metering and multi-floor infrastructure requirements shall meet the requirements outlined in UG 0250 & FO1901.

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

- SVP6. **Easements**: Prior to the City's issuance of Building or Grading Permits, the applicant shall provide a dedicated underground electric utility easement (U.G.E.E) around the electric onsite facilities (Not a P.U.E). The electric utility easement shall be a minimum of 10 feet wide around conduit and 5' minimum around equipment and vault/manhole pads. Additionally, the applicant shall submit plans defining existing easements so Electric Division can verify if there are any conflicts with new proposed easements or improvements. The Applicant shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the Applicant and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- SVP7. **Coordination Study:** For any services taken at 12KV, a coordination study will need to be conducted by the applicant prior to energizing the service.
- SVP8. **Applicants Switchgear:** Applicants' switchgear will be inspected on site by SVP to ensure compliance with approved switchgear drawings. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- SVP9. **Electric Facilities:** Prior to the City's issuance of Occupancy, the applicant shall construct all electric utilities per the approved SVP Developers Work Drawing. SVP will inspect all electric utility installations and all other improvements encroaching on electric facilities.
- SVP10. **Municipal Fees:** Prior to electric service energization, all applicable fees per the City of Santa Clara's Municipal Fee Schedule shall be paid by the applicant.
- SVP11. **Costs & Expenses:** Unless expressly stated otherwise or covered by a fee to be paid by the applicant, applicant shall be responsible for all costs and expenses associated with fulfilling these conditions of approval.

OPERATIONAL CONDITIONS – AFTER OCCUPANCY

SVP12. **Access:** SVP will require 24-hour unobstructed access to all SVP equipment which includes: manholes, transformers, vaults, switches, meters, indoor electrical rooms with SVP owned equipment etc.

WATER & SEWER DEPARTMENT DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

- W1. **Manifold Services:** The final metering configuration shall be determined during the permit review of the project. Approval of this entitlement does not constitute approval of the metering configuration shown on the utility plan.
- W2. **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.
- W3. **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.

- W4. **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.
- W5. **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.
- W6. **City Standard Meters and Backflows.** All proposed meters and backflows for all water services shall meet the current City of Santa Clara Water & Sewer Utilities Standard Details. Plans shall show meter and backflow configurations to scale.
- W7. **Existing Services.** The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. 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.
- W8. **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.
- W9. **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).
- W10. **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 either California native or non-invasive, low water-using or moderate water-using plants. High water-using plants and nonfunctional turf are prohibited.
- W11. Water Features. 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.
- W12. **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.

W13. **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.

DURING CONSTRUCTION

- W14. City Standard Meters and Backflow Installation. No meters or backflows shall be installed prior to establishment of water service account with the Municipal Services Division of the Finance Department. The applicant shall provide a copy of the account information to the Water and Sewer Utilities Department Inspector and Meter Shop prior to installation of any meter or backflow. All meters and backflows approved for installation shall be tested prior to use. Water service connections shall not be used prior to authorization by the Water and Sewer Utilities inspector.
- W15. **Construction Water.** This project shall use recycled water for all construction water needs for onsite and offsite construction.
- W16. 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.

PRIOR TO FINAL OF BUILDING PERMIT

- W17. **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.
- W18. **Conditional Releases.** The applicant shall comply with all the requirements of any building permit conditional release requirements.

Printed Name:

Date:

Relationship to Property:

KEY:
G = General
P = Planning Division
E = Public Works Engineering (Stormwater)
SVP = Silicon Valley Power
FD = Fire Department
ST = Stormwater
SW = Solid Waste
L = Right of Way Landscape
E = Engineering
H = Housing
W = Water and Sewer
ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL
Permittee/Property Owner
The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.
Signature:

Pursuant to Santa Clara City Code 18.128.100, the applicant shall return this document to the Department, properly signed and dated, within 30-days following the date of the Acknowledgement.

Conditions of Architectural Review Approval

PLN24-000262 / 2303 Gianera Street

Vesting Tentative Map (PLN24-00262) for the creation of eight individual lots and one common lot for development of the proposed residential project (File No. PLN23-00577)

CONDITIONS OF APPROVAL

GENERAL

- G1. **Subdivision Expiration.** This subdivision shall automatically be revoked and terminated if not used within two years of original grant or within the period of any authorized extension thereof. The date of granting this subdivision is the date this subdivision is approved by the Decision-making body and the appeal period has exhausted. The expiration date is one year after the City Council decision made on ______.
- G2. **Conformance with Plans.** The lot design on the subdivision map shall be designed in conformance with the subdivision map, as approved by the decision-making body.
- G3. **Conditions of Plans.** All conditions of approval for this subdivision shall be reprinted and included within the first three sheets of the subdivision map sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- G4. **Necessary Relocation of Public Facility.** 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.
- G5. **Indemnify and Hold Harmless.** The owner or designee 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, attorney's fees, injuries, costs, and liabilities 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 owner or designee's project.
- G6. **Code Compliance.** The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis; proposed use and occupancy of all spaces (CBC Ch. 3), all building heights and areas (CBC Ch. 5), all proposed types of construction (CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (CBC Ch. 7), all proposed interior finishes fire resistance (CBC Ch. 8), all fire protection systems proposed (CBC Ch. 9), and all means of egress proposed (CBC Ch. 10). Noncombustable exterior wall, floor, and roof finishes are strongly encouraged.
 - a. During construction retaining a single company to install all fire related penetrations is highly recommended.
 - b. The grade level lobbies shall be minimum 1-hour rated all sides and above.
 - c. All stair shafts shall be minimum 1-hour rated.
 - d. All elevator shafts shall be minimum 1-hour rated.
 - e. All trash chute shafts shall be minimum 1-hour rated.
 - f. Recommendation: provide minimum two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
 - g. Any trash rooms shall be minimum 1-hour rated all sides and above.
- G7. **Building Codes as Amended.** See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.

Approval Date: TBD Page 1

- G8. **Reach Codes.** 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.
 - a. Chapter 15.36 Energy Code for "all electric" provisions for new construction.
 - b. Chapter 15.38 Green Building Code for additional Electric Vehicle Charging requirements for new construction.
- G9. Comply with all applicable codes, regulations, ordinances and resolutions.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

OPERATIONAL CONDITIONS

- P1. Landscaping Installation & Maintenance. The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.
- P2. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.
- P3. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape of 2,500 square feet or more shall conform to the California Department of Water Efficient Landscape Ordinance.
- P4. **Use of Garage.** The owner or designee shall ensure that the garage always be maintained free and clear for vehicle parking use. It shall not be used only for storage.

DURING CONSTRUCTION

P5.

- P6. **Construction Hours.** Construction activity 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 shall not be allowed on recognized State and Federal holidays.
- P7. **Construction Trash/Debris.** During construction activities, the owner or designee is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P8. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.

MITIGATION MEASURES

P9. **Mitigation Monitoring and Reporting Program.** The Mitigation Monitoring and Reporting Program (MMRP), prepared for this project in compliance with the California Environmental Quality Act (CEQA), shall be incorporated by reference as conditions of approval. The applicant shall comply with all specified mitigation measures in the timelines outlined in the project's MMRP.

COMMUNITY DEVELOPMENT - HOUSING DIVISION

- H1. **Residential Rental or Ownership Project with Fewer than 10 Units.** In accordance with the Santa Clara City Code chapter 17.40, this project is subject to the affordable housing requirements for the proposed 8 units for-sale residential development. To satisfy the affordable housing requirements, the Applicant may elect to either provide:
 - a) One dwelling unit: Unit shall be provided at an affordable housing cost for a household earning up to one hundred percent (100%) of area median income (AMI). Affordable Unit shall have prices set in accordance with the City's Below Market Purchase (BMP) Program Policies and Procedures Manual (subject to updates and changes). Applicant shall be responsible for cost incurred under the California Building Standards (California Code of Regulations, Title 24) for the each affordable for- sale residential unit. Affordable units shall be reasonably dispersed throughout the project and shall on average contain the same number of bedrooms and shall be comparable to the design of the market-rate units in terms of appearance, material and finished quality of the market rate units in the project. Affordable units shall have the same access to the project amenities and recreational facilities as market-rate units; or
 - b) Pay an in-lieu fee: In-lieu fee shall be equal to the difference between the unrestricted appraised market value ("Initial Market Value") and the Affordable Sales Price of the last unit at completion. The Initial Market Value of the last unit sold shall be the basis for calculating the in-lieu fee to be paid by Applicant. Any in-lieu fee payment due to the City by the Applicant shall be paid prior to receipt of the occupancy certificate of the last unit at completion.
- H2. **Affordable Housing Agreement.** Prior to issuance of Building Permits, the Developer shall enter into an Affordable Housing Agreement (AHA) with the City that will determine the Affordable Sales Price, identify the actual unit to be sold as the Affordable Unit, and apply all terms and covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Community Development. There is a fee for the AHA preparation in the amount of \$XX which will be due prior to execution of the AHA (per Municipal Fee schedule).

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

H3. **Impact Fee.** In accordance with the Santa Clara City Code chapter 17.40, this project is subject to the requirements of the Affordable Housing Ordinance which may be met through payment of an impact fee of \$X.XX per square foot. The fee is determined by the net square footage of the existing building to be demolished minus the square footage of the proposed new construction building multiply by the \$X.XX per square foot. Please note that the impact fee provided here is an estimate and may change if the proposed square footage changes. The Applicant shall pay impact fees prior to the issuance of the

occupancy certificate of the building (all fees are based on the current Municipal Fee Schedule in effect at the time the project is approved).

FIRE DEPARTMENT

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE

- F1. Hazmat Clearance. Prior to any Building Permit issuance, Hazardous Materials Closure (HMCP) is required as applicable: This is a permit is issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer's due diligence. The hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.
- F1. Hazmat Clearance. Prior to any 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.

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.

For smaller projects that are not moving soil at all, a Phase I environmental assessment may be adequate. Please contact Assistant Fire Marshal Fred Chun at fchun@santaclaraca.gov for more information.

- F2. **Fire Flow Requirement.** 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.
- Fire Hydrants. 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.

- F4. **Fire Department Access.** Prior to Building Permit Issuance, a five-foot all-weather perimeter pathway around the entire perimeter of the buildings to facilitate firefighter access is required to be incorporated into the Building permit submittal.
- F5. **Fire Department Access.** Prior to the issuance of the Building Permit, approval for fire department apparatus access roads is required. Roadways must be provided to comply with all the following requirements:
 - 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.
 - For underpasses, garages, gates, or anything similar that a Fire apparatus is required to drive under as part of the emergency vehicle access, 16 feet vertical clearance will be required. For all other areas, the "minimum" unobstructed vertical clearance shall not be less than 13 feet 6 inches.

<u>or</u>

- For all other areas, the "minimum" unobstructed vertical clearance shall not be less than 13 feet 6 inches.
- The "minimum" width of aerial roadways for aerial apparatus is 26 feet.
- The minimum inside turning radius shall be 30 feet.
- The "minimum" width of roadways for aerial apparatus is 26 feet. Aerial access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building. This requirement is only applicable when Appendix D of the Fire Code is enforceable.
- 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.
- Fire apparatus access roadways shall be all-weather surface(s) designed to support a gross vehicle weight of 75,000-pounds.

- Trees at full development must not exceed 30 feet 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 caseby-case to ensure they do not obstruct aerial and ground ladder access.
- 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.

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.

- F6. **Emergency Responder Radio Coverage System.** 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.
- F7. **Fire Department Access.** Prior to the start of construction, roadways and water supplies for fire protection are required to be installed and made serviceable and maintained throughout the course of construction.
- Fire Department Access. Prior to issuance of the Building Permit, a gate permit is required to obtained. Openings for access gates located across fire apparatus access roads shall be a minimum of 20 feet of clear width. Gates shall also be provided with a minimum unobstructed vertical clearance of 16-feet. All gates installed on designated fire department access roads must be electrically automatic powered gates. Gates shall be provided with an emergency power or be of a fail-safe design, allowing the gate to be pushed open without the use of special knowledge or equipment. A Tomar Strobe Switch or 3M Opticom detector shall be installed to control the automatic gate(s) to allow emergency vehicles (e.g., fire, police, ems). Said device shall be mounted at a minimum height of eight to ten feet (8' 10') above grade.
- F9. **Alternative Means and Methods.** 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 planning process. None of these discussions are binding and can only be formally approved through submitting an AMMR permit. The AMMR permit is formally documenting that and still needs to be submitted.
- F10. **Hazmat Information.** Prior to Building Permit Issuance, a Hazardous Materials Inventory Statement including refrigerants is required to be submitted and reviewed with the Building Permit if applicable.
- F11. **Fire Safety During Construction.** 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.

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

- F12. Shared Fire Protection Features that Cross Property Lines. Prior to Building Permit Final, 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.
- F13. **Fire Protection Systems Before Occupancy.** Prior to any Certificate of Occupancy Issuance (temporary or permanent), fire-life safety systems installations must be fully installed, functional, and approved.

PARKS & RECREATION DEPARTMENT

- PR1. This memo assumes the Project is a subdivision and the Quimby Act provisions will apply. The project will generate an estimated 21 residents (2.98 persons/household x 7 units). Based on the Quimby Act standard of 3.0 acres/1000 residents, the amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 0.0626 acres. The equivalent fee due in lieu of parkland dedication is therefore \$415,716.
- PR2. Any in-lieu fees imposed under this Chapter 17.35 shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.
- PR3. 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.
- PR4. Dwelling Unit Tax. A dwelling unit tax (DUT) is also due based on the number of units and additional bedrooms per City Code Chapter 3.15. The Project mix includes 8 three-bedroom units for a total DUT of \$200.
- PR5. Calculations may change if the number of units change, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if the fee schedule for new residential development fees due in lieu of parkland dedication changes before this Project is deemed complete by Planning.

ENGINEERING

DESIGN—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. **Site Clearance.** 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. **Easement.** 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.
- E3. **Subdivision Map.** 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.

DURING CONSTRUCTION

- E4. Encroachment Permit. 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.
- E5. **Encroachment Permit.** 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.
- E6. Encroachment Permit. 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.
- E7. Encroachment Permit. 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.
- E8. **Encroachment Permit.** Existing streetlights shall be clear of proposed sidewalk, developer shall relocate as necessary.
- E9. **Easement.** 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.
- E10. **Easement.** 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.
- E11. **Agreement.** If requested, owner or designee 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.

TRAFFIC DURING CONSTRUCTION

E12. Traffic improvements must comply with the City of Santa Clara Standard Specifications for Public Works Construction

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STREETS DIVISION

Right of Way Landscape

DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

Approval Date: May 21, 2025

- L1. **Tree Preservations Specifications.** Include <u>City of Santa Clara Tree Preservation/City</u> Arborist specifications on all improvement plans.
- L2. **Mature Trees.** Identify existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- L3. **Tree Replacement.** 2:1 tree replacement ratio required for all trees removed from the right-of-way.

DURING CONSTRUCTION OR OPERATION

L4. No Public Root Cutting. No cutting of any part of public, 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).

PRIOR TO FINAL OF BUILDING PERMIT

L5. **In Lieu Fee.** If 2:1 replacement ratio cannot be met for removal of right of way landscape trees, tree planting fee must be paid prior to building permit final.

Solid Waste

DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

- SW1. Post-Construction Solid Waste Generation Estimation and Collection Form. 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.
- SW2. **Site Plan.** 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. Solid metal roof, gates and a trench drain shall be installed within the trash enclosure and connected to the on-site sewer system.
- SW3. Construction Waste Diversion. 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 Recycling Report through the City's online tracking http://santaclara.wastetracking.com/.
- SW4. **Authorized Service Haulers.** 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.
- SW5. **Exclusive Franchise Hauling Area.** Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, 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.

DURING CONSTRUCTION OR OPERATION

SW6. **Waste Generation Tracking.** Applicant to track all waste generated and upload debris tags to GreenHalo for City staff review.

PRIOR TO FINAL OF BUILDING PERMIT

SW7. **Weight Tickets.** 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.

Stormwater

DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

- ST1. **Final Stormwater Management Plan.** Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, the Special Project Narratives and Worksheet (as appropriate), and an Erosion and Sediment Control Plan.
- ST2. **3rd Party Review of Final Stormwater Management Plan.** The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter (on design) shall be submitted with the Plan.
- ST3. **Notice of Intent.** For project that disturbs a land area of one acre or more, the applicant shall provide a copy of the Notice of Intent (NOI) with WDID number for coverage under the State Construction General Permit. Active projects with NOI will be inspected by the City once per month during the wet season (October April).
- ST4. **Best Management Practices.** 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. Applicant to add Source control measures with designations from C.3 stormwater handbook, Appendix H.
- ST5. **C.3 Treatment Facilities Construction Notes.** Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST6. **Decorative & Recreational Water Features.** Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST7. **Small Projects.** For single-family homes and other small projects that create and/or replace 2,500 10,000 square feet of impervious surface area, the applicant shall implement at least one of the following site design measures:

- a. Direction of roof runoff into cisterns or rain barrels
- b. Direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas
- c. Construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces

Plans shall specify which site design measures are selected for the project and show the direction of flow from impervious surfaces to the selected site design measures. All measures shall meet the design criteria in the 2016 C.3. Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects.

- ST8. **Interior Floor Drains.** Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST9. **Trash Enclosure Floor Drains.** Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. **Architectural Copper.** The use of architectural copper is prohibited.

DURING CONSTRUCTION OR OPERATION

- ST11. **Biotreatment Soil Media.** Applicant shall install biotreatment soil media that meets the minimum specifications as set forth in the SCVURPPP C.3 Stormwater Handbook. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix (the date of such document shall not be older than 3 months).
- ST12. **Stormwater Control Measure Inspection.** At critical construction phases, all stormwater control measures shall be inspected for conformance to approved plans by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants.
- ST13. **Inspections.** Permeable Pavement, Media Filter vaults, and Trash Full Capture Devices shall be inspected by a 3rd party reviewer and/or manufacturer representative for conformance with the details and specifications of the approved plans. All new pervious concrete and porous asphalt pavements should have a minimum surface infiltration rate of 100 in./hr. as described in the SCVURPPP C.3 Handbook. A map displaying the number, location and details of full trash capture devices shall be prepared as an attachment to the Operations and Maintenance (O&M) Agreement with the City.
- ST14. **Stormwater Treatment Facilities.** Stormwater treatment facilities must be designed, installed, and maintained to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C).
- ST15. Amendments to Operation & Maintenance Agreement. Any site design measures used to reduce the size of stormwater treatment measures shall not be installed for the project without the written approval from the City, installing the corresponding resizing of other stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST16. **Stormwater Pollution Prevention Messaging.** Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping Flows to Bay" on any storm drains located on private property.
- ST17. **Outdoor Storage Areas.** 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.

PRIOR TO FINAL OF BUILDING PERMIT

ST18. **As-Built Drawings.** As-Built drawing shall be submitted to the Public Works Department.

- ST19. **3rd Party Concurrence Letter.** 3rd Party concurrence letter on the C.3 facilities construction shall be submitted to the Public Works Department. The letter shall be prepared by a 3rd party consultant from the SCVURPPP List of Qualified Consultants. The City reserves the right to review the 3rd party inspection report on the C.3 stormwater facility installation.
- ST20. **Final C.3 Inspection.** Applicant shall schedule and City shall conduct a final C.3 inspection.
- ST21. Operation & Maintenance Agreement. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures and full trash capture devices in perpetuity. Applicants should contact Public Works Dept. Environmental Services at (408) 615-3080 or Street@SantaClaraCA.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at http://santaclaraca.gov/stormwater. Inspection of permeable pavement, media filter vaults and full trash capture devices is to be done annually by December 31 of each year.

WATER & SEWER DEPARTMENT

DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

- W1. **Related Approvals:** Applicant shall comply with all related City approvals, entitlements, permits, or requirements associated with the subject property, unless explicitly superseded or revised by the Director of Water and Sewer Utilities.
- W2. **Existing Services.** The applicant shall show all existing water and sewer services, meters, and mains on the plans and indicate their sizes on the proposed site plan or on a composite utility plan. If the existing services will not be used, then the applicant shall properly abandon these services at 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.
- W3. **Separate Services.** Applicant shall provide separate water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-way services for each parcel 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. Services cannot cross a different parcel than the one it serves. No parcel shall be created that requires an easement from an adjacent parcel in order to be served. Tapping on existing fire service line(s) is prohibited. Approved backflow prevention device(s) are required on all potable water services.
- W4. **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.

Conditions of Approval PLN24-000262 / 2303 Gianera Street
May 21, 2026.

KEY:

G = General

P = Planning Division

E = Public Works Engineering (Stormwater)

SVP = Silicon Valley Power

FD = Fire Department

ST = Stormwater

SW = Solid Waste

L = Right of Way Landscape

E = Engineering

H = Housing

W = Water and Sewer

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature:	
Printed Name:	
Relationship to Property:	
Date:	

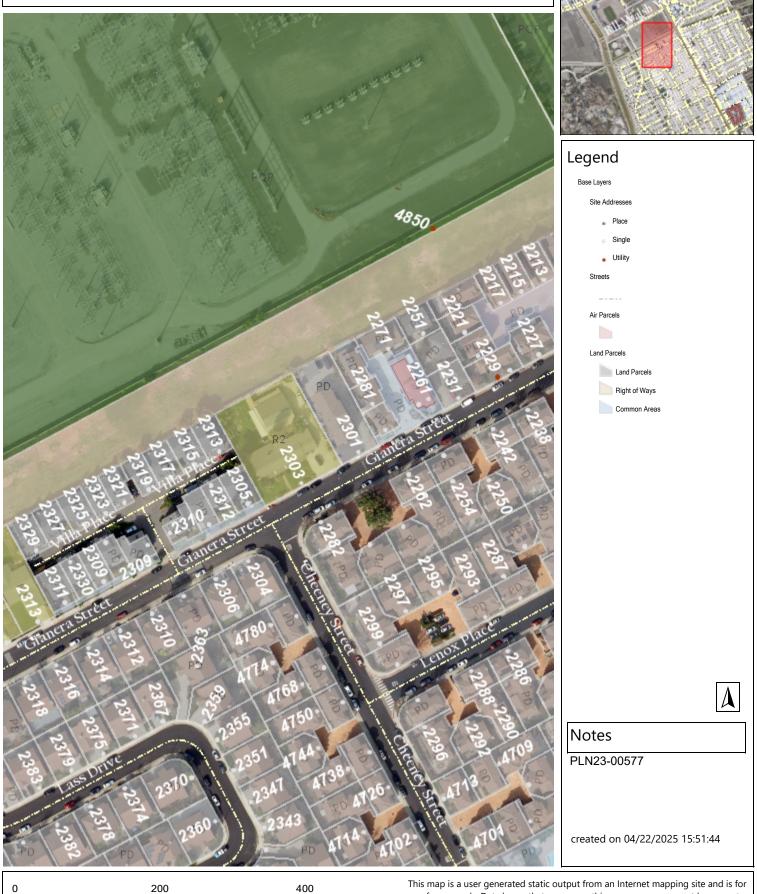
Pursuant to Santa Clara City Code 18.128.100, the applicant shall return this document to the Department, properly signed and dated, within 30-days following the date of the Acknowledgement.



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©City of Santa Clara

Vicinity Map (Zoning) - 2303 Gianera Street



reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

current, or otherwise reliab

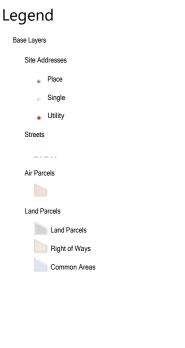
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Vicinity Map (General Plan) - 2303 Gianera Street









Notes

PLN23-00577

created on 04/22/2025 16:09:27

0 200 400

NAD_1983_2011_StatePanel_California_III_FIPS_0403_Ft_US ©City of Santa Clara

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

City of Santa Clara Vicinity Map (Project Radius) – 2303 Gianera Street Legend Base Layers Streets Air Parcels Land Parcels Land Parcels Right of Ways Common Areas Notes 1,000 Foot Project Radius -PLN23-00577 created on 04/22/2025 16:25:13 This map is a user generated static output from an Internet mapping site and is for 0 500 1000 reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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Attachment 2: Project Data/Compliance (Multi-Family)

Project Address: 2303 Gianera Project Number: PLN23-00577

Project Address: 2303 Gianera Zoning: PD – Planned Development*

Standard	Proposed	Complies? (Y/N)	Waiver?
Lot Area (Individual lots):	Average of 1,695		
Building Square Footage (SF)			
Each Unit (total Livable	Unit Type A – 2098		
square footage) :	Unit Type B - 2041		
Attic Space	Unit Type A – 567		
	Unit Type B - 511		
Garage	474		
Total:	Unit Type A – 2572		
	Unit Type B - 2515		
Building Coverage (%)			
Building Coverage (All):	Average of 63%		
Single Family Units Setbacks (F)	Γ)		
Front (front of unit to shared driveway):	5' – 5"		
Front of Property:	10		
Side (between detached buildings):	6' – 8"		
Side (Rear of units) :	7		
Rear of property:	14		
Height (FT)			
Each Unit:	30		
Parking:			
Is the site Gov. Code 65863.2 (AB	3 2097) eligible?		Υ
Off-Street:	2 per unit		
Guest:	2		
Landscaping			
Open Area:	29%		
Landscape Buffer:	Yes		

^{*}No specific requirements are listed for Planned Development per Chapter 18.54 of the Classic Code



LOCATION MAP

BENCHMARK

VERTICAL DATUM: NAVO 88. ELEVATION WAS ESTABLISHED WITH GNSS

BASIS OF BEARINGS

THE BEARING NG1'40'00"E BETWEEN FOUND MONUMENTS ON GIANERA STREET AS SHOWN ON 682 MAPS 23 AND 833 MAPS 47 WAS USED AS BASIS OF BEARING.

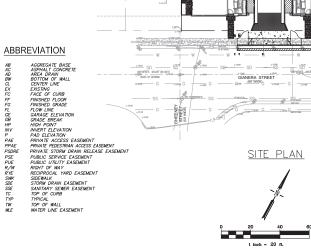
ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF UNILESS OTHERWISE NOTED.

UTILITY NOTE

THE SURFACE UTLITIES SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURFIEY. THE UNDERFORMED UTLITIES SHOWN HAVE BEEN COMPILED FROM RECORDS OF THE WINDLY ABOUTED. THE SURFECT ASSUMES ON REPOSSIBILITY FOR THEM MICHAELD COATRON, SZE, OR TYPE, RECORD UTLITY INFORMATION SHOULD BE CONTRIBED BY EXPOSSIBILITY.

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	TRACT / LOT BOUNDARY	
	LOT LINE	
	CENTER LINE -	
	EASEMENT LINE	
	STORM DRAIN	
ss	SANITARY SEWER	ss
w	WATER	
	CURB & GUTTER	EX FC
CALL AND THE SAME	SIDEWALK	
	RETAINING WALL	
	STORM WATER INLET	
=	FIELD INLET	
▶	DIRECTION OF FLOW	⊳
•	MANHOLE	0
∢	FIRE HYDRANT	
•	BLOW OFF	
H	WATER VALVE	
	STREET LIGHT	- ⊠
	FENCE	_ × ×
	CONTOUR ELEVATIONS	130
x 525.2	SPOT ELEVATION	×525.2



TENTATIVE TRACT MAP

2303 GIANERA STREET SANTA CLARA, SANTA CLARA COUNTY, CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

LOT 5

LOT 7

LOT 8

454 MAPS 20 PARCEL 8

LOT 4

5.8" HON COMO MAL

610 MAPS 30

PROJECT DATA

1. OWNER:

GIANERAL ST ESTATE LLC 1885 LUNDY AVE, SUITE 200 SAN JOSE, CA CONTACT: V.C.I. ARCHITECTURE PHONE: 650 210 8800

GIANERAL ST ESTATE LLC 1885 LUNDY AVE, SUITE 200 SAN JOSE, CA CONTACT: V.C.I. ARCHITECTURE PHONE: 650 210 8800

ZEM ENGINEERS INC. 39116 FREMONT HUB #1045 FREMONT CA 94538 510-513-7795 CONTACT: SIMON ZHANG

4. ASSESSOR'S PARCEL NUMBERS:

5. PROPERTY DESCRIPTION:

ALL OF PARCEL 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP OF A RESUBDIVISION OF PARCEL B, SHOWN UPON THE PARCEL MAP FILED IN BOOK 494 OF MAPS, PAGES 21 AND 22", WHO'N MAP WAS RELED FOR RECORDER OF THE RECORDER OF THE COUNTY OF THE SANTA CLARA, STATE OF CALFORNIA ON JANUARY 18, 1979, IN BOOK 434 OF MAPS, PAGE(S) 29. RESIDENTIAL

6. EXISTING USE: 7. PROPOSED USE: RESIDENTIAL

8. EXISTING ZONING: PD APPROVED IN 2007 FOR R3-180 RESIDENTIAL NEIGHBORHOOD 9. GENERAL PLAN LAND USE 10 PROPOSED ZONING PLANNED DEVELOPMENT 11. GROSS AREA: 0.388± ACRES

O TARY ACRES 13. TOTAL NUMBER OF EXISTING UNITS 1 RESIDENTIAL UNIT

14. TOTAL NUMBER OF PROPOSED LOTS 11 LOT (8 SINGLE-FAMILY LOTS & 3 HOA LOT)

15. TOTAL NUMBER OF PROPOSED UNITS: 8 SINGLE FAMILY HOMES

2. SUBDINDER:

16. UTILITIES
a. WATER:
b. SAMITARY SEWER:
c. STORM DRAIN:
d. GAS AND ELECTRIC:
e. TELEPHONE:
f. CABLE TV: CITY OF SANTA CLARA CITY OF SANTA CLARA CITY OF SANTA CLARA PACIFIC GAS AND ELECTRIC AT&T COMCAST

TOPOGRAPHIC INFORMATION SHOWN IS BASED ON FIELD SURVEY BY ZHEN'S LAND SURVEYING CORP. IN OCTOBER 2022.

FLOOD ZONE: THE PROPERTY IS WITHIN ZONE X (AREAS WITH REDUCED FLOOD RISK DUE TO LEVEE) PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER, 06085C0064H, DATED MAY 18, 2009.

SHEET INDEX

TITLE SHEET

EXISTING CONDITIONS AND DEMOLITION PLAN SITE PLAN

LOTTING PLAN TM-04

PRELIMINARY GRADING AND DRAINAGE PLAN PRELIMINARY COMPOSITE UTILITY PLAN

TM-07 STORMWATER CONTROL PLAN

REV DATE DESCRIPTION 11/29/2023 SUBMITTAL 01/30/2024 SUBMITTAL 03/28/2024 SUBMITTAL

ZEM ENGINEERS INC. 3916 FREMONT HIB #1045 FREMONT CA 9438 FREMONT CA 9438



2303 GIANERA STREET SANTA CLARA, CA 95054 TENTATIVE TRACT MAP TITLE SHEET

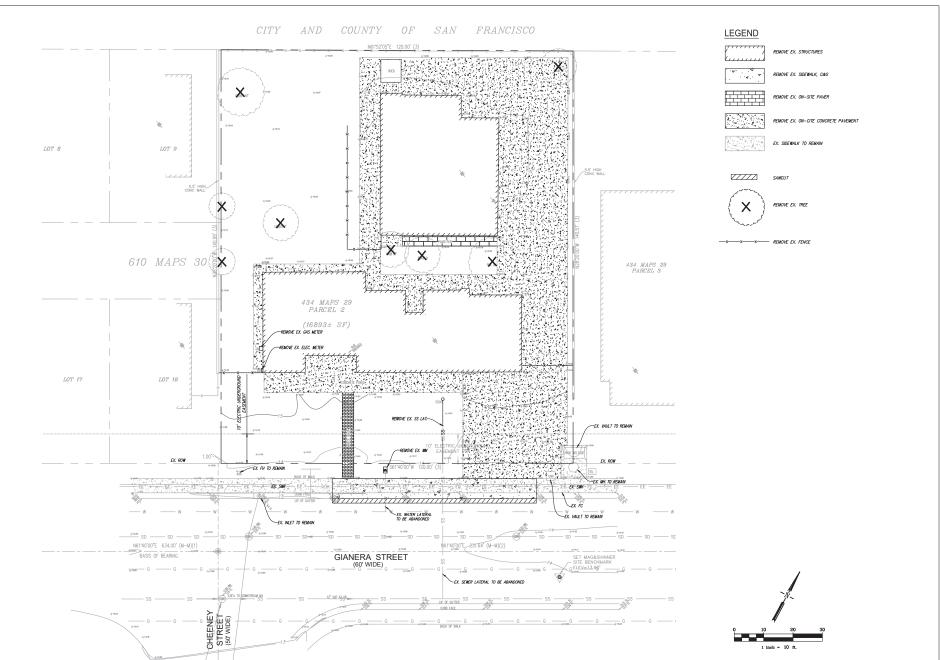
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Date 03/28/2024

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TM - 01 1 OF 8



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01/30/2024 SUBMITTAL

03/28/2024 SUBMITTAL



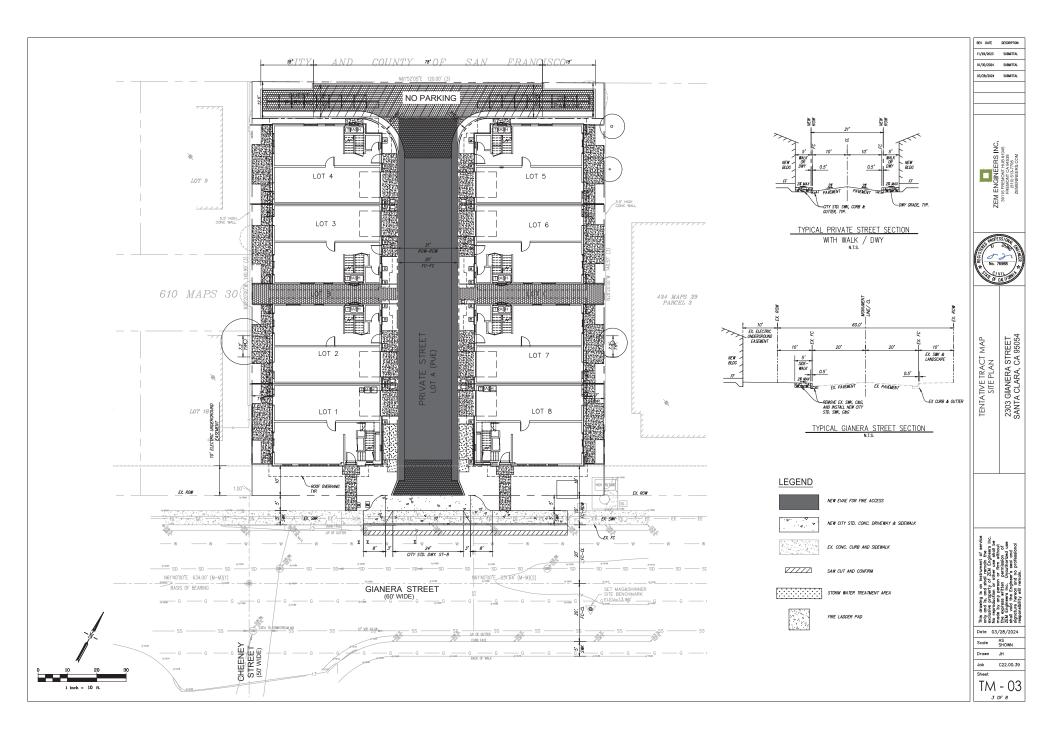
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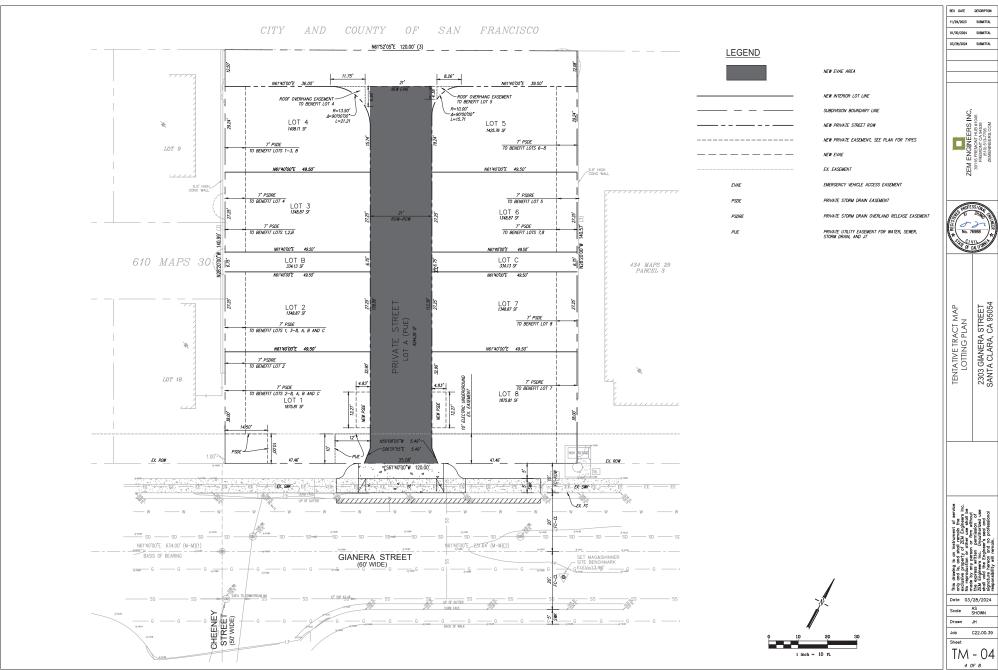
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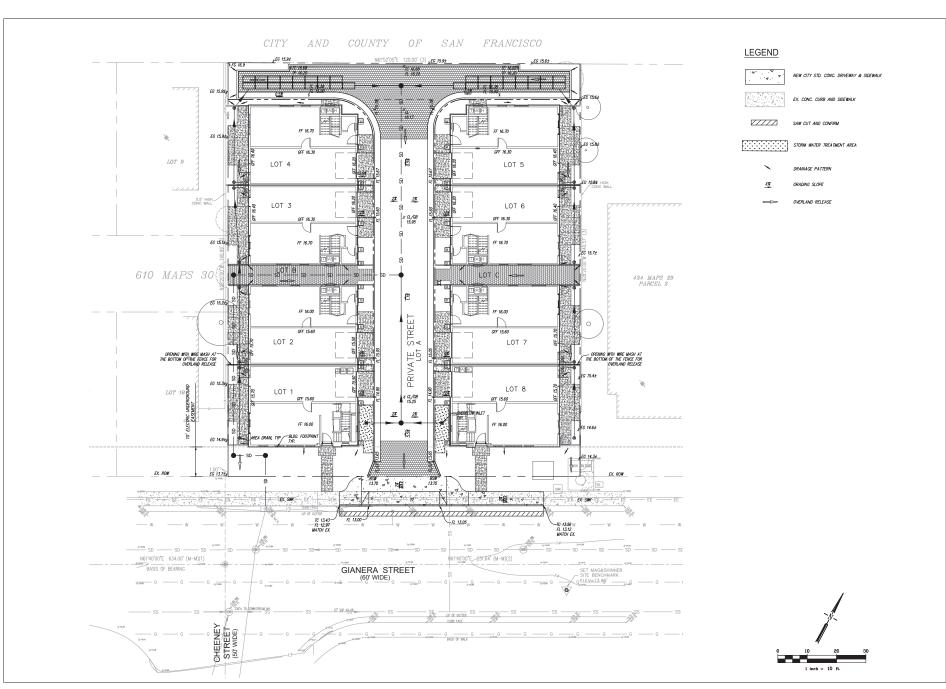
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Sheet TM - 02 2 OF 8









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11/29/2023 SUBMITTAL

01/30/2024 SUBMITTAL

03/28/2024 SUBMITTAL

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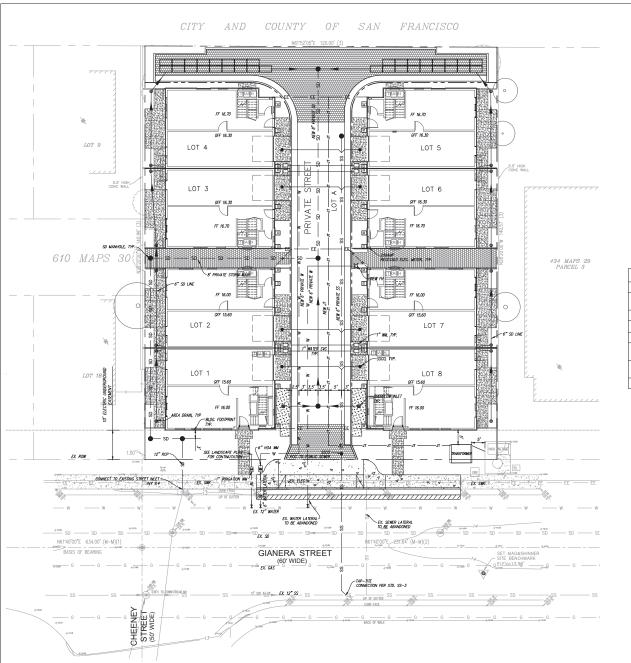
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PRELIMINARY GRADING AND DRAINAGE PLAN
2303 GIANERA STREET
SANTA CLARA, CA 95054

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Date 03/28/2024

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Job C22.00.39



LEGEND



NEW CITY STD. CONC. DRIVEWAY & SIDEWALK



EX. CONC. CURB AND SIDEWALK

STORM WATER TREATMENT AREA



SAW CUT AND CONFIRM



NOTE

UTILITY SIZING ARE PRELIMINARY AND WILL BE STUDIED LATER
 JT LAYOUT BY JT CONSULTANT

	UTILITY SUM	MARY TABLE	
TYPE	DESCRIPTION	EXIST OR NEW	SIZE
WATER	LATERAL	EXISTING TO BE ABANDONED	UNKNOWN
WATER	PRIVATE MAIN	NEW	6"
WATER	SERVICE LINE	NEW	1"
STORM DRAIN	PRIVATE MAIN	NEW	8"
STORM DRAIN	PRIVATE SD	NEW	6''
SEWER	LATERAL	EXISTING TO BE ABANDONED	6"
SEWER	PRIVATE SS	NEW	6"



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11/29/2023 SUBMITTAL

01/30/2024 SUBMITTAL

03/28/2024 SUBMITTAL

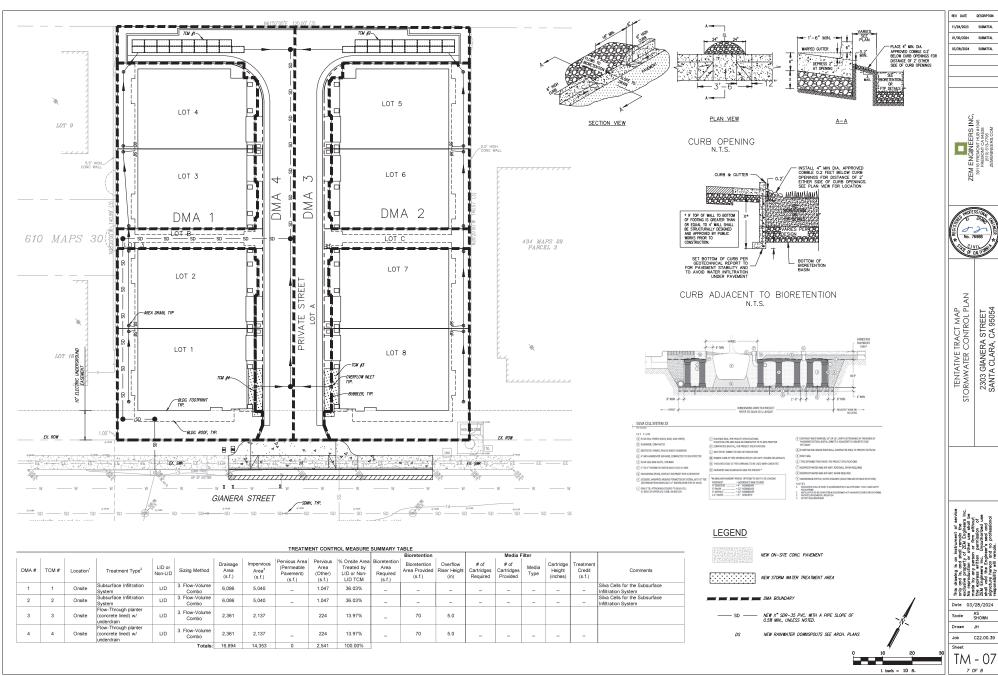


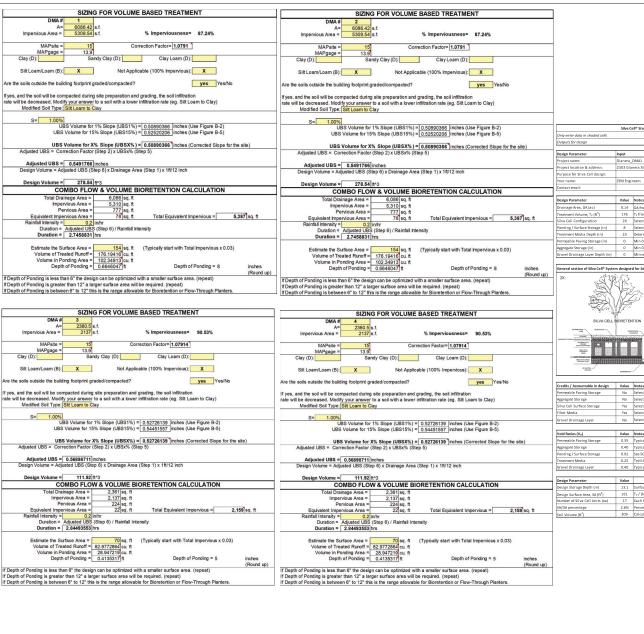
TENTATIVE TRACT MAP
PRELIMINARY COMPOSITE UTILITY PLAN
2303 GIANERA STREET
SANTA CLARA, CA 95054

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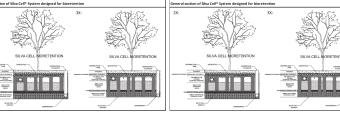


a deeproot



Sina Cel* Stormwater Design Tool
Only enter data in shooled cells
Input
Only Parameter Input
Inp

ame:	ZEM Engir	neers	Your name:	ZEM Engi	neers
ct email:			Contact email:		
Parameter	Value	Notes	Design Parameter	Value	Notes
age Area, DA (ac)	0.14	DA from project plans (1 ac is 43,560 ft ²)	Drainage Area, DA (ac)	0.14	DA from project plans (1 ac is 43,560 ft ²)
nent Volume, T _V (ft ³)	176	T _V from stormwater calculations	Treatment Volume, T _V (ft ⁵)	176	Ty from stormwater calculations
Cell Configuration	2X	Select one: 2X, 3X	Silva Cell Configuration	2X	Select one: 2X, 3X
ng / Surface Storage (in)	8	Select value between 0" to 12"	Ponding / Surface Storage (in)	8	Select value between 0" to 12"
nent Media Depth (in)	23	Determined by SC configuration and surface storage	Treatment Media Depth (in)	23	Determined by SC configuration and surface storage
able Paving Storage (in)	0	Min 0", Max. 12"	Permeable Paving Storage (in)	0	Min 0", Max. 12"
gate Storage (in)	0	Min 0*, Max. 12"	Aggregate Storage (in)	0	Min 0", Max. 12"
Drainage Layer Depth (in)	0	Minimum 0* depth	Gravel Drainage Layer Depth (in)	0	Minimum 0" depth
		·			



ate Storage	No	Select resilit layer is accepted as part of credit calculation	Aggregate Storage	No	Select 'Yes' if layer is accepted as part of credit calculation
ell Surface Storage	Yes	Select 'Yes' if layer is accepted as part of credit calculation	Silva Cell Surface Storage	Yes	Select 'Yes' if layer is accepted as part of credit calculation
Media	Yes	Select 'Yes' if layer is accepted as part of credit calculation	Filter Media	Yes	Select 'Yes' if layer is accepted as part of credit calculation
Drainage Layer	No	Select 'Yes' if layer is accepted as part of credit calculation	Gravel Drainage Layer	No	Select 'Yes' if layer is accepted as part of credit calculation
itios (V _e)	Value	Notes	Void Ratios (Va)	Value	Notes
ble Paving Storage	0.35	Typical value used - 0.35	Permeable Paving Storage	0.35	Typical value used - 0.35
ate Storage	0.40	Typical value used - 0.40	Aggregate Storage	0.40	Typical value used - 0.40
g / Surface Storage	0.92	See SC2 Tech Sheet for additional documentation	Ponding / Surface Storage	0.92	See SC2 Tech Sheet for additional documentation
ent Media	0.25	Typical value used - 0.25	Treatment Media	0.25	Typical value used - 0.25
Drainage Layer	0.40	Typical value used - 0.40	Gravel Drainage Layer	0.40	Typical value used - 0.40
Parameter	Value		Design Parameter	Value	
Storage Depth (in)	13.1	Surface Storage + Aggregate Storage	Design Storage Depth (in)	13.1	Surface Storage + Aggregate Storage
Surface Area, SA (ft²)	161	T _V / Design Storage Depth	Design Surface Area, SA (ft ²)	161	T _V / Design Storage Depth
r of Silva Cell Units (ea)	17	Each SC unit = 9.5 ft2	Number of Silva Cell Units (ea)	17	Each SC unit = 9.5 ft2
percentage	2.6%	Percentage area of Silva Cell (SA) to drainage area (DA)	SA/DA percentage	2.6%	Percentage area of Silva Cell (SA) to drainage area (DA)

Credits / Accountable in design Value Notes

REV DATE DESCRIPTION

11/29/2023 SUBMITTAL

01/30/2024 SUBMITTAL

03/28/2024 SUBMITTAL

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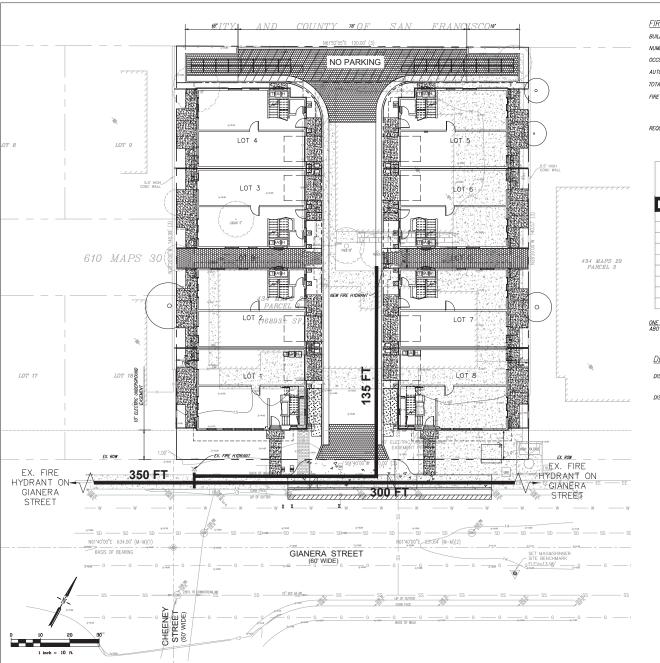


TENTATIVE TRACT MAP
STORMWATER CONTROL CALCULATIONS
2303 GIANERA STREET
SANTA CLARA, CA 95054

This drowing is an instrument of service only only and is, and staff remain the for the Charles and the forest services of the consolection of other services of the services of the services written permission of ZIM Engineers inc. Unauthorized use sellar value of the Engineer's seal and separate heaven and on professional especiality will remain.

Date 03/28/2024 Scale AS SHOWN

Drawn JH Job C22.00.39



FIRE FLOW/HYDRANT CALCULATION:

BUILDING TYPE: V-A RESIDENTIAL

NUMBER OF STORIES: 2

OCCUPANCY GROUP: R3

AUTOMATIC SPRINKLER SYSTEM: NFPA 13D (PER CFC 903.3.1.1)

TOTAL AREA OF LARGEST BUILDING (LOT 1 & 8): 4,987.5 SQFT

FIRE FLOW CALCULATIONS (PER CFC APPENDIX B): PER TABLE BIOS.1(2) TYPE V-A 4,987.5 SOFT FIRE FLOW=1,500 GPM FOR 2 HOURS HOUSE SPRINKLER SYSTEM NFPA 13D THEREFORE PER BIOS.1(1): FIRE FLOW = 750 GPM FOR 1 HOUR

REQUIRED HYDRANTS (PER CFC APPENDIX C): FIRE FLOW = 750 GPM

TABLE C102.1 REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a, b, c, f, g} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^{d, f, g}
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

<u>ONE (1) HYDRANI</u> REQUIRED FOR 750 GPM FIRE FLOW FOR 1 HOUR WITH SPACING NOTED ABOVE IN TABLE C102.1

DESIGN CONCLUSIONS:

DISTANCE FROM EXISTING HYDRANT TO FURTHEST LOT'S FRONTAGE (LOT 4 AND 5) = 185 FEET (MAX 250 FEET PER CFC)

DISTANCE BETWEEN FIRE HYDRANTS = 350 FEET AND 300 FEET (MAX 500 FEET PER CFC)

REV DATE DESCRIPTION 11/29/2023 SUBMITTAL 01/30/2024 SUBMITTAL 03/28/2024 SUBMITTAL

ZEM ENGINEERS INC.
3916 FREMONT CA 94:38
(510) 527.778
(510) 527.778





2303 GIANERA STREET SANTA CLARA, CA 95054 TENTATIVE TRACT MAP FIRE EXHIBIT

This only only No re made the exclusion of the exclusion

Date 03/28/2024

Scale AS SHOWN Drawn JH

C22.00.39

- 01 EXISTING SURVEY

- AI SITE PLAN 8 ZONING INFO
 A2 SECOND FLOOR PLAN
 A3 ROOF PLAN 8 LOT SIZES
 A4 TYPE-A HOUSE FLOOR PLANS
 A5 TYPE-B HOUSE FLOOR PLANS
- AS 1YPE-B HOUSE FLOOR PLANS AC TYPE-C HOUSE FLOOR PLANS A7 BUILDING ELEVATIONS (SOUTH & FRONT) A8 BUILDING ELEVATIONS (NORTH & REARYARD) A9 BUILDING SECTIONS
- AIO 3D VIEWS

- LI.0 LANDSCAPE SITE PLAN
 LI.1 LANDSCAPE REMOVAL PLAN
 L2.0 LANDSCAPE PLANTING PLAN
 L2.1 HYDROZONE MAP AND WELO WORKSHEET

SITE DATA & ZONING

A.P.N. 104-06-037

A.P.N.
LOT SIZE 16893 SF
EX. ZONING RI-6L / PD
EXISTING BUILDING AREA: 4299.5L SF
FLOOD ZONE DESIGNATION: ZONE X (PER FLOOD INSURANCE RATE MAP)
CONES:
COMPLY WITH ALL APPLICABLE 2022 CODES

CONSTRUCTION DATA

BUILDING TYPE: V-NUMBER OF STORIES: 2 OCCUPANCY GROUP: R3 FIRE SPRINKLER: YE R3 YES

SCOPE OF WORK

DEMOLISH EXISTING SINGLE FAMILY DWELLING

CONSTRUCT 8 ATTACHED 2-STORY SINGLE FAMILY DWELLINGS (WITH ONE BMR-UNIT)

EXISTING BUILDING AREA: TOTAL 4399.54 SF



VINCINITY MAP



COVER SHEET & PROJECT DATA

2303 GIANERA ST TENTATIVE SUBDIVISION 2200 GAMERA STREET SWITT CLARA, CA 85520

ARCHITECTURE

| architecture | structure | | planning | interior |

798 North First Street SAN JOSE, CA 95112 Emai: info@vcicompanies.com www.vcicompanies.com

1/25/2024

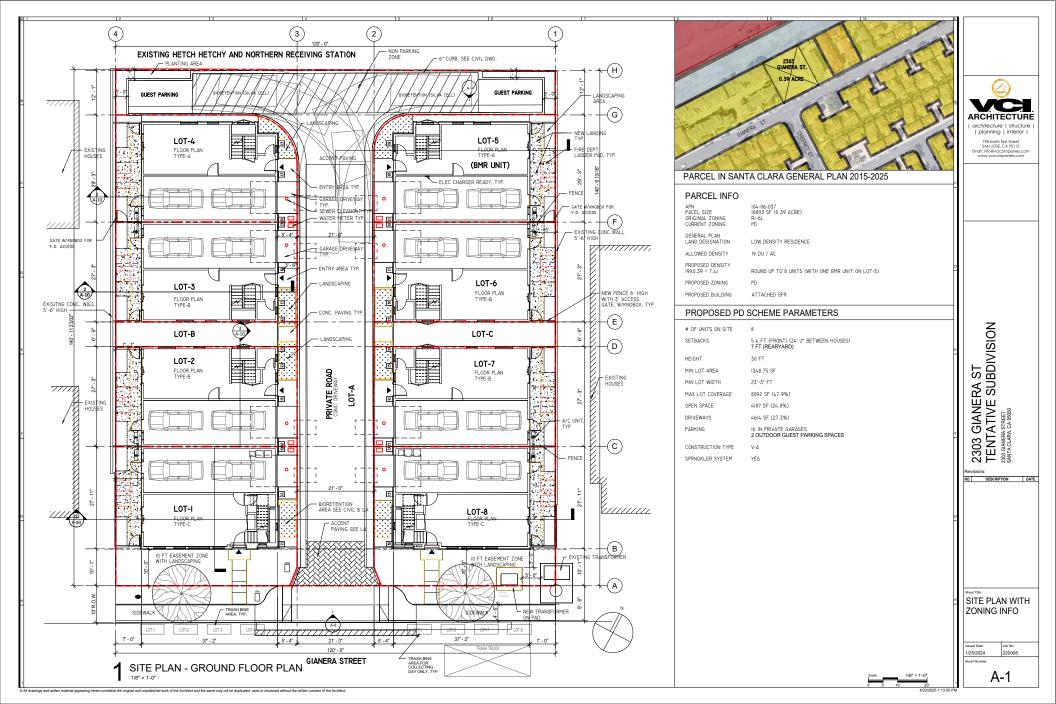
GIANERA STREET VIEW 2 - LOOKING TOWARD WEST

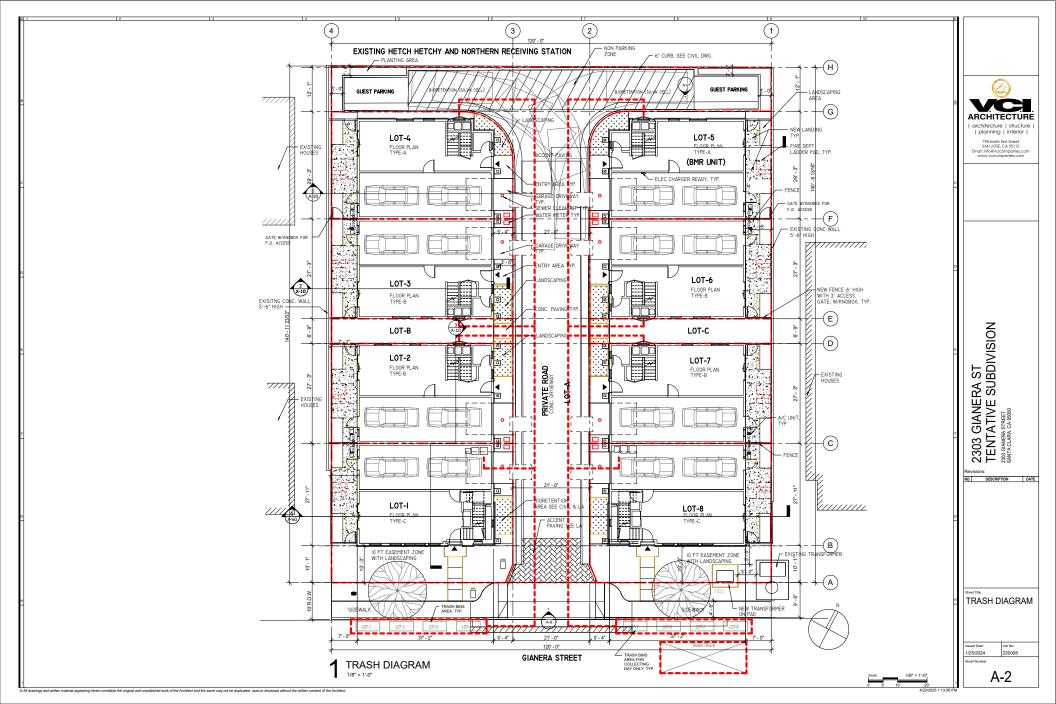
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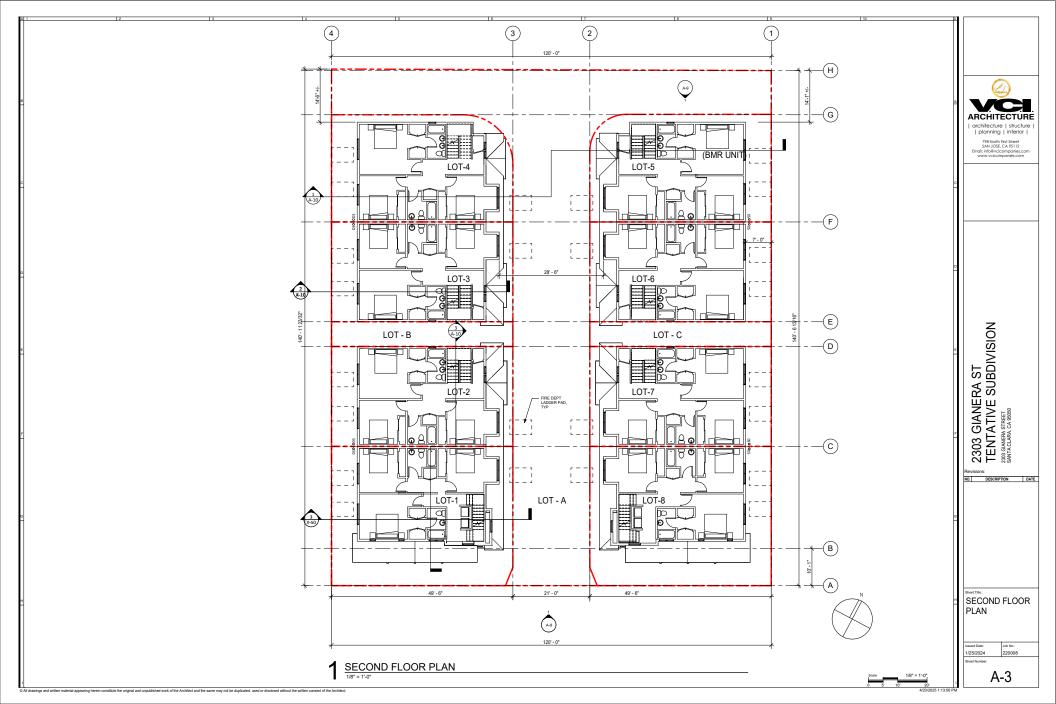
GIANERA STREET VIEW 1 - LOOKING NORTH FROM CHEENEY STREET

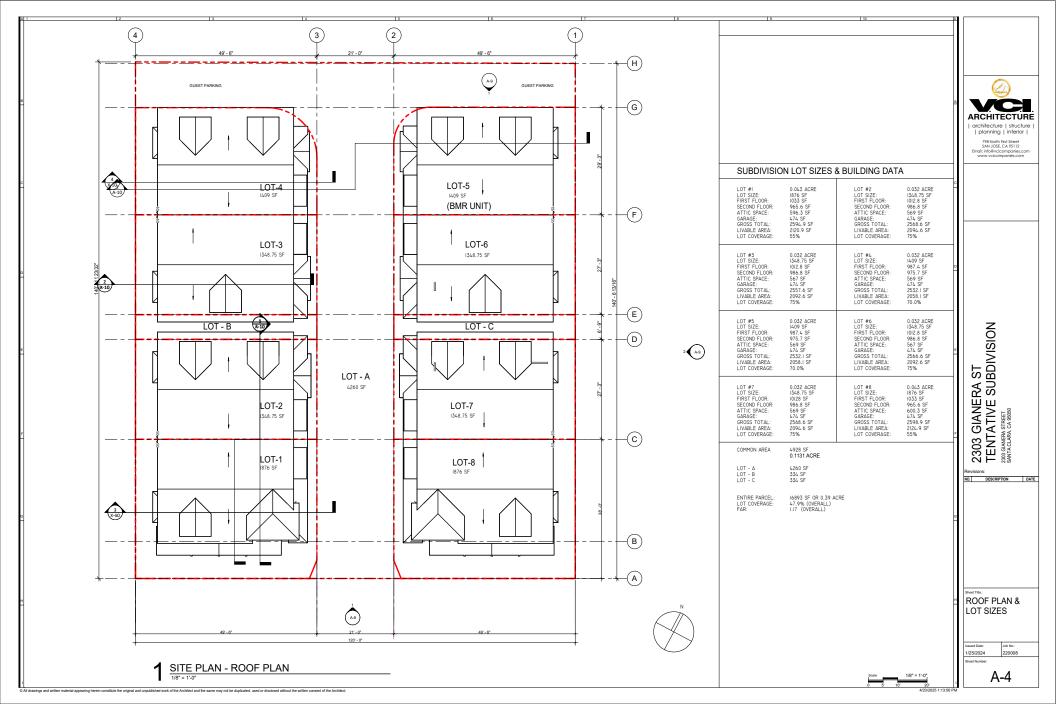
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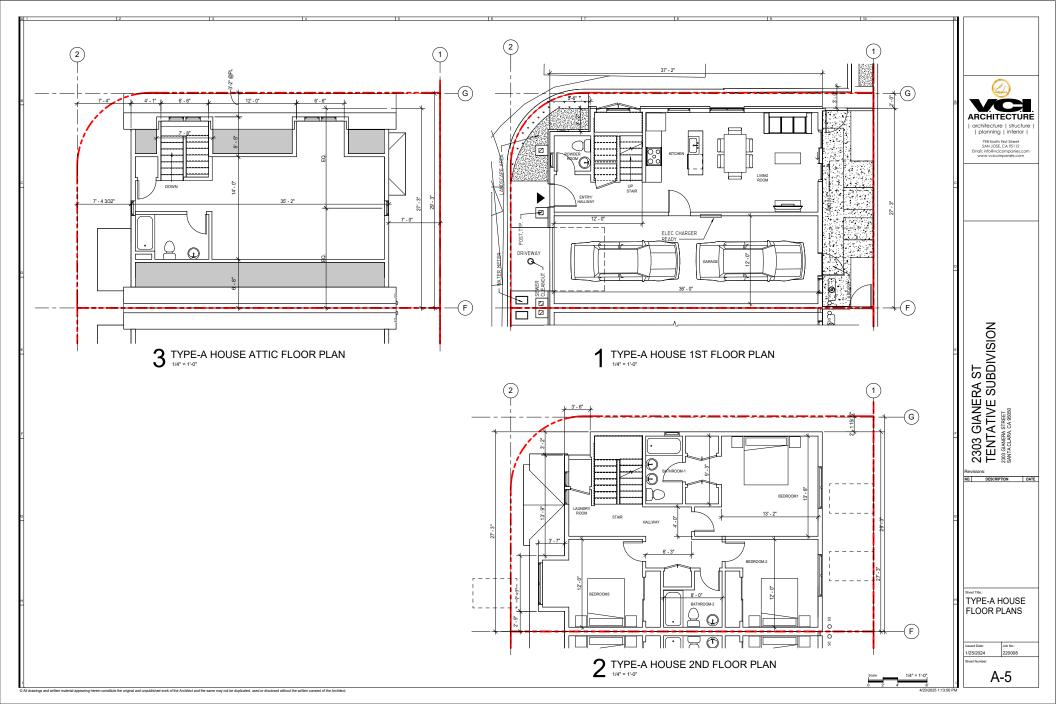
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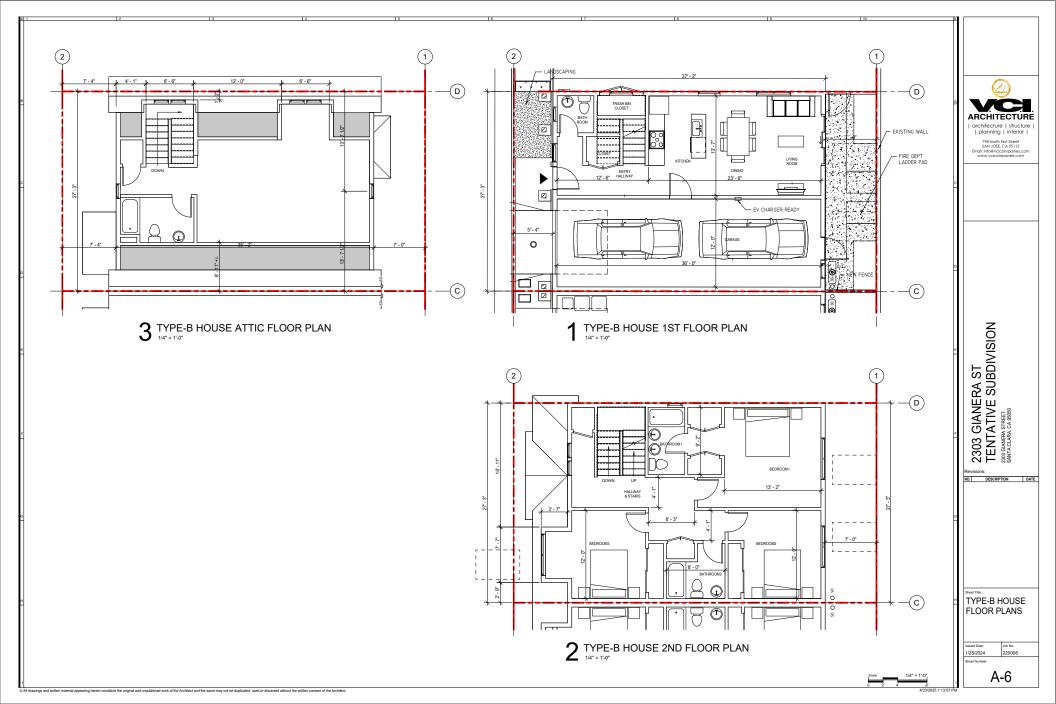


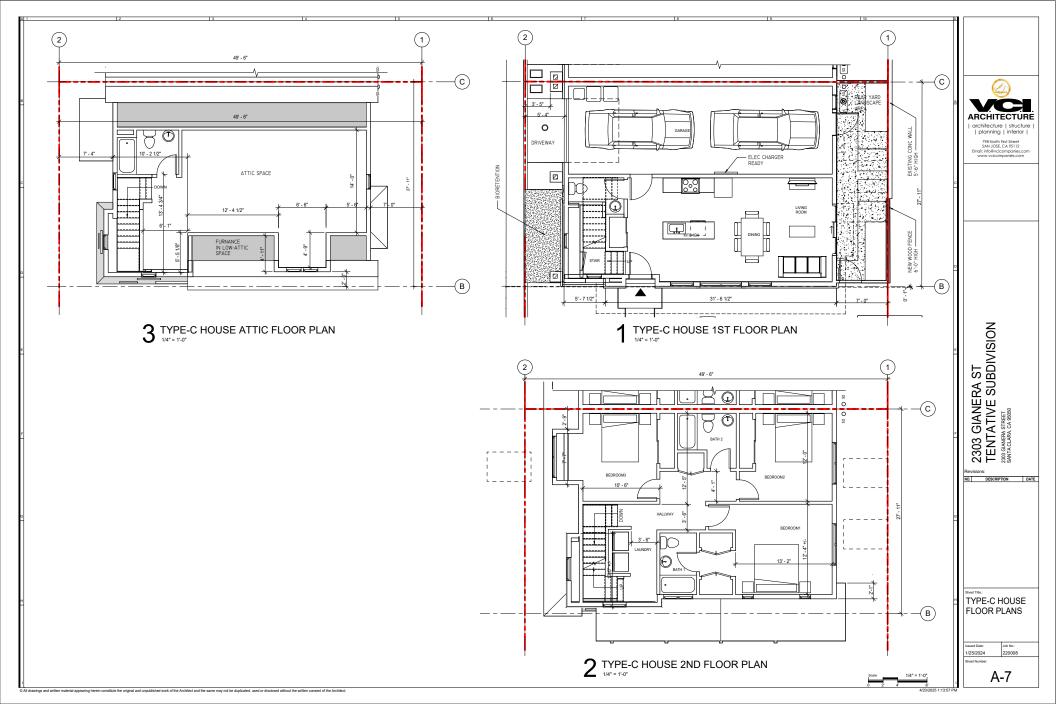




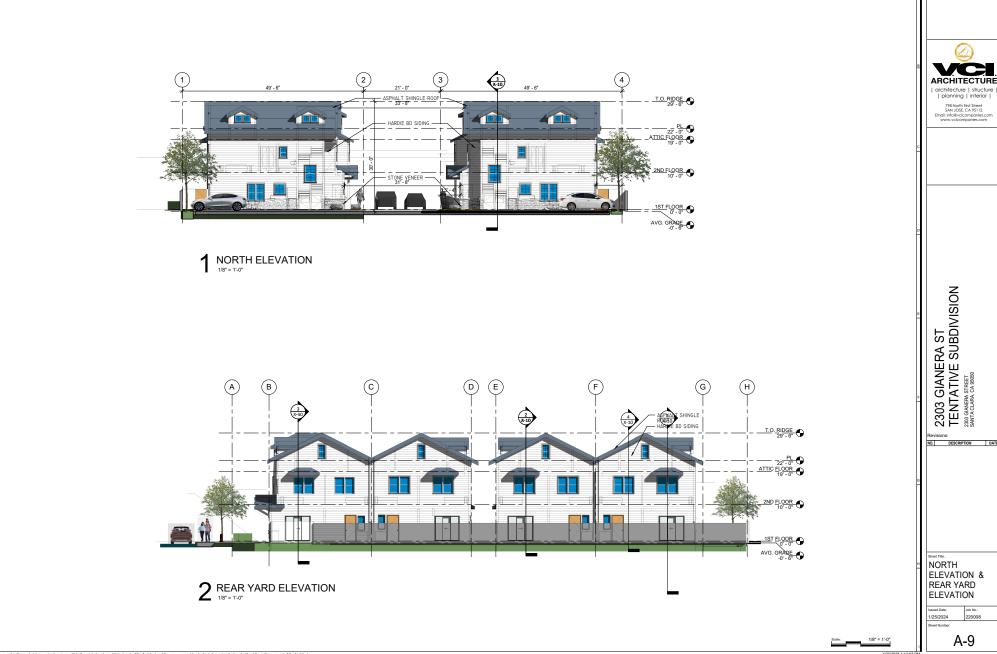










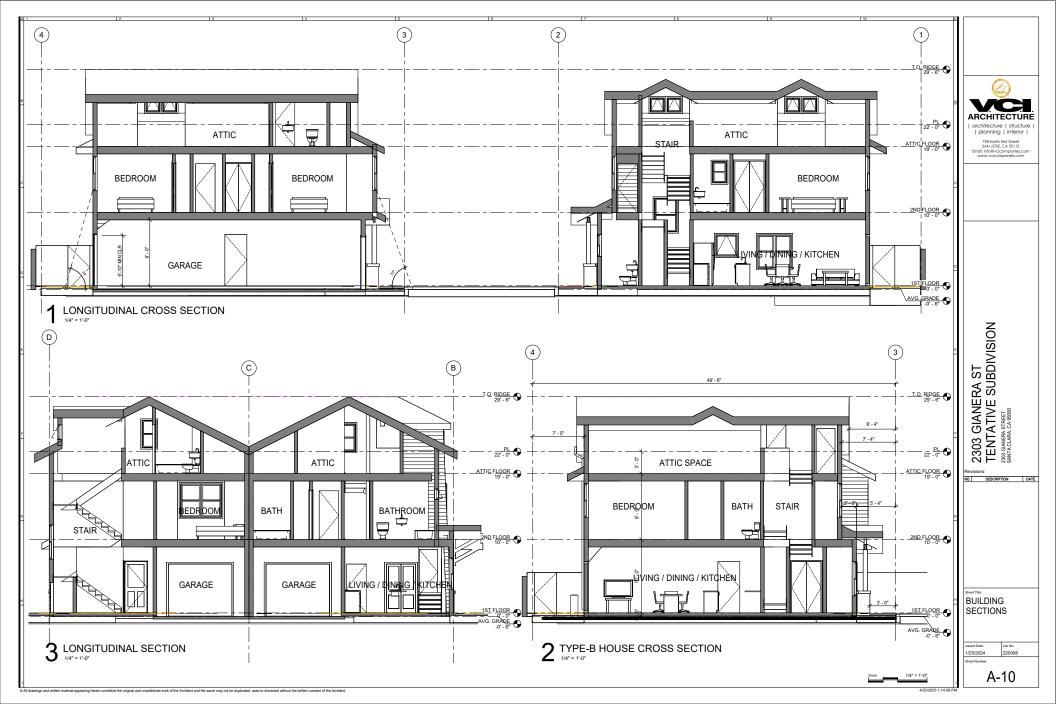


2303 GIANERA ST TENTATIVE SUBDIVISION ZZG GANERA STREET SWITACLIRAL CA SEGGO

NORTH
ELEVATION &
REAR YARD
ELEVATION

Issued Date: 1/25/2024 220008

A-9





3 GIANERA STREET VIEW



1 OVERALL VIEW FROM ABOVE



2 SOUTHEAST CORNER

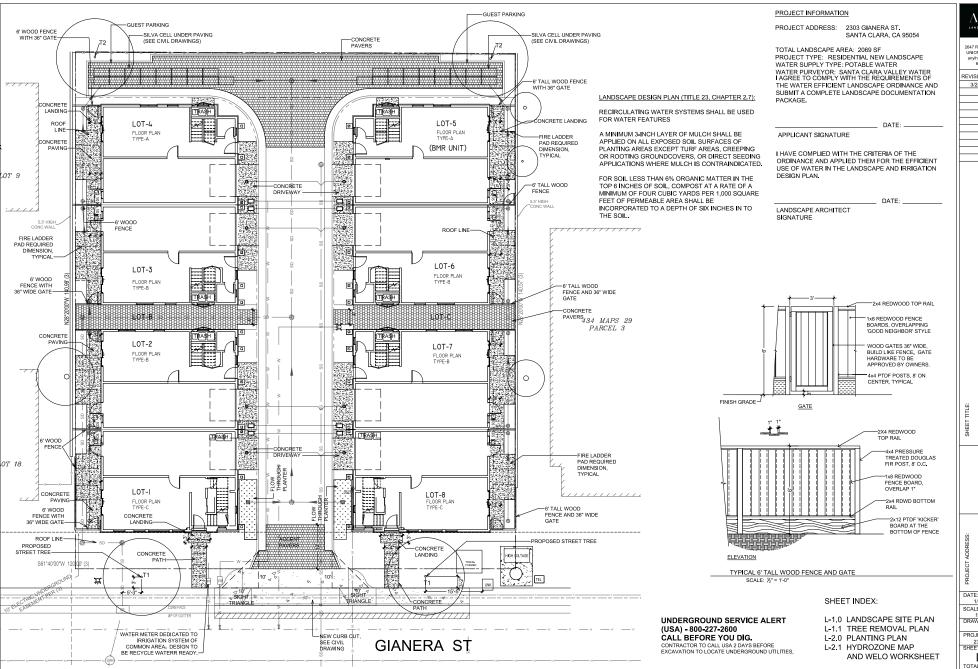
798 North First Street SAN JOSE, CA 95112 Email: info@vcicompanies.co www.vcicompanies.com

2303 GIANERA ST TENTATIVE SUBDIVISION SWITCLAR, CA 8950

A-11

Issued Date: 1/25/2024

Sheet Title:: 3D VIEWS



UNION CITY, CA 94587

REVISION DATE NO. 3/28/2024

> SITE LANDSCAPE

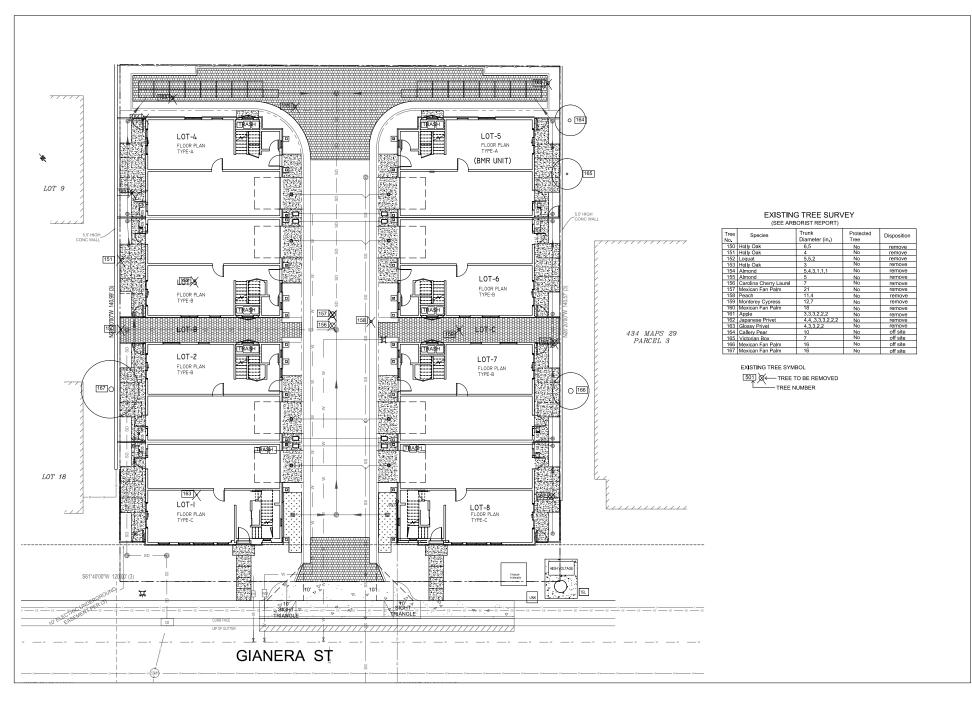
> > 2303 GIANERA ST SANTA CLARA, CA 9

1/23/2024 SCALE:

DRAWN BY AH

PROJECT# 23030 SHEET

L-1.0 TOTAL SHEETS: 4



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2647 ROYAL ANN DRIVE UNION CITY, CA 94587 anythuang@gmail.com 650,533,0107

REVISION DATE NO. 3/28/2024

REE REMOVAL PLAN

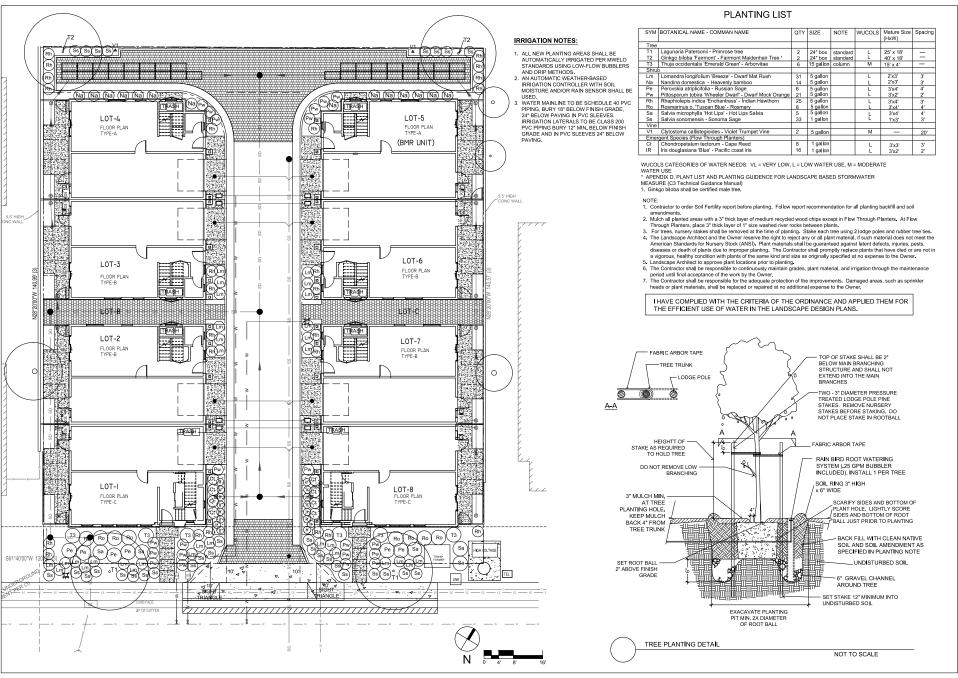
SHEET TITLE:

2303 GIANERA ST SANTA CLARA, CA 95054

DATE: 1/23/2024 SCALE: 1/8" = 1'-0" DRAWN BY: AH

PROJECT # 23030 SHEET

L-1.1 TOTAL SHEETS: 4



2647 ROYAL ANN DRIVE UNION CITY, CA 94587

REVISION DATE NO. 3/28/2024

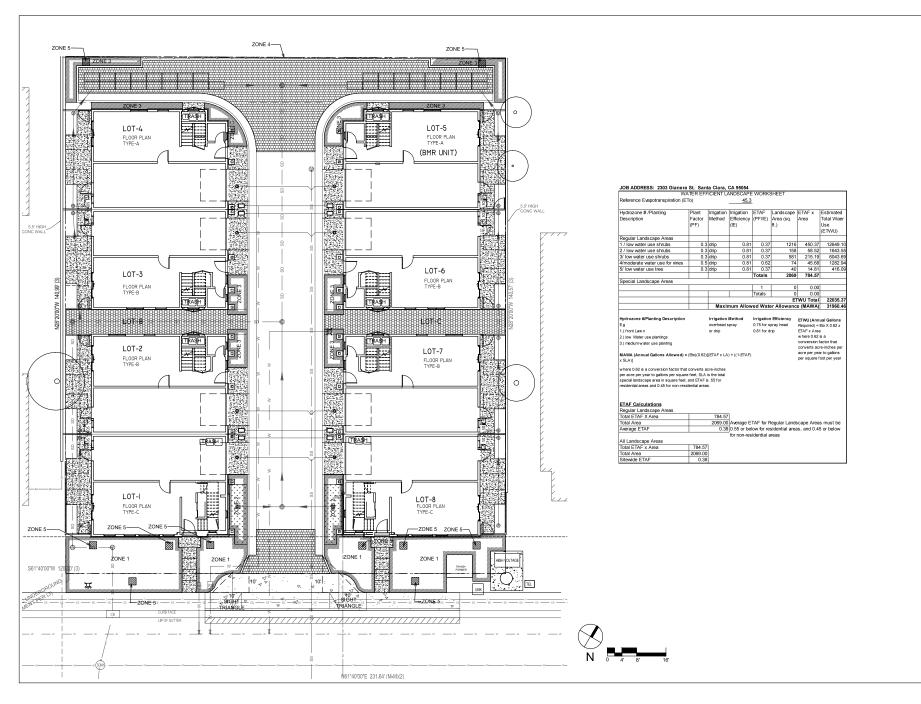
PLANTING

2303 GIANERA ST SANTA CLARA, CA 9

DATE 1/23/2024 SCALE: DRAWN BY

AH PROJECT# 23030 SHEET

L-2.0 TOTAL SHEETS: 4



ANYI

2647 ROYAL ANN DRIVE UNION CITY, CA 94587 anyihuang@gmail.com

REVISION DATE NO. 3/28/2024

HYDROZONE MAP AND WELO WORKSHEET

2303 GIANERA ST SANTA CLARA, CA 95054

DATE: 1/23/2024 SCALE: 1/8" = 1'-0" DRAWN BY: AH

PROJECT # 23030 SHEET

L-2.1 TOTAL SHEETS: 4



City of Santa Clara

1500 Warburton Avenue Santa Clara, CA 95050 santaclaraca.gov @SantaClaraCity

Agenda Report

25-402 Agenda Date: 6/11/2025

REPORT TO PLANNING COMMISSION

SUBJECT

PUBLIC HEARING: Action on an Addendum to the City Place Santa Clara Environmental Impact Report and Mitigation Monitoring and Reporting Program, General Plan Amendment, Zoning Code Amendments to revise the permitted uses within the Planned Development Master Community (PD-MC) land use designation and to amend the Master Community Plan (MCP) for the Related Santa Clara Project (PLN24-00060) Located at 5155 Stars and Stripes Drive to Introduce a new Scheme C Land Use Scenario, and Amendment of the Development Agreement between the City of Santa Clara and Related Santa Clara, LLC for the Related Santa Clara Project.

REPORT IN BRIEF

Applicant /Owner: Related Santa Clara, LLC/ City of Santa Clara

General Plan: Urban Center/Entertainment District

Zoning: Planned Development - Master Community (PD-MC)

Site Area: 240 acres

Existing Conditions: The site is currently vacant.

Surrounding Land Uses:

North: SR 237 and City of San Jose

South: Tasman Drive, Levi's Stadium and Tasman East residential development

East: Guadalupe River, City of San Jose

West: Great America Parkway, Office and Commercial uses

Executive Summary:

Related Santa Clara, LLC, the applicant, is proposing to modify a portion of the already approved 2016 City Council Planned Development - Master Community (PD-MC) for the Related Santa Clara project, a 240-acre mixed-use development project located directly across from Levi's Stadium. The project is a public-private partnership intended to develop as several land uses including a vibrant urban district, a mix of office, retail, residential, hotel, entertainment uses, office campus, along with substantial public open space on City-owned property that includes the site of a former landfill. The mix of land uses were approved through the PD-MC on five parcels built over seven phases and through multiple years. The heart of the project is a new mixed-use city neighborhood with a pedestrian oriented and walkable development known as "City Center" with dense residential, retail, hotel and office on Phases 4 and 5. The City Center on Parcels 4 and 5 would serve as a regional destination along with the Levi's Stadium and Convention Center. Parcel 3 is reserved for development by the City of a public park. Parcels 1 and 2 are primarily campus style office uses and with some variation could also include supportive retail.

It is important to share with the Planning Commission the broader economic climate has shifted

dramatically since the pandemic and is now causing a change in markets across the Bay Area and Santa Clara as discussed at the Special City Council Study Session on 'February 13, 2025 Urban Land Institute (ULI) meeting on State of Santa Claras Real Estate & Development Market <../../../Users/ahamid/Downloads/Agenda Packet (36).pdf> and the May 6, 2025 Special City Council Study Session on the Related Santa Clara project. The applicant now desires a land use that is more economically sustainable to respond to the changed market. Due to post pandemic shifts in the retail and office market, construction costs have risen dramatically between 5-15%, office vacancy is at 15% and retail vacancy is at 10% or more. Additional force majeure project challenges were shared at the May 6 City Council meeting. Due to the market changes, force majeure and rising interest rates, Related Santa Clara, LLC, is now proposing an amendment called Scheme C with light industrial uses which include warehouse and distribution facilities on Parcels 1 and 2 only where previously there was office campus.

The proposed modification under Scheme C maintains City Center at Parcels 4 and 5 and the public park on Parcel 3. Where there was primarily office on Parcels 1 and 2, those would now be replaced with industrial uses. On the balance, the total project build-out of 9.16 million gross square feet would remain the same as the original 2016 project. In other words, Parcels 4 and 5 would continue to have additional variety of land use types and with the addition of offices would create a more vibrant and economically sustainable City Center. City Center would have land uses that are supportive of an urban vibrant district with retail, amenities, office and residential to create a 24/7 walkable pedestrian oriented neighborhood near transit. Typical of zoning districts, the light industrial uses would be developed in a separate zoned area to allow those uses to perform and function based on the operations. City Center would develop as a regional destination with pedestrian-oriented commercial retail and services, urban residential, hotel and offices. At the May 6 meeting, Related Santa Clara, LLC reaffirmed its strong commitment to the vision of the overall project, highlighting several benefits of the revised Scheme C proposal. The new approach prioritizes development of Parcels 1 and 2 to help finance future phases and meet demand for advanced manufacturing and co-located office space. The updated plan also supports a vibrant mixed-use City Center, increases affordable housing from 10% to 15% at deeper affordability levels, and intensifies Parcel 4 with a broader mix of uses. Related remains the master developer, and cohesive design standards will guide development of the initial parcels.

<u>Staff Recommendation:</u> The Planning Commission adopt resolutions recommending the City Council adopt the Addendum to the City Place Santa Clara Environmental Impact Report and Mitigation Monitoring and Reporting Program, General Plan Amendment, Zoning Code Amendments to revise the permitted uses within the Planned Development Master Community (PD-MC) land use designation and to amend the Master Community Plan (MCP) for the Related Santa Clara Project (PLN24-00060) Located at 5155 Stars and Stripes Drive to Introduce a new Scheme C Land Use Scenario, and Amendment of the Development Agreement between the City of Santa Clara and Related Santa Clara, LLC for the Related Santa Clara Project.

BACKGROUND

In 2016, the City Council approved the Related Santa Clara project, which is a 240-acre mixed-use development project located directly across from Levi's Stadium. The project is a public-private partnership intended to develop as several land uses including a vibrant urban district, including a mix of office, retail, residential, hotel, and entertainment uses, an office campus, along with substantial public open space, on City-owned property that includes the site of a former landfill. At buildout, the project would include approximately 9.16 million square feet of development, creating a

new regional hub for innovation, business activity, entertainment, and community engagement.

The 2016 approvals (discussed in more detail below) included actions to comply with CEQA, General Plan and zoning amendments to designate the project site for mixed-use development, and adoption of a Master Community Plan (MCP) to govern future development, a Development Agreement vesting the applicant's ability to proceed with the project over time, and a Disposition and Development Agreement governing the terms of leasing the City's property to the applicant for development.

The project site is located on mostly vacant City-owned parcels, which in total encompass approximately 240 acres. It has a General Plan land use designation of Urban Center/Entertainment District and is zoned Planned Development - Master Community (PD-MC). These actions were approved in 2016, along with the MCP for the full 240-acre site and a Development Agreement between the City and Related Santa Clara, LLC.

On January 31, 2024, Related Santa Clara, LLC, filed an application (File No. PLN24-00060) requesting to amend the 2016 MCP to add a new Scheme C land use scenario that would introduce Light Industrial as a new land use on MCP Parcels 1 and 2, and transfer unused development intensity to Parcel 4. This land use scenario would give the applicant an alternative to the two land use scenarios adopted in the 2016 MCP (Scheme A and Scheme B), which had focused on office uses for Parcels 1 and 2, in an effort to respond to changing market demand and accelerate the timeline for commencing development on the City's property.

The project site comprises multiple legal parcels, which are generally referred to and described as five development parcels. For reference, see Attachment #11, Vicinity Map. Four of the development parcels are part of the former landfill that closed in 1994. Only Parcel 5 (8 acres on Tasman Drive across from Levi's Stadium) is not underlain by landfill.

Lafayette Street divides the project site with Parcels 1 and 2 to the east and Parcels 3, 4 and 5 to the west. The Union Pacific Railroad (UPRR) borders Parcels 3 and 4 on the west side of Lafayette Street. Stars and Stripes Boulevard runs parallel to Tasman Drive within the site on the west side of Lafayette Street. Centennial Boulevard provides access to the site from Tasman Drive through Parcel 5 and intersects Stars and Stripes Drive, bisecting Parcels 4 and 5.

The former City-owned golf course on the property (Parcels 2, 3, and 4), operated by the City's Sports & Open Space Authority under a management agreement with the American Golf Corporation, ceased operation in 2019. A bridge for pedestrians and golf carts spans Lafayette Street, connecting the eastern and western areas of the former golf course. Fire Station 10 within the project site was closed in March 2020 and improvements were made to existing Fire Station 8; a permanent new Fire Station 10 will be built as part of the project, likely along Great America Parkway just west of the project site. The BMX track and Ameresco Methane plant are still in operation. The northern portion of the site includes an existing 12.8-acre retention basin.

Approved Project and Previous Actions

On June 28, 2016, the City Council certified the Environmental Impact Report (EIR), approved General Plan Amendments, and approved the Planned Development - Master Community (PD-MC) Zoning and accompanying MCP for the Related Santa Clara project (previously known as "City Place"). The approved MCP involves demolition of the existing buildings and on-site features and

establishment of a new mixed-use neighborhood with a defined center to serve as a focal point for a pedestrian-oriented environment. It includes a phased development of up to 9.16 million gross square feet of office buildings, retail and entertainment facilities, up to 1,680 residential units, hotel rooms, surface and structured parking facilities, new open space and roads, landscaping and tree replacement, and new/upgraded/expanded infrastructure and utilities. In accordance with the MCP, each phase of the project is implemented through a Development Area Plan (DAP), which provides a more detailed land use entitlement than the MCP. After a DAP is approved, then the project progresses to the Architectural Review stage, administered by the Director of Community Development.

The MCP includes two conceptual land use schemes, Scheme A and Scheme B, to be implemented in seven phases to construct up to 9.16 million gross square feet of development. Under Scheme A, the uses for Parcels 1 and 2 are primarily office uses, and Parcels 4 and 5 are devoted to mixed-use development consisting of multi-family residential uses (up to 1,680 units). Scheme B also includes offices as primary uses for Parcels 1 and 2, and supports retail uses alongside office uses at Parcel 2. Scheme B does not include residential uses within Parcel 4 and instead includes office development equal in area to the residential development in Scheme A, along with the same amount of space for the hotel, retail, entertainment venues, and open space areas. Development on Parcel 5 includes the same amount of residential, hotel, retail, and office uses under both schemes. Also, in each scheme, most of Parcel 3 is reserved for development by the City of a public park; the southern part of Parcel 3 would be developed by the applicant as a park to serve the project.

The data comparison of the approved Scheme A and Scheme B with the proposed Scheme C is shown in Attachment #12 of this report. Both approved schemes include similar street patterns and potential locations for the new Fire Station. The MCP established a maximum building height limit across the Project site of 219 feet above mean sea level (msl), which was determined to be consistent with the Airport Land Use Commission regulations.

Future development on the site is required to conform to the MCP. Specifically, the MCP sets forth the development standards, design guidelines, project implementation procedures, development transfer provisions among parcels, permitted and conditional uses allowed within the proposed land use areas, and City approval standards for DAP applications. It anticipates up to seven potential phases of development, each of which would be governed by a DAP.

DAP and Architectural Approvals

Two DAPs (DAP 1- File No. PLN2019-14186 and DAP 2- File No. PLN2019-14249) have been approved by the City Council. DAP 1 covers Parcel 5 and represents Phase 1 of the project; the applicant and the City have entered into a ground lease for Phase 1. DAP 2 covers a large portion of Parcel 4 and represents Phase 2 of the project. The applicant and the City have not yet entered into a ground lease for Phase 2. Both DAP 1 and DAP 2 were followed by Architectural Materials Review administrative approvals to address the detailed designs of the buildings and elements of Phases 1 and 2. The City Council also approved a Vesting Tentative Subdivision Map (File No. PLN21-15283) to subdivide the area and the general surroundings, in alignment with the MCP. Summarized below are approved permits and entitlements for the project:

- June 28, 2016: EIR Certified and General Plan Amendment, Rezoning and accompanying MCP approved
- March 24, 2020: Adopted first EIR Addendum and DAP 1 approved.

- July 13, 2020: Adopted second EIR Addendum and DAP 2 approved
- February 9, 2021: A Comprehensive Sign Program for Parcels 4 and 5 approved
- February 26, 2022: Architectural Materials Review for DAP 1 approved administratively
- May 25, 2022: Architectural Materials Review for DAP 2 approved administratively
- November 15, 2022: A Vesting Tentative Subdivision Map for DAP 1 approved

Requested Actions

The applicant proposes to change the approved project by introducing Scheme C, which differs from the approved project in that it proposes a new industrial land use on the northeast parcels. The proposed buildings under Scheme C include up to 1.6 million gross square feet of light industrial use on Parcels 1 and 2. Because the industrial uses would occupy less area than the previously proposed offices, the remaining unused square footage from Parcels 1 and 2 would be transferred as allowed office space to the southwestern area of the site (Parcel 4/City Center). Any office space within Parcel 4 could also be reallocated to retail use on a 1:1 ratio basis. Scheme C would not exceed the maximum build-out of 9.16 million square feet across the project site specified in each development scheme.

Currently, the applicant requests that the Planning Commission serve as the recommending body to the City Council to act on the following:

- 1. An Addendum to the City Place Santa Clara Environmental Impact Report and Mitigation Monitoring and Reporting Program
- 2. A General Plan Amendment to revise the permitted uses under the Urban Center/Entertainment District land use classification to include the proposed light industrial uses on Parcels 1 and 2.
- 3. Zoning Code Amendments to revise the permitted uses within the Planned Development Master Community land use designation and to amend the Master Community Plan for the Related Santa Clara Project (PLN24-00060) located at 5155 Stars and Stripes Drive to introduce a new Scheme C Land Use Scenario.
- 4. An amendment to the Development Agreement that governs the real property relationship between the City and the applicant concerning the project site.

Planning Commission review and a recommendation to the City Council is required under Santa Clara City Code (SCCC) Chapters 18.140 and 18.142 for amendments to the General Plan, zoning, and development agreements.

Like land use Schemes A and B, implementation of Scheme C requires City Council approval of DAPs implementing Scheme C, consistent with the uses in the amended MCP, and Architectural Materials approval by the Director.

DISCUSSION

The applicant proposes changes to the approved project that was analyzed in the 2016 EIR and described in the approved MCP. Like the Land Use Schemes in the Approved MCP, Scheme C involves the demolition of the existing buildings and on-site features at the Project site and the construction of a new multi-phased, mixed-use development that is light industrial. Scheme C retains the total approved gross square footage of 9.16 million of the Approved Project, including office buildings, retail and entertainment facilities, residential units, hotel rooms, new open spaces, new roads, and new upgraded and expanded infrastructure. Summarized below are the notable

differences between the proposed Scheme C and the 2016 Approved Project:

• New Land Use Classification: Scheme C introduces a new land use classification with approximately 1.6 million gross square feet of light industrial use in the northeastern area of the Project site (Parcels 1 and 2 or northeast parcels). As described in the MCP Scheme C Supplement, permitted uses on Parcels 1 and 2 would include Light Industrial uses, such as warehouse and distribution centers, plants, facilities, or research laboratories etc. It would also allow Small Power Plant Exemption (SPPE) data centers (data centers for which the California Energy Commission, acting as the "lead agency" under Public Resources Code

Section 25519(c) has issued a Small Power Plant Exemption pursuant to Cal. Public Resources Code Section 25541), incidental retail, restaurant, office and personal services. The Non-SPPE data centers and ancillary data centers (nine MW or less) would be allowed through a Minor Use Permit process.

- <u>Change in Intensity:</u> The proposed light industrial land uses in Scheme C would reduce the
 intensity on the northeast parcels but, would maintain the overall 9.16 million gross square feet
 of the Approved Project by increasing the intensity of the approved uses allowed within the
 City Center area of the site (on the blocks located in Parcel 4) as shown on Attachment #9 and
 10.
- Lick Mill Blvd Extension/Site Circulation: To avoid truck traffic going through the residential development in Tasman East, just south of Parcel 1, Scheme C revises the site circulation and access configuration for Parcels 1 and 2 by eliminating the previously planned Lick Mill Boulevard Extension vehicular connection from the Tasman East Specific Plan Area adjacent to the Project site. It would, however, still include a bike and pedestrian connection from Tasman East residential development through Parcels 1 and 2 and to the mixed-use development on Parcels 4 and 5. A dedicated truck route to control the 24-hour truck operations associated with any developed warehouse and distribution facilities will be identified in the more detailed Development Area Plan. Another change from the approved project is that Scheme C includes a bridge over Lafayette Street to a connector (jug handle) from the northeast parcels to the City Center. These changes to the road network have been analyzed through a traffic report that concluded Scheme C would not result in new or more severe traffic impacts than those disclosed in the 2016 EIR.
- <u>Building Height:</u> Under the adopted MCP, the building height limit across the Project site is 219 feet above msl, which is consistent with ALUC regulations. The Airport Influence Area (AIA) boundaries have changed since 2016, and the project site is now outside the AIA. The proposed MCP Scheme C revises the formulation of the height limits to permit buildings on Parcel 4 up to approximately 10-12 stories. Scheme C proposes to remove the 219 feet above mean sea level (msl) height limit on Parcel 4. The revised height limits would remain consistent with applicable General Plan Policy 5.10.5-P30 and 5.10.5-P33.
- <u>Light Industrial Design Guidelines Chapter 5C.4:</u> Scheme C includes a new Chapter 5C.4 to include a comprehensive list of design guidelines for Light Industrial Uses.

General Plan Consistency

In 2016, the MCP was approved after determining that on balance, the project would be consistent with the overall General Plan. While the total project build-out (9.16 million gross square feet) would remain the same as the Approved Project, Scheme C introduces light industrial uses to the northeastern area of the project site and would increase the intensity of approved uses in the City Center. The current General Plan land use designation of Urban Center/Entertainment District for the site is intended for local and regional scale destinations that feature a mixture of pedestrian-oriented commercial retail and services, urban residential, hotel and employment generating uses. Because the current definition of the Urban Center/Entertainment District designation does not include industrial uses, the proposed Scheme C requires a General Plan Amendment to allow (per the amended MCP) the proposed light industrial uses as described in Chapter 3C.2 Land Use Concept of MCP Scheme C (Attachment #10). This is largely due to respond to market changes as described at the Special City Council Study Session on February 13, 2025 Urban Land Institute (ULI) meeting on State of Santa Clara's Real Estate & Development Market and the Special Study session on the project at the City Council meeting on May 6, 2025. The overall modification with Scheme C is still consistent with the adopted 2016 General Plan consistency findings.

In addition to the goals and policies listed in Table 3.1-7 of the 2016 EIR, the proposed Scheme C is consistent with the following General Plan Policies listed first in italics:

 General Land Use Policies: 5.3.1 P4 Encourage new development that meets the minimum intensities and densities specified in the land use classifications or as defined through applicable Focus Area, Neighborhood Compatibility or Historic Preservation policies of the General Plan.

The overall intensity of 9.16 gross million square feet is maintained under Scheme C consistent with the already approved 2016 MCP.

• Commercial Land Use Goals and Policies: 5.3.3 G4 New commercial uses that respect surrounding neighborhoods and are sited to reduce potential land use conflicts.

The amended MCP design guidelines require that the new industrial uses and loading docks will be located at least 500 feet away from residential uses and will have a landscaping buffer in between the industrial and residential uses to reduce any potential impacts or conflicts.

• Office and Industrial Land Use Goals and Policies: 5.3.5 G2 Sufficient industrial land that meets the demand for local employment and retains the City's economic base.

Scheme C introduces light industrial uses that would create employment opportunities within the city.

- Office and Industrial Land Use Policies: 5.3.5 P19 Restrict the use and storage of hazardous materials for industrial uses within 500 feet of existing residential uses.
- Safety Goals and Policies: 5.10.5 P24 Protect City residents from the risks inherent in the transport, distribution, use and storage of hazardous materials.

Scheme C proposes light industrial uses that may include warehouse and distribution facilities that

may contain hazardous materials. To be consistent with the above General Plan policies, such materials will be packaged to avoid any leaks during storage or transportation. Additionally, Scheme C proposes dedicated truck routes to limit the truck access to and from the northeastern parcels.

Zoning Conformance

The 2016 approval rezoned the project site from Public, Quasi-Public, and Parks and Recreation, and Commercial Park to Planned Development Master Community (PD-MC) and adopted the MCP. PD-MC is intended to create regulations for large-scale integrated developments that are compatible with the existing community. The MCP carries out the PD-MC zoning through development standards, design guidelines, project implementation procedures, development transfer provisions among parcels, and permitted and conditional uses allowed within the proposed land use areas.

The approved MCP includes two conceptual land use schemes, Scheme A and Scheme B, to be implemented in up to seven phases. To add Scheme C as a new land use scheme to the approved MCP, a zoning amendment is required to allow industrial uses within the PD-MC area. An amendment to the MCP is also required.

The proposed Scheme C was reviewed by the City's Project Clearance Committee (PCC) on March 20, 2025, and appropriate Conditions of Approval were added.

DEVELOPMENT AGREEMENT

A Development Agreement (DA) between the City and the Developer was approved in 2016. The DA has a 30-year term to allow for phased development of the project, and vests the maximum density and intensity of uses; the maximum building heights and gross floor area of land uses; and the permitted uses. It also specifies that the developer must build a minimum of 200 housing units; that 10% of residential units must be affordable to households with income that does not exceed one hundred twenty percent (120%) of the Area Median Income for Santa Clara County, as adjusted and amended from time to time; the development fees that will be paid (including a voluntary regional fee and a voluntary contribution to the Santa Clara Valley Transit Authority (VTA)); the provisions concerning escalation of existing fees or imposition of new fees; and that all mitigation measures to minimize material adverse environmental impacts of the project must be implemented. The proposed amendments to the DA require that, other than with respect to the initial 200 residential units in Phase 1, 15% of the units must be affordable to households with income that does not exceed one hundred percent (100%) of the Area Median Income for Santa Clara County, as adjusted and amended from time to time. Thus, there would be more affordable units built and at deeper levels of affordability. In addition, the proposed DA amendments require that the industrial uses within Scheme C would pay development impact fees and administrative fees at the levels as and when otherwise due, with no caps. Finally, the amended DA would add a regional traffic fee for industrial uses (similar to office uses) at \$1 per square foot.

ENVIRONMENTAL REVIEW

An Addendum to the City Place Santa Clara Environmental Impact Report (EIR) (2016) was prepared for the project by the environmental consultant firm ESA, in accordance with the California Environmental Quality Act (CEQA), and was posted on the City's website (weblink provided in Attachment #1). The Addendum concluded that any potential environmental impacts associated with development of the project site under the proposed Scheme C were adequately analyzed and covered by the analysis in the 2016 EIR. The proposed project would not trigger substantial changes

to the previously approved EIR and implementation of Scheme C would cause no new significant environmental effects and no substantial increase in the severity of previously identified significant effects than were disclosed in the 2016 EIR. Therefore, no further review or analysis under CEQA is required.

FISCAL IMPACT

There is no fiscal impact to the City for processing the requested application other than administrative time and expense typically covered by processing fees paid by the applicant.

As was previously considered by the City Council in the decisions to offer development of the Project site and subsequent approval of the initial land use entitlements, there will be social and economic benefits that will accrue to the City including the creation of jobs, property tax and sales tax revenues, and land lease revenues to the City.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

On May 21, 2025, a hearing notice for the Planning Commission hearing on June 11, 2025, was published in the Santa Clara Weekly and on May 21, 2025, a notice of public hearings for this item was mailed to property owners within 1,000 feet of the project side boundaries and interested parties. Staff has received four public comments on the project and they are available as Attachment # 7

Community Meetings

A community open house was hosted by the applicant on September 10, 2024, to provide information about the Scheme C land use alternative describing the different mix of land uses proposed for the northeastern part of the site. It was attended by approximately 40 members of the community. The presentation boards and a brief summary of the Community Meeting are posted on the project page. See Attachment 1 for the weblink.

ALTERNATIVES

Approve As Proposed:

- Adopt a resolution recommending City Council adopt an Addendum to the City Place Santa Clara Environmental Impact Report (EIR) (2016) for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 2. Adopt a resolution recommending the City Council approve the General Plan Amendment to revise the permitted uses under the Urban Center/Entertainment District land use classification to include the proposed light industrial uses on Parcels 1 and 2 for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 3. Adopt a resolution recommending City Council approve a Rezone to Amend the approved Planned Development Master Community (PD-MC) to add a new Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 4. Recommend approval to the Council to Amend the Development Agreement to implement aspects of Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.

Approve with Modifications:

5. Adopt any of the resolutions proposed in Alternatives 2, 3, or 4 with modifications regarding

allowable uses, development standards, or conditions of approval.

Denial of Proposed Project:

6. Recommend that the City Council not adopt an Addendum to the City Place Santa Clara Environmental Impact Report (EIR) (2016) for the Related Santa Clara project at 5155 Stars and Stripes Drive.

- 7. Recommend that the City Council deny the General Plan Amendment to revise the permitted uses under the Urban Center/Entertainment District land use classification to include the proposed light industrial uses on Parcels 1 and 2 for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 8. Recommend that the City Council deny a Rezone to amend the approved Planned Development Master Community (PD-MC) to add a new Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- Recommend that the City Council deny the Amendment to the Development Agreement to implement aspects of Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.

RECOMMENDATION

Based on consistency with the adopted 2016 City Place Santa Clara Environmental Impact Report and Mitigation Monitoring and Reporting Program, 2010 General Plan, Zoning Code, Planned Development Master Community (PD-MC), Master Community Plan (MCP), Development Agreements, staff recommends the Planning Commission recommend approval of the amendments to the City Council as follows:

- 1. Adopt a resolution recommending City Council adopt an Addendum to the City Place Santa Clara Environmental Impact Report (EIR) (2016) for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 2. Adopt a resolution recommending the City Council approve the General Plan Amendment to revise the permitted uses under the Urban Center/Entertainment District land use classification to include the proposed light industrial uses on Parcels 1 and 2 for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 3. Adopt a resolution recommending City Council approve a Rezone to amend the approved Planned Development Master Community (PD-MC) to add a new Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.
- 4. Recommend approval to the Council to Amend the Development Agreement to implement aspects of Scheme C for the Related Santa Clara project at 5155 Stars and Stripes Drive.

Prepared by: Nimisha Agrawal, Senior Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

ATTACHMENTS

- 1. Web Links- Project Website and Addendum to 2016 EIR and MMRP
- 2. Resolution Recommending Council adopt the Addendum to the City Place Santa Clara EIR
- 3. Resolution Recommending Council to Approve the General Plan Amendment
- 4. Resolution Recommending Council to Approve the Rezoning
- 5. Resolution Recommending Council to Approve the Amendment to the Development Agreement

- 6. Development Agreement Amendment
- 7. Public Comments Received
- 8. Scheme C MCP Conditions of Approval
- 9. Master Community Plan (MCP) Scheme C Site Plan
- 10. Web Link- MCP Scheme C Supplement
- 11. Vicinity Map
- 12. Project Data Table

Web Links- Project Website and Addendum to 2016 EIR

Project Website:

Here you will find a summary of the project and information regarding past community meetings and prior plan submittals.

Related Santa Clara | Projects Listing | City of Santa Clara

Link to the Approve Master Community Plan (MCP)

https://www.santaclaraca.gov/home/showpublisheddocument/58715/636679554252070000

Environmental Website:

Here you will find documents related to the 2016 environmental assessment of the project and any information regarding meetings related to the environmental assessment of the project.

Related Santa Clara (formerly CityPlace Santa Clara) | CEQA Archive | City of Santa Clara

Link to the Addendum to the 2016 Santa Clara City Place Environmental Impact Report (EIR) prepared for Master Community Plan (MCP) Scheme C

Related Santa Clara Scheme C CEQA Checklist Addendum

These documents are available for viewing in the Community Development Department

RESOLUTION NO.	
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE AND ADOPT AN ADDENDUM TO THE CITY PLACE SANTA CLARA ENVIRONMENTAL IMPACT REPORT, ANALYZING A NEW "SCHEME C" LAND USE SCENARIO FOR THE APPROVED MASTER COMMUNITY PLAN (MCP) FOR RELATED SANTA CLARA PROJECT LOCATED AT 5155 STARS AND STRIPES DRIVE, SANTA CLARA

Addendum to the City Place Santa Clara Environmental Impact Report (SCH #2014072078) PLN24-00060 (General Plan Amendment, Rezoning, and Development Agreement Amendment)

WHEREAS, on January 31, 2024, Related Santa Clara, LLC ("Developer"), filed a development application to modify the approvals for a mixed-use development project on the for the approximately 240-acre City-owned site generally located north of Tasman Drive, east of Great America Parkway and San Tomas Aquino Creek, west of Guadalupe River, and south of State Route 237 (APNs104-03-043, 104-03-042, 104-03-041, 104-03-036, 104-01-102, 097-01-039, and 097-01-073), most of which was formerly occupied by a landfill, Santa Clara Golf & Tennis Club, Fire Station 10, and is now occupied by a Bicycle-Motocross (BMX) track, the Ameresco Methane Plant, the Eastside retention Basin and vacant lots ("Project Site");

WHEREAS, on June 28, 2016, the City Council: certified the Santa Clara City Place Environmental Impact Report ("EIR") [SCH #201472078] and adopted a set of CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program in accordance with the requirements of the California Environmental Quality Act ("CEQA"); adopted a General Plan Amendment changing the Project Site's land use designation to Urban Center/Entertainment District and making corresponding text and figure changes throughout the General Plan; approved a rezoning of the Project Site to the Planned Development - Master Community (PD-MC) Zoning designation governed by the accompanying Master Community Plan ("MCP") for the Related Santa Clara project (the "Approved Project," previously known as

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"City Place"); and approved a Development Agreement and a Disposition and Development Agreement to define the Developer's obligations to develop the Approved Project and define terms for ground leasing the Project Site to the Developer:

WHEREAS, the Developer proposes to modify the Approved Project to allow a range of light industrial uses on Parcels 1 and 2 (APN 097-01-069 and 097-01-039) of the Project Site in conjunction with the already-approved office, retail, commercial, hotel, residential, and park and open spaces uses allowed throughout the Project Site without modifying the 9.16 million gross square feet of development or overall development intensities already allowed on the Project Site (the "Proposed Project");

WHEREAS, the Zoning amendment proposes a text amendment to revise the permitted uses under the PD-MC Zoning designation to include a range of light industrial uses as permitted or conditionally permitted uses within that Zoning district and would add a new "Scheme C" land use scenario to the MCP and is more particularly described in the attached MCP Scheme C Supplement, which is attached to this Resolution and incorporated by this reference;

WHEREAS, the Developer has simultaneously applied to amend the General Plan land use designation applicable to the Project Site to allow for a range of light industrial uses within the Urban Center/Entertainment District:

WHEREAS, the Developer has also requested to amend its existing Development Agreement ("DA") with the City to incorporate provisions related to the Proposed Project, and City staff have negotiated and recommended a draft DA amendment:

WHEREAS, in 2020 and 2021, the City adopted First, Second, and Third Addenda to the 2016 City Place Santa Clara EIR in connection with its approval of the Development Area Plan ("DAP") for Phase 1, the DAP for Phase 2, and the City Place Revised Soil Import and Earthwork Plans Project, respectively (together, the First, Second, and Third Addenda to the 2016 EIR constitute the "City Place Santa Clara EIR");

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WHEREAS, in order to ensure that all potential environmental impacts of the Proposed Project

were thoroughly analyzed, the City caused a fourth Addendum to the City Place Santa Clara EIR

("Addendum") to be prepared in accordance with CEQA Guidelines Section 15164;

WHEREAS, prior to taking action on this Resolution, the Planning Commission has exercised its

independent judgement and reviewed and considered the City Place Santa Clara EIR and the

Addendum and concluded that, for the reasons set forth in the Addendum, no further

environmental review is required for the modifications to the Approved Project contemplated by

the Proposed Project;

WHEREAS, on May 21, 2025, a notice of public hearing for the proposed General Plan

Amendment was published in the Santa Clara Weekly, for the Planning Commission Hearing on

June 11, 2025;

WHEREAS, on May 21, 2025, the notice of public hearings for the June 11, 2025, Planning

Commission Hearing for this item was mailed to property owners within a 1,000 foot radius of the

Project Site boundaries;

WHEREAS, pursuant to SCCC Section 18.146.020, on May 29, 2025, notice of the Planning

Commission Hearing on June 11, 2025, was posted at City Hall, the Central Park Library, the

Mission Branch Library, the Northside Branch Library, and on the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Project, Addendum to the City Place Santa Clara EIR, MMRP, and all pertinent

information in the record during which the Planning Commission invited and considered any and

all verbal and written testimony and evidence offered in favor of and in opposition to the Proposed

Project.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. The Planning Commission hereby finds that the Proposed Project would not cause

substantial changes to the Approved Project that would require major revisions to the City Place

Santa Clara EIR due to the involvement of new or more severe significant environmental effects.

3. The Planning Commission further finds that no substantial changes would occur with

respect to the circumstances under which the Proposed Project t is undertaken that would require

major revisions to the City Place Santa Clara EIR due to the involvement of new or more severe

significant environmental effects.

4. The Planning Commission also finds that there is no new information of substantial

importance, which was not known and could not have been known with reasonable diligence at

the time the City Place Santa Clara EIR was certified, that shows (1) that the Proposed Project

would have one or more significant effects not discussed in the EIR, (2) significant effects

previously examined in the EIR would be substantially more severe than shown in the EIR, (3)

mitigation measures or alternatives previously found not feasible would in fact be feasible and

would substantially reduce one or more significant effects of the proposed project, but the

Developer declined to adopt the mitigation or alternative, or (4) mitigation measures or

alternatives which are considerably different from those analyzed in the EIR would substantially

reduce one or more significant effects on the environment, but the Developer declined to adopt

the mitigation measure or alternative.

5. The Planning Commission further finds that this Addendum does not require any new

mitigation measures, because the Proposed Project would not cause new significant impacts not

previously identified and mitigated to the greatest extent feasible in the City Place Santa Clara

EIR.

6. The Planning Commission finds that no new or substantially more severe significant

environmental impacts have been identified compared to the City Place Santa Clara EIR, and

therefore none of the conditions described in CEQA Guidelines Section 15162 requiring

subsequent or supplemental environmental review are present. Accordingly, pursuant to CEQA

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Guidelines Section 15164, the changes and additions to the City Place Santa Clara EIR

necessary to analyze the Proposed Project are appropriately detailed in the Addendum, which is

attached to this Resolution and incorporated by this reference.

7. That the Planning Commission hereby designates the Director of Community

Development as the Custodian of Records for the Project, and the Planning Division at City Hall,

1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other

material that constitute the record of proceedings upon which this decision is based.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED

AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA.

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF JUNE 2025,

BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. MCP Scheme C Supplement

2. Addendum to the City Place Santa Clara

ATTEST:

AFSHAN HAMID

DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF SANTA CLARA

RESOLUTION NO.	
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT CITY COUNCIL APPROVE Α GENERAL AMENDMENT TO REVISE THE PERMITTED USES UNDER URBAN CENTER/ENTERTAINMENT DISTRICT LAND USE DESIGNATION FOR RELATED SANTA CLARA PROJECT LOCATED AT 5155 STARS AND STRIPES DRIVE, SANTA CLARA

Addendum to the City Place Santa Clara Environmental Impact Report (SCH #2014072078) PLN24-00060 (General Plan Amendment, Rezoning, and Development Agreement Amendment)

WHEREAS, on January 31, 2024, Related Santa Clara, LLC ("Developer"), filed a development application to modify the approvals for a mixed-use development project on the approximately 240-acre City-owned site generally located north of Tasman Drive, east of Great America Parkway and San Tomas Aguino Creek, west of Guadalupe River, and south of State Route 237 (APNs:104-03-043, 104-03-042, 104-03-041, 104-03-036, 104-01-102, 097-01-039, and 097-01-073), most of which was formerly occupied by a landfill, Santa Clara Golf & Tennis Club, Fire Station 10, and is now occupied by a Bicycle-Motocross (BMX) track, the Ameresco Methane Plant, the Eastside retention Basin, and vacant lots ("Project Site");

WHEREAS, on June 28, 2016, the City Council: certified the City Place Santa Clara Environmental Impact Report ("EIR") [SCH #201472078] and adopted a set of CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program in accordance with the requirements of the California Environmental Quality Act ("CEQA"); adopted a General Plan Amendment changing the Project Site's land use designation to Urban Center/Entertainment District and making corresponding text and figure changes throughout the General Plan; approved a rezoning of the Project Site to the Planned Development - Master Community (PD-MC) Zoning designation governed by the accompanying Master Community Plan ("MCP") for the Related Santa Clara project (the "Approved Project," previously known as

Resolution/ Related Santa Clara Project General Plan Amendment

Rev. Rev: 11/22/17

"City Place"); and approved a Development Agreement and a Disposition and Development

Agreement to define the Developer's obligations to develop the Approved Project and define

terms for ground leasing the Project Site to the Developer:

WHEREAS, the Developer proposes to modify the Approved Project to allow a range of light

industrial uses on Parcels 1 and 2 (APN 097-01-069 and 097-01-039) of the Project Site in

conjunction with the already-approved office, retail, commercial, hotel, residential, and park and

open spaces uses allowed throughout the Project Site without modifying the 9.16 million gross

square feet of development or overall development intensities already allowed on the Project

Site (the "Proposed Project");

WHEREAS, the General Plan amendment proposes a text amendment to revise the permitted

uses under the Urban Center/Entertainment District land use designation to include a range of

light industrial uses within that land use designation;

WHEREAS, the Developer has simultaneously applied to amend the Planned Development

Master Community (PD-MC) zoning designation and associated approved Master Community

Plan ("MCP") that govern the Project Site to allow for the Proposed Project;

WHEREAS, the Developer has also requested to amend its existing Development Agreement

("DA") with the City to incorporate provisions related to the Proposed Project, and City staff have

negotiated and recommended a draft DA amendment:

WHEREAS, in order to ensure that all potential environmental impacts of the Proposed Project

were thoroughly analyzed, the City caused an Addendum to the City Place Santa Clara EIR

("Addendum") to be prepared in accordance with CEQA Guidelines Section 15164;

WHEREAS, prior to taking action on this Resolution, the Planning Commission has exercised its

independent judgement and reviewed and considered the City Place Santa Clara EIR and the

Addendum and concluded that, for the reasons set forth in the Addendum, no further

environmental review is required for the modifications to the Approved Project contemplated by

the Proposed Project;

Resolution/ Related Santa Clara Project General Plan Amendment

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WHEREAS, Santa Clara City Charter Section 1007 requires that the Planning Commission

provide input to the City Council on any proposed General Plan amendment;

WHEREAS, Government Code Section 65353 requires the Planning Commission to hold a public

hearing prior to making a recommendation on the General Plan Amendment;

WHEREAS, on May 21, 2025, a notice of public hearing for the proposed General Plan

Amendment was published in the Santa Clara Weekly, for the Planning Commission Hearing on

June 11, 2025;

WHEREAS, on May 21, 2025, the notice of public hearing for the June 11, 2025, Planning

Commission Hearing for this item was mailed to property owners within a 1,000 foot radius of the

Project Site boundaries;

WHEREAS, pursuant to SCCC Section 18.146.020, on May 29, 2025, notice of the Planning

Commission Hearing on June 11, 2025, was posted at City Hall, the Central Park Library, the

Mission Branch Library, the Northside Branch Library, and on the City's website; and

WHEREAS, on May 30, 2025, notice of the June 11, 2025 Planning Commission hearing was

mailed to each local agency expected to provide water, sewage, streets, roads, schools, or other

essential facilities or services to the project, including the Santa Clara Unified School District;

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Proposed Project, Addendum to the City Place Santa Clara EIR, MMRP, and all

pertinent information in the record during which the Planning Commission invited and considered

any and all verbal and written testimony and evidence offered in favor of and in opposition to the

Proposed Project, including the General Plan amendment that is the subject of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

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2. That the Planning Commission finds and determines that the General Plan Amendment is

in the interest of the public good for the following reasons:

A. The proposed General Plan amendment is deemed to be in the public interest, in

that the project introduces a new light industrial land use to the approved Master Community Plan

(MCP) creating a further mix of uses and creating employment opportunities and retaining the

City's economic base, while helping to create the opportunity for catalytic development that will

encourage further development of the Project Site and investment in the City Center component

of the Project;

B. The proposed General Plan amendment is consistent and compatible with the rest

of the General Plan and any implementation programs that may be affected, in that the

introduction of an opportunity for a range of new light industrial land uses in connection with the

Proposed Project will advance the purpose of the Urban Center/Entertainment District land use

designation by catalyzing redevelopment of the Project Site into tax-generating uses that support

community vitality and enhance the City's fiscal health while preserving the ability to concentrate

transit-oriented entertainment, retail, dining, office, residential, and recreational uses in the City

Center and maintaining the total approved gross square footage of 9.16 million square feet for

the Approved Project. In addition, on June 8, 2016, the Planning Commission recommended

adoption of, and on June 28, 2016, the City Council adopted, a set of General Plan Consistency

Findings for the Project as it was originally proposed, attached hereto and incorporated herein by

this reference. The Planning Commission recommends that the Council re-adopt those

Consistency Findings by reference, because the Proposed Project will continue to advance the

findings adopted in connection with the Approved Project.

C. The proposed amendment has been processed in accordance with the applicable

provisions of CEQA, in that the City caused the preparation of an addendum to the certified City

Place Santa Clara EIR, which demonstrates that the Proposed Project would not result in any

new or more severe significant environmental effects than the certified EIR analyzed;

Resolution/ Related Santa Clara Project General Plan Amendment

D. The potential impacts of the proposed amendment have been determined not to

be detrimental to the public health, safety, or welfare, in that as proposed, the Project continues

to be subject to an adopted Mitigation Monitoring and Reporting Program that includes all feasible

mitigation measure to reduce potentially significant environmental effects of the project to less-

than-significant levels, and a set of CEQA Findings and a Statement of Overriding Considerations

for the significant and unavoidable impacts that cannot feasibly be mitigations to less-than-

significant levels have been adopted in connection with the previously-certified City Place Santa

Clara EIR; and

3. That the Planning Commission, pursuant to Government Code § 65353, hereby

recommends that the City Council amend the General Plan by revising the definition of "Urban

Center/Entertainment District" in Subsection 5.2.2 ("Land Use Classifications and Diagram") of

Section 5.2 ("Land Use Diagram") of Chapter 5 ("Goals and Policies"), located immediately after

the definition of "Regional Mixed Use" and immediately before the definition of "Downtown Core,"

to read as follows:

"Urban Center/Entertainment District

This classification is intended for local and regional scale destinations that feature a

mixture of some or all of the following: pedestrian-oriented commercial retail and services,

urban residential, hotel and employment generating uses, and a range of light industrial

uses, including general service, warehousing, storage, distribution, manufacturing and

data centers, within a defined planning area. It accommodates an intensity of development

intended to create a lively place of focus for community and commerce. Master planned

projects are encouraged, which may proceed through multiple phases and may entail

several individual parcels or development areas. The intensity of development within

individual parcels or sub-areas may vary, thereby allowing a more dense urban form in

key locations (for example, concentrated employment, retail services and/or housing

served by nearby transit facilities). The planning area may be designated as one of the

following:

Low Intensity Urban Center that allows an overall project that shall not exceed a

gross FAR of 1.0 for all combined office, commercial, retail hotel and light industrial

uses;

High Intensity Urban Center that allows an overall project that shall not exceed a

gross FAR of 2.0 for all combined office, commercial, retail hotel and light industrial

uses.

Accordingly, this classification accommodates a wide variety and mix of commercial and

light industrial activities serving residents, businesses and visitors from the local

community and surrounding region. Some combination of the following uses are allowed

in vertical or horizontal mixed-use arrangements: 1) retail sales and services; 2)

restaurants and other food and beverage uses; 3) entertainment venues such as cinemas,

performance venues, other interactive experiences, and active open space and plaza

amenities; 4) hotels; 5) corporate and general office; 6) commercial services; 7) a range

of light industrial uses, including general service, warehousing, storage, distribution and

manufacturing, and data centers; and (8) compatible uses of a similar commercial

character. Auto-oriented uses such as drive-through restaurants and auto service facilities

are not appropriate uses.

Medium to very high density residential use (ranging from 37 to 90 du/ac) is also suitable

to this classification, while not subject to FAR limitations, the buildings could be restricted

by FAA or other applicable height restrictions/regulations. The integration of urban scale

housing is intended to contribute to a balanced community, reduce reliance on the

automobile, and promote the desired pedestrian-oriented character. Horizontal and

vertical mixing of compatible uses is permissible, bringing residents and workers in close

proximity to basic services and desirable conveniences. Mixed use developments that

afford active lower floor(s) retail or commercial space along street frontages with

residential units arranged on upper floors are especially fitting as part of an urban core.

Development should support alternative modes of travel, incorporating accommodations

for transit users, bicyclists, and pedestrians, as well as utilizing and incentivizing

transportation demand management. Parking should be provided in a manner that does

not disrupt the desired pedestrian-orientation, and instead is arranged and scaled to help

activate street spaces. Shared parking among compatible uses is encouraged. Both

structured and surface parking are permissible, as appropriate to location and uses,

Open spaces and landscape features that enhance the public realm and meet the active

and passive recreational needs of multiple users shall be incorporated throughout a

project. In particular, open spaces should encompass some or all of the following: at-grade

plazas, greens and similar shared outdoor spaces suitable for formal and informal

gatherings, as well as pedestrian-friendly streetscapes that feature wide sidewalks,

canopy trees, street furniture, and other amenities, Upper/podium level courtyards and

tenaces, as well as public and private rooftop gardens are also encouraged."

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Resolution/ Related Santa Clara Project General Plan Amendment Rev. Rev: 11/22/17

4. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11th DAY OF JUNE 2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference: none

ATTEST: _____

AFSHAN HAMID
DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF SANTA CLARA

RESOLUTION NO.	
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA. CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE ZONING CODE TO REVISE THE PERMITTED USES UNDER THE PLANNED DEVELOPMENT MASTER COMMUNITY (PD-MC) LAND USE DESIGNATION AND TO ADD A NEW SCHEME C LAND USE SCENARIO TO THE MASTER COMMUNITY PLAN FOR THE RELATED SANTA CLARA PROJECT LOCATED AT 5155 STARS AND STRIPES DRIVE, SANTA CLARA

Addendum to the City Place Santa Clara Environmental Impact Report (SCH #2014072078) PLN24-00060 (General Plan Amendment, Rezoning, and **Development Agreement Amendment)**

WHEREAS, on January 31, 2024, Related Santa Clara, LLC ("Developer"), filed a development application to modify the approvals for a mixed-use development project on the approximately 240-acre City-owned site generally located north of Tasman Drive, east of Great America Parkway and San Tomas Aquino Creek, west of Guadalupe River, and south of State Route 237 (APNs: 104-03-043, 104-03-042, 104-03-041, 104-03-036, 104-01-102, 097-01-039, and 097-01-073), most of which was formerly occupied by a landfill, Santa Clara Golf & Tennis Club, Fire Station 10, and is now occupied by a Bicycle-Motocross (BMX) track, the Ameresco Methane Plant, the Eastside retention Basin, and vacant lots ("Project Site"):

WHEREAS, on June 28, 2016, the City Council: certified the City Place Santa Clara Environmental Impact Report ("EIR") [SCH #201472078] and adopted a set of CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program in accordance with the requirements of the California Environmental Quality Act ("CEQA"); adopted a General Plan Amendment changing the Project Site's land use designation to Urban Center/Entertainment District and making corresponding text and figure changes throughout the General Plan; approved a rezoning of the Project Site to the Planned Development - Master Community (PD-MC) Zoning designation governed by the accompanying Master Community

Plan ("MCP") for the Related Santa Clara project (the "Approved Project," previously known as "City Place"); and approved a Development Agreement and a Disposition and Development Agreement to define the Developer's obligations to develop the Approved Project and define

terms for ground leasing the Project Site to the Developer;

WHEREAS, as part of the Approved Project, the City rezoned the Project Site in accordance with what was at the time SCCC Chapter 18.56, which established the PD-MC Zoning designation; however, the City Council, by Ordinance No. 2066 adopted on January 9, 2024, among other things (i) renumbered SCCC Chapters 18.02 through 18.58 to Chapters 18.202 through 18.258; (ii) amended Section 18.256.010 to allow the regulations set forth in Chapter 18.256 to apply to all Planned Development – Master Community (PD-MC) zoning districts established prior to January 1, 2024; (iii) allowed all such PD-MC zoning districts established prior to January 1, 2024 to be amended pursuant to Chapter 18.142; and (iv) provided that modifications to a master community plan shall be considered changes to the zoning map and shall be made in accordance with the procedures set forth in SCCC Chapter 18.142; WHEREAS, the Developer proposes to modify the Approved Project to allow a range of light industrial uses on Parcels 1 and 2 (APN 097-01-069 and 097-01-039) of the Project Site in conjunction with the already-approved office, retail, commercial, hotel, residential, and park and open spaces uses allowed throughout the Project Site without modifying the 9.16 million gross square feet of development or overall development intensities already allowed on the Project Site (the "Proposed Project");

WHEREAS, the Zoning amendment proposes a text amendment to revise the permitted uses under the PD-MC Zoning designation to include a range of light industrial uses as permitted or conditionally permitted uses within that Zoning district and would add a new "Scheme C" land use scenario to the MCP and is more particularly described in the attached MCP Scheme C Supplement, which is attached to this Resolution and incorporated by this reference;

WHEREAS, the Developer has simultaneously applied to amend the General Plan land use

designation applicable to the Project Site to allow for a range of light industrial uses within the

Urban Center/Entertainment District, and the Planning Commission has recommended approval

of that General Plan Amendment, in a separate instrument (the "General Plan Amendment

Resolution");

WHEREAS, the Developer has also requested to amend its existing Development Agreement

("DA") with the City to incorporate provisions related to the Proposed Project, and City staff have

negotiated and recommended a draft DA amendment;

WHEREAS, in order to ensure that all potential environmental impacts of the Proposed Project

were thoroughly analyzed, the City caused an Addendum to the City Place Santa Clara EIR

("Addendum") to be prepared in accordance with CEQA Guidelines Section 15164;

WHEREAS, prior to taking action on this Resolution, the Planning Commission has exercised its

independent judgement and reviewed and considered the City Place Santa Clara EIR and the

Addendum and concluded that, for the reasons set forth in the Addendum, no further

environmental review is required for the modifications to the Approved Project contemplated by

the Proposed Project;

WHEREAS, the Santa Clara City Code (SCCC) provides for the review and recommendation of

the City's Planning Commission of all rezoning requests before action is to be taken by the City

Council:

WHEREAS, on May 21, 2025, a notice of public hearing for the proposed Zoning Amendment

was published in the Santa Clara Weekly, for the Planning Commission Hearing on June 11,

2025;

WHEREAS, on May 21, 2025, the notice of public hearing for the June 11, 2025, Planning

Commission Hearing for this item was mailed to property owners within a 1,000 foot radius of the

3 of 5

Project Site boundaries;

Resolution/ Related Santa Clara Project Rezone

WHEREAS, pursuant to SCCC Section 18.146.020, on May 29, 2025, notice of the Planning

Commission Hearing on June 11, 2025, was posted at City Hall, the Central Park Library, the

Mission Branch Library, the Northside Branch Library, and on the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Proposed Project, Addendum to the City Place Santa Clara EIR, MMRP, and all

pertinent information in the record during which the Planning Commission invited and considered

any and all verbal and written testimony and evidence offered in favor of and in opposition to the

Proposed Project, including the Zoning amendment that is the subject of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct

and by this reference makes them a part hereof.

2. Pursuant to SCCC Sections 18.256.040(a) and 18.256.060 (formerly Sections

18.56.040(a) and 18.56.060, respectively), the Planning Commission hereby finds that the

proposed amendments to the PD-MC zoning designation and the MCP are consistent with the

General Plan, for the reasons set forth in the General Plan Amendment Resolution;

3. That the Planning Commission hereby recommends that the City Council approve an

amendment to Section 18.256.040 (formerly Section 18.56.040) of Chapter 18.256 (Planned

Development - Master Community Zoning Districts) of Title 18 (Zoning), subject to the Project

Conditions of Approval as attached hereto and incorporated by this reference, as follows:

"18.256.040 Permitted Uses.

Certain uses may be specifically permitted or permitted by use permit or may be

4 of 5

disallowed from any PD-MC plan in accordance with provisions hereinbelow. The PD-MC

approval by the City may also require that specific types of uses be incorporated into the overall

plan.

Resolution/ Related Santa Clara Project Rezone

(a) Any residential, commercial, office, light industrial, SPPE data center (as defined in an

applicable PD-MC plan), research and development or public uses may be authorized if they are

in harmony with other authorized uses and serve to fulfill the function of the planned development

while complying with the City's general plan.

(b) Massage establishments, as defined in SCCC 5.40.020(m), subject to SCCC

18.60.230.B.

(c) The following uses may be permitted in this zoning district if they are approved

specifically through the zoning entitlement process or approved through a use permit process as

specified in Chapter 18.114 SCCC, Conditional and Minor Use Permits:

(1) Auto service or repair;

(2) Drive-through restaurants and services;

(3) Beer and wine or alcoholic beverage service;

(4) Live entertainment and dancing;

(5) Ancillary Data Center (as defined in, and subject to the conditions of, an applicable

PD-MC plan);

(6) Non-SPPE Data Center (as defined in, and subject to the conditions of, an applicable

PD-MC plan).

(d) The following uses are prohibited, except where specifically authorized in an applicable PD-

MC plan adopted by the City Council:

(1) Auto sales;

(2) Appliances and bulk item sales;

(3) Industrial uses and uses involving quantities of hazardous materials that may have

potentially significant health consequences;

(4) Wholesaling, warehousing and storage (indoor and outdoor) operations;

(5) Contractor's yards and other similar uses;

(6) Other uses that, in the opinion of the City Council, are incompatible with the character

and nature of the uses provided and approved in the master community plan."

4. That the Planning Commission hereby recommends that the City Council amend the

approved Master Community Plan to add a new Scheme C Supplement for the Related Santa

Clara Project, as attached hereto and incorporated herein by this reference, as part of the zoning

map of the City.

5. <u>Effective date</u>. This Resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED

AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA,

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11th DAY OF JUNE 2025,

BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. MCP Scheme C Supplement

2. Conditions of Approval

ATTEST:

AFSHAN HAMID

DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF SANTA CLARA

RESOLUTION NO.	
-----------------------	--

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO APPROVE AN DEVELOPMENT AMENDMENT TO THE **AGREEMENT** BETWEEN THE CITY OF SANTA CLARA AND RELATED SANTA CLARA, LLC, FOR RELATED SANTA CLARA PROJECT LOCATED AT 5155 STARS AND STRIPES DRIVE, SANTA CLARA

Addendum to the City Place Santa Clara Environmental Impact Report (SCH #2014072078) PLN24-00060 (General Plan Amendment, Rezoning, and Development Agreement Amendment)

WHEREAS, on January 31, 2024, Related Santa Clara, LLC ("Developer"), filed a development application to modify the approvals for a mixed-use development project on the approximately 240-acre City-owned site generally located north of Tasman Drive, east of Great America Parkway and San Tomas Aguino Creek, west of Guadalupe River, and south of State Route 237 (104-03-043, 104-03-042, 104-03-041, 104-03-036, 104-01-102, 097-01-039, and 097-01-073), most of which was formerly occupied by a landfill, Santa Clara Golf & Tennis Club, Fire Station 10, and is now occupied by a Bicycle-Motocross (BMX) track, the Ameresco Methane Plant, the Eastside retention Basin, and vacant lots ("Project Site");

WHEREAS, on June 28, 2016, the City Council: certified the City Place Santa Clara Environmental Impact Report ("EIR") [SCH #201472078] and adopted a set of CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program in accordance with the requirements of the California Environmental Quality Act ("CEQA"); adopted a General Plan Amendment changing the Project Site's land use designation to Urban Center/Entertainment District and making corresponding text and figure changes throughout the General Plan; approved a rezoning of the Project Site to the Planned Development - Master Community (PD-MC) Zoning designation governed by the accompanying Master Community Plan ("MCP") for the Related Santa Clara project (the "Approved Project," previously known as

"City Place"); and approved a Development Agreement and a Disposition and Development

Agreement to define the Developer's obligations to develop the Approved Project and define

terms for ground leasing the Project Site to the Developer:

WHEREAS, the Developer proposes to modify the Approved Project to allow a range of light

industrial uses on Parcels 1 and 2 (APN 097-01-073 and 097-01-039) of the Project in conjunction

with the already-approved office, retail, commercial, hotel, residential, and park and open spaces

uses allowed throughout the Project Site without modifying the 9.16 million gross square feet of

development or overall development intensities already allowed on the Project Site (the

"Proposed Project");

WHEREAS, the Zoning amendment proposes a text amendment to revise the permitted uses

under the PD-MC Zoning designation to include a range of light industrial uses as permitted or

conditionally permitted uses within that Zoning district and would add a new "Scheme C" land

use scenario to the MCP and is more particularly described in the MCP Scheme C Supplement;

WHEREAS, the Developer has simultaneously applied to amend the General Plan land use

designation applicable to the Project Site to allow for a range of light industrial uses within the

Urban Center/Entertainment District, and the Planning Commission has recommended approval

of that General Plan Amendment, in a separate instrument (the "General Plan Amendment

Resolution");

WHEREAS, the Developer has also requested to amend its existing Development Agreement

("DA") with the City to incorporate provisions related to the Proposed Project, and City staff have

negotiated and recommended a draft DA Amendment, which is attached hereto and

incorporated by this reference;

WHEREAS, California Government Code Sections 65864 through 65869.5 ("Development

Agreement Act") authorize cities to enter into binding development agreements with any person

having legal or equitable interest in real property regarding the development of such property, and

these agreements govern the development of the property; and

WHEREAS, in order to ensure that all potential environmental impacts of the Proposed Project

were thoroughly analyzed, the City caused an Addendum to the City Place Santa Clara EIR

("Addendum") to be prepared in accordance with CEQA Guidelines Section 15164;

WHEREAS, the Project approvals will include amending the General Plan land use designation

applicable to the Project Site to allow for a range of light industrial uses within the Urban

Center/Entertainment District and a Zoning amendment for a text amendment to revise the

permitted uses under the PD-MC Zoning designation to include a range of light industrial uses

as permitted or conditionally permitted uses within that Zoning district and would add a new

"Scheme C" land use scenario to the MCP;

WHEREAS, before considering the Development Agreement, the Planning Commission reviewed

and considered the information contained in the Addendum to the EIR;

WHEREAS, Government Code Section 65867 and Santa Clara City Code § 17.10.120 requires

the Planning Commission to hold a public hearing before making a recommendation on the

approval of a Development Agreement;

WHEREAS, on May 21, 2025, a notice of public hearing on the proposed Development

Agreement was published in the Santa Clara Weekly, a newspaper of general circulation for the

City;

WHEREAS, on May 21, 2025, the notice of public hearing for the June 11, 2025, Planning

Commission Hearing on the DA Amendment was mailed to all property owners within 1,000 feet

of the Project Site boundaries;

WHEREAS, on May 30, 2025, notice of the June 11, 2025 Planning Commission hearing was

mailed to each local agency expected to provide water, sewage, streets, roads, schools, or other

essential facilities or services to the project, including the Santa Clara Unified School District;

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Proposed Project, Addendum to the City Place Santa Clara EIR, MMRP, and all

pertinent information in the record during which the Planning Commission invited and considered

any and all verbal and written testimony and evidence offered in favor of and in opposition to the

Proposed Project,

WHEREAS, pursuant to SCCC Section 18.146.020, on May 29, 2025, notices of the Planning

Commission Hearing on May 21, 2025, were posted at City Hall, the Central Park Library, the

Mission Branch Library, the Northside Branch Library, and on the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to

consider the Project, Addendum to the City Place Santa Clara EIR, MMRP, and all pertinent

information in the record during which the Planning Commission invited and considered any and

all verbal and written testimony and evidence offered in favor of and in opposition to the Proposed

Project, including the Development Agreement Amendment that is the subject of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF

SANTA CLARA AS FOLLOWS:

1. The Planning Commission hereby finds and determines that the forgoing recitals are true

and correct and by reference makes them a part hereof.

2. Pursuant to Government Code Sections 65867 and 65867.5, the Planning Commission

hereby finds that the provisions of the DA Amendment are consistent with the General Plan, for

the reasons set forth in the General Plan Amendment Resolution.

3. The Planning Commission hereby finds and determines that the DA as amended complies

with all requirements of Government Code Section 65865.2, (requiring a development agreement

to state permitted uses of the property, the density or intensity of use, the maximum height and

size of proposed buildings and provisions for reservation or dedication of land for public purposes)

in that as set forth in Section 6.1 of the DA as amended, the terms and conditions of the DA as

amended, the Development Requirements and any Subsequent Project Approvals (as those

terms are defined in the DA) control the overall design, development and construction of the

Project, which controls include the following:

Resolution/ Related Santa Clara Project Development Agreement Amendment

4 of 6

a. The DA as amended specifies the duration of the agreement in section 1.4: 30

years, subject to force majeure extensions;

b. The DA as amended specifies the permitted uses of the property in Recital "D":

retail, restaurants, entertainment, hotels, residential, offices, and light industrial

uses:

c. The DA as amended specifies the residential density in the attachment: up to 1680

dwelling units on Parcels 4 and 5, which together comprise 94.6 acres, for a

maximum possible density of 17.75 dwelling units per acre;

d. The DA as amended specifies the intensity of use, in Recital D: Under Schemes

A and B, 9,160,000 square feet of development comprising 1,526,000 sf of

retail/restaurant/entertainment, 700 hotel rooms, 1680 residential units, and

5,724,400 sf of office;

e. The First Amendment to the DA further specifies the intensity of use, in Recital B:

Under Scheme C, 4,517,400 sf of office, 800,000 sf of retail/restaurant/

entertainment, 1,600,000 sf of light industrial, 700 hotel rooms, and 1,680 dwelling

units and, as provided in the MCP, as amended, any amount of permitted office

use within the City Center Mixed-Use District (Parcels 4 and 5) under Scheme C

may be swapped out for an equivalent square footage of retail space, subject to

approval through the DAP process, or if a DAP has already been approved, then

subject to approval through the Architectural Review process;

f. The DA as amended specifies the maximum height of proposed buildings through

reference to the Development Requirements as set forth in the MCP as amended,

which establishes a maximum building height consistent with ALUC regulations

and Federal Aviation hazard limits pursuant to FAA Federal Aviation Regulations,

FAR Part 77 criteria:

5 of 6

g. The DA as amended specifies the maximum size of proposed buildings by in the

attachment by identifying the property as having a land use designation of "Urban

Center/Entertainment District," which has a maximum Floor Area Ratio of either

1.0 or 2.0:

h. The DA as amended includes provisions for reservation or dedication of land for

public purposes in Recital "D": a community park in excess of 30 acres.

4. The Planning Commission hereby recommends that the City Council approve and adopt

the DA Amendment.

5. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED

AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA.

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11 TH DAY OF JUNE 2025,

BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. Development Agreement Amendment

ATTEST:

AFSHAN HAMID

DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF SANTA CLARA

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

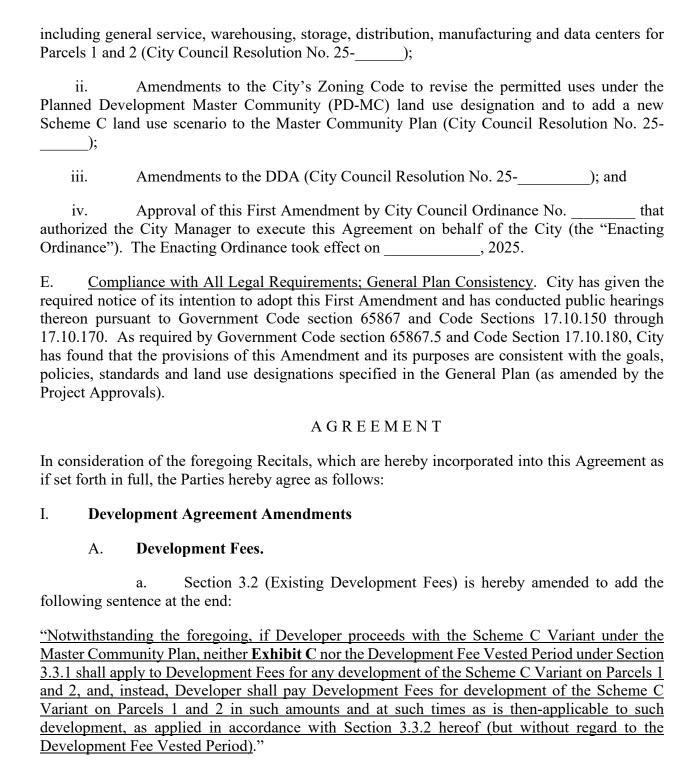
City Place Santa Clara

This First Amendment to the Development Agreement ("**First Amendment**") is entered into as of _______, 2025 (the "First Amendment Effective Date"), by and between the City of Santa Clara ("City"), a chartered municipal corporation, and Related Santa Clara, LLC ("Developer"), a Delaware limited liability company.

RECITALS

This First Amendment is made with reference to the following facts, intentions and understandings of the Parties:

- A. <u>Background</u>. The City and Developer entered into that certain Development Agreement dated August 12, 2016 (as amended from time to time, the "**Agreement**") for the development of City Place Santa Clara. Defined terms in this First Amendment have the meanings ascribed to them in the original Development Agreement.
- B. <u>Scheme C Variant</u>. At the request of Developer, the City has adopted an amendment to the Master Community Plan in the form of a Master Community Plan Scheme C Supplement (City Council Ordinance No. 25-____). The Master Community Plan Scheme C Supplement authorizes a new Scheme C Variant that includes the same total development area as Scheme A and Scheme B, having a total of approximately 9,164,400 square feet of mixed use, but would include (i) approximately 800,000 of retail; (ii) the same number of hotel rooms and residential units as Scheme A; (iii) approximately 4,517,400 square feet of office on Parcel 4; and (iv) approximately 1,600,000 square feet of light industrial uses on Parcels 1 and 2 (as described in the Master Community Plan Scheme C Supplement, the "Scheme C Variant"). The Master Community Plan Scheme C Supplement provides that any amount of permitted office use within the City Center Mixed-Use District (Parcels 4 and 5) may be swapped out for an equivalent square footage of retail space, subject to approval through the DAP process, or if a DAP has already been approved, then subject to approval through the Architectural Review process.
- C. <u>Environmental Review</u>. The City analyzed the proposed potential environmental impacts of the Scheme C Variant and adopted a Fourth Addendum to EIR (City Council Resolution No. 25-____), in which it determined that the use of the Project Site under this Agreement, as amended for the Scheme C Variant, are included within the scope of the Project EIR in that the potential environmental impacts of the development and use of the Project Site for the Scheme C Variant under the DDA and the Master Community Plan are addressed in the Project EIR.
- D. <u>Scheme C Variant Project Approvals</u>. Following the City's approval of the Fourth Addendum, the City took the following actions to implement the Scheme C Variant, all of which are deemed to be included within the definition of "Project Approvals" as set forth in the Development Agreement:
- i. Amendments to the Santa Clara General Plan to revise the permitted uses under the Urban Center/Entertainment District land use designation to add a range of light industrial uses,



b. Section 3.3.1 (During the Development Fee Vested Period) of the Agreement is hereby amended to add the following sentence at the end:

"Notwithstanding the foregoing, the Development Fee Vested Period shall not apply to development on Parcels 1 and 2 under the Scheme C Variant."

B. **Traffic Impact Fee Vested Period**. The first sentence of Section 3.4.1 (Current Traffic Impact Fees) is hereby amended in its entirety as follows:

"Beginning on the Effective Date and continuing until the later of (a) the date on which the Development Fee Vested Period expires and (b) the date by which building permits have been issued for at least one million five hundred thousand (1,500,000) square feet of office space on the Project Site (such time period being referred to as the "Traffic Impact Fee Vested Period"), Developer shall pay traffic impact fees (the "Traffic Impact Fees") pursuant to Section 17.15.330 of the Code in the following amounts per square foot:"

- C. **Regional Traffic Fees**. Section 3.5 of the Agreement is hereby amended to add the new underlined language:
- 3.5 Regional Traffic Fees. Developer agrees to pay the fixed sums of (a) One Dollar (\$1.00) per square foot of Office uses (as defined in Section 17.15.330(b)(8) of the Code), and Retail uses (as defined in the DDA), and b) Fifty Cents (\$0.50) per square foot for residential uses, and (b) \$1.00 per square foot of Light Industrial Uses (as defined in Appendix B to the Master Community Plan Scheme C Supplement) (together, the "Regional Traffic Fees"). The Regional Traffic Fees shall be payable to the City at the time of issuance of each Building Permit for Vertical Construction that contains office uses, retail uses, light industrial uses and/or residential uses, as applicable, based upon the square footage of such uses. Regional Traffic Fees are non-refundable, and shall not increase over the Term of this Agreement.
- D. **Engineering Plan Check Fees**. Notwithstanding Section 5.1 of the Agreement, Engineering Plan Check Fees applicable to development of the Scheme C Variant on Parcels 1 and 2 shall be those in effect, as and when due.

E. Housing Affordability.

a. Section 1.2.5 of the Agreement is hereby amended in its entirety as follows:

"Affordable Unit" shall mean, for any residential units constructed within Phase 1, a residential unit that is affordable to households with income that does not exceed one hundred twenty percent (120%) of the Area Median Income for Santa Clara County, as adjusted and amended from time to time, and for any residential units constructed within Phase 2 or Phase 3, a residential unit that is affordable to households with income that does not exceed one hundred percent (100%) of the Area Median Income for Santa Clara County, as adjusted and amended from time to time.

- b. Section 4.5.1 of the Agreement is hereby amended in its entirety as follows:
- 4.5.1 <u>Voluntary Commitment</u>. The Parties acknowledge the Project shall not be subject to the provisions of the Code adopted on or before the First Amendment Effective Date, or any future amendments thereto, with respect to affordable residential units within or in connection with the Project. Nevertheless, Developer voluntarily agrees that (i) at least ten percent (10%) of all residential units constructed in Phase 1 shall be Affordable Units; and (ii) at least fifteen percent (15%) of all residential units constructed in Phase 2 or Phase 3 shall be Affordable Units. Developer shall have the right to pay an in-lieu fee instead of constructing the Affordable Units

that are associated with any market-rate units constructed as part of Phase 1 (the "Phase 1 Affordable Units") under the conditions set forth in Section 4.5.2 below.

II. Miscellaneous

- A. Entire Agreement. This First Amendment, together with the Agreement, constitutes the entire understanding and agreement between the Parties with respect to the subject matter contained herein. All other terms and conditions of the Agreement shall remain in full force and effect.
- B. Binding Effect. This First Amendment shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.
- C. Governing Law. This First Amendment shall be interpreted, construed, and enforced in accordance with the laws of the State of California.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the First Amendment Effective Date.

CITY CITY OF SANTA CLARA, a municipal	
corporation	
By:	
Name: Jovan Grogan	
Title: City Manager	
Approved as to form:	
By:	
Name: Glen Googins	
Tidle. City Attaches	
Title: City Attorney	
Approved on, 2025	

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

DEVELOPER

RELATED SANTA CLARA, LLC,	
a California limited liability company	,

By:	
Name:	
Title:	

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)	
County of)	
personally appeared	before me,	
in his/her/their authori	the basis of satisfactory evidence to be in instrument and acknowledged to me zed capacity(ies), and that by his/her/tly upon behalf of which the person(s) and	the the person(s) whose name(s) is/are that he/she/they executed the same heir signature(s) on the instrument the
I certify under PENA foregoing paragraph is	ALTY OF PERJURY under the laws strue and correct.	s of the State of California that the
WITNESS my hand a	nd official seal.	
Signature	(Seal)	

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)	
County of)	
personally appeared	before me,	
in his/her/their authori	the basis of satisfactory evidence to be in instrument and acknowledged to me zed capacity(ies), and that by his/her/tly upon behalf of which the person(s) and	the the person(s) whose name(s) is/are that he/she/they executed the same heir signature(s) on the instrument the
I certify under PENA foregoing paragraph is	ALTY OF PERJURY under the laws strue and correct.	s of the State of California that the
WITNESS my hand a	nd official seal.	
Signature	(Seal)	

From: Afshan Hamid Nimisha Agrawal To: Cc: Lesley Xavier

Subject: Public Comment: Related Data Center Opposition

Date: Tuesday, May 13, 2025 1:41:57 PM

Attachments: image002.png

image003.png image004.png image005.png image006.png image007.png image009.png

Please save email for PC and CC public comments.

AFSHAN HAMID

Director | Community Development Department 1500 Warburton Avenue | Santa Clara, CA 95050 Direct: 408-615-5670 | ahamid@santaclaraca.gov













From:

Sent: Monday, May 12, 2025 4:23 PM

To: Mayor and Council < MAYORANDCOUNCIL@SantaClaraCA.gov>

Subject: Related Data Center Opposition

You don't often get email from

Learn why this is important

Dear Mayor and City Council,

I am writing to express my opposition to allowing Related to replace some of the planned mixed-use space with a data center.

This project has been touted as the new city center. A city center should be a location that is desirable to visit, and therefore consists of shops, restaurants, and places of employment. A data center does not provide any of the desired characteristics of a city center as it would take away available space and fill it with servers. No one has ever said they want to go downtown to check out the nice data centers they have there. If the project is truly to be a city center, then it should be populated with what attracts people: shops, restaurants, and entertainment.

Please oppose allowing Related to build a data center in the Related Santa Clara space.

Thanks. Brendan Croom North Santa Clara resident

Nimisha Agrawal

From: Afshan Hamid

Sent: Tuesday, May 13, 2025 1:46 PM

To: Nimisha Agrawal

Cc: Lesley Xavier; Elizabeth Elliott

Subject: Public Comments: Proposed data center

Please save comments for PC and CC

AFSHAN HAMID

Director | Community Development Department 1500 Warburton Avenue | Santa Clara, CA 95050 Direct: 408-615-5670 | ahamid@santaclaraca.gov

----Original Message-----

From: Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>

Sent: Monday, May 12, 2025 3:36 PM

To: Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>

Subject: FW: Proposed data center

Dear Mayor and Council,

We received the following email which we are forwarding for your reference.

Thank You,
Melissa Lee | Executive Assistant
Mayor & Council Offices | City of Santa Clara
(408) 615-2252

https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.santaclaraca.gov%2F&data=05%7C02%7C NAgrawal%40SantaClaraCA.gov%7Ce7d62e5915bf46b394c508dd925f2cbb%7C28ea354810694e81aa0b6e4b3271a5cb%7C0%7C0%7C638827659645428872%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOilwLjAuMDAw MCIslIAiOiJXaW4zMilsIkFOIjoiTWFpbCIslIdUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=yHpimkGQ6yYIB6qhzjOorTteyx0qo VBNet46gA6afIU%3D&reserved=0

----Original Message-----

From:

Sent: Sunday, May 11, 2025 1:24 PM

To: Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>

Subject: Proposed data center

[You don't often get email from Learn why this is important at

https://aka.ms/LearnAboutSenderIdentification]

As a nearby resident I am opposed to data centers in the "Related" development area. The original plan for retail, residential and recreational areas is much preferred.

Thank you Irene Brumbaugh Sent from my iPhone From: <u>PlanningCommission</u>

To: <u>Mary Grizzle</u>; <u>Jovan Grogan</u>; <u>Mayor and Council</u>

Cc: <u>PlanningCommission</u>; <u>Afshan Hamid</u>; <u>Lesley Xavier</u>; <u>Nimisha Agrawal</u>

Subject: RE: Data Centers

Date: Wednesday, May 14, 2025 10:13:06 AM

Attachments: <u>image001.png</u>

image003.png

Good Morning Mary,

This is to confirm your email has been received in the Planning Division and will be provided to Planning Commissioners for their information.

Thank you for taking the time to provide your input.

Regards,

ELIZABETH ELLIOTT | Staff Aide II

Community Development Department | Planning Division 1500 Warburton Avenue | Santa Clara, CA 95050 O: 408.615.2450 Direct: 408.615.2474

From:

Sent: Wednesday, May 14, 2025 10:00 AM

To: Jovan Grogan < JGrogan@Santaclaraca.gov>; Mayor and Council

<MAYORANDCOUNCIL@SantaClaraCA.gov>

Cc: PlanningCommission <PLANNINGCOMMISSION@santaclaraca.gov>

Subject: Data Centers

Honorable Mayor and Councilmembers,

I'm here today to express strong opposition to the continued approval and expansion of data centers in Santa Clara.

Our city has become a magnet for these massive, windowless buildings—many of which are built on prime land that could be used for housing, public services, or a long-overdue, vibrant downtown. These data centers consume acres of land, provide very few jobs, and return little in the way of civic or cultural benefit.

They don't bring life to our neighborhoods. They bring noise, diesel emissions from backup generators, enormous water and energy consumption, and they offer no walkability, no retail, and no "there there" for the people who call Santa Clara home.

The continued overreliance on data centers is a short-term economic strategy with long-term consequences. Each one we approve is a lost opportunity to build housing, local businesses, parks, or public facilities like a new City Hall or courthouse that would serve real people, not servers.

As a lifelong advocate for our community, I urge you to consider this: Do we want Santa Clara to be a hub of community life—or a hub of warehouses for tech giants?

I ask this Council to pause further approvals of data centers and begin a serious conversation about long-term land use priorities that benefit residents, not just corporations.

Respectfully, Mary Grizzle From: Nimisha Agrawal
To: Nimisha Agrawal

Subject: RE: Public Comment FW: Related Santa Clara / City Place

Date: Wednesday, May 28, 2025 9:30:43 AM

Attachments: image001.png

image004.png image003.png

From: PlanningCommission

Sent: Monday, May 19, 2025 3:06 PM

To: 'une vagabonde' < une.vagabonde@gmail.com >; Mayor and Council

- < MAYORANDCOUNCIL@SantaClaraCA.gov>; PlanningCommission
- <<u>PLANNINGCOMMISSION@santaclaraca.gov</u>>; Public Comment
- <<u>PublicComment@santaclaraca.gov</u>>; Afshan Hamid <<u>AHamid@Santaclaraca.gov</u>>; Lesley Xavier
- <<u>LXavier@santaclaraca.gov</u>>

Subject: RE: Related Santa Clara / City Place

Good Afternoon Thanh,

Your email has been received in the Planning Division and by way of my reply I am including the appropriate staff for their review.

Thank you for taking the time to provide your comments.

ELIZABETH ELLIOTT | Staff Aide II

Community Development Department | Planning Division 1500 Warburton Avenue | Santa Clara, CA 95050 O: 408.615.2450 Direct: 408.615.2474

From: une vagabonde

Sent: Monday, May 19, 2025 9:25 AM

To: Mayor and Council < MAYORANDCOUNCIL@SantaClaraCA.gov >; PlanningCommission

< <u>PLANNINGCOMMISSION@santaclaraca.gov</u>>; Public Comment

<<u>PublicComment@santaclaraca.gov</u>>

Subject: Re: Related Santa Clara / City Place

Some people who received this message don't often get email from important

Learn why this is

<u>important</u>

Thank you council members for your time to fill in my knowledge gaps and provide insights from your perspective.

I've had the chance to speak up at a recent City Council meeting and met with several council members. I've learned quite a bit over the last 12 days. Writing

this petition was to stand against the planning of large intrusive data centers popping up in Santa Clara and truly design and build around people. What I read in Silicon Valley Voice, "The new proposal would replace much of the office and retail space with light industrial space that would host data centers, " and then reading of Alviso's Journey from entertainment district to data center hub, **here**, **here** and **here**: and large data centers behind Bracher Park and Scott/Monroe was the catalyst for this petition. With that, our council member shared that our data centers come in various sizes and the city won't be able to provide power to every data center that wants to come in, so what would go into the Related Santa Clara project is a **2-story data center** (page 55 & 57) and not the 4 story, 486,000 square feet data centers next to our parks and behind our homes. This zoning code and land use change would attract businesses to come in and data centers help with the technology advancements we see in our communities today. Our communities, though, will see two more approved large data centers in the next few years, 2305 Bowers and 1231 Comstock. If it helps, the 2305 Bowers Ave building has some design aesthetics that look less sterile than other established data centers. It'd still be nice if those large canvas walls turned into works of art.

Another major takeaway from this process was our council members' welcome and encouragement to speak up and to continue to be civically engaged. I loved serving on our Bicycle and Pedestrian Advisory Committee in the past and appreciated all the learning that came out of this process.

With this, I've closed my petition.

Sincerely,

Thanh

On Mon, May 12, 2025 at 6:42 PM une vagabonde

wrote:

Thank you for the receipt. Could you tack on a better draft of the last message? Thank you for all you do!

Updated:

Dear Santa Clara City Council Members and Fellow Residents,

As a resident of Santa Clara, continuously learning, found the project site notices, I am

again writing to express my strong opposition to the continued development of data centers within our city. While I understand the technological advancements that drive the need for such facilities, I believe that their proliferation in Santa Clara comes at a significant cost to the well-being, character, and future of our community. Please don't support a General Plan Amendment (to permit light industrial uses on Parcels), please don't support a Zoning Ordinance Amendment to MC-CP Zoning (to permit light industrial uses on Parcels 1 & 2) and please don't support the MCP Amendment (new Scheme C Variant Supplemental Chapter).

I urge you to carefully consider the following critical points as you evaluate future proposals for data center development:

- Data centers create sterile environments, devoid of life and public interaction. Designing spaces that actively exclude community engagement does not serve the best interests of Santa Clara. Our city needs vibrant spaces that foster community connections, support healthy aging, and encourage active lifestyles for all residents. Data centers offer no such benefit; they are essentially closed boxes that contribute nothing to the social fabric of our neighborhoods.
- Data centers are disproportionately sited in Communities of Concern. Historically, these facilities in Santa Clara have been located in areas designated for Light Industrial use, which tragically often overlap with areas identified in our own Bicycle Master Plan (Figure 6) as "Communities of Concern." Furthermore, as highlighted by my map or a more comprehensive listing here (https://www.datacentermap.com/usa/california/santa-clara/), these areas are often predominantly Hispanic. This pattern raises serious environmental justice concerns, suggesting a disproportionate distribution of burdens onto specific segments of our population. This inequitable distribution is particularly concerning when considering the City's own standards for parkland. The Parks & Recreation Department has established "research based best practices to create a Public Park Amenity & Design Standard for planning of new and expanded play spaces, with the goal of providing 2.53 acres of parkland for every 1,000 residents." We must ask: Is this an equitable standard for neighborhoods across Santa Clara, especially those already burdened by industrial uses like data centers? By prioritizing data center development in these areas, are we further depriving residents of essential amenities like parks, which contribute significantly to quality of life and community well-being?
- Data centers undermine our commitment to smart growth and housing. Our General Plan clearly prioritizes the development of more housing along Tasman Drive (Section 5.2.3, Priority Development Areas), accompanied by the amenities and services necessary to support a pedestrian-friendly environment with robust transit options. Data centers directly contradict this vision, occupying valuable land that could otherwise be used for much-needed housing and community-serving businesses.
- Data centers erode the unique character of our neighborhoods. The General Plan explicitly aims to "Preserve the unique character and identity of neighborhoods through community-initiated neighborhood planning and design elements incorporated in new development" (Section 5.3.1-P1). The monolithic and isolated nature of data centers offers no opportunity for community input or the incorporation of design elements that reflect the distinct identities of our neighborhoods.

• Locating industrial uses with potential hazards near sensitive receptors is unacceptable. The General Plan (page 90) itself acknowledges that light industrial uses "may be noxious or include hazardous materials and may negatively impact sensitive receptors, like children and the elderly." Planning such facilities next to parks, where our children gather and play, is a direct contradiction of our community's responsibility to protect its most vulnerable members.

Beyond these local impacts, I believe we must also consider the broader environmental and economic consequences:

- Data centers place a significant burden on our electricity ratepayers. The immense energy demands of these facilities can lead to increased costs for all electricity consumers in our region. (Source)
- The environmental and health costs of data centers are alarming. Recent research from the California Institute of Technology and UC Riverside indicates that by 2030, data centers in California could contribute to 1,300 premature deaths and \$20 billion in health care costs, with greenhouse gas emissions rivaling those of all cars in the state. Furthermore, a Morgan Stanley report last fall projected that the global data center industry could produce 40% of annual U.S. emissions within five years. These are staggering figures that cannot be ignored. (Source and Source)

Santa Clara has the opportunity to prioritize development that truly benefits all its residents – development that fosters community, provides housing, respects our neighborhoods, and safeguards our environment and health. I urge our City Council to stand with the community and reject further data center development in Santa Clara. Let us focus on building a city where people can thrive, not just servers.

Sincerely,

Thanh Do, a Concerned Resident of Santa Clara

On Mon, May 12, 2025 at 3:31 PM Mayor and Council MAYORANDCOUNCIL@santaclaraca.gov> wrote:

Hello

Our office confirms receipt of your email which has been forwarded to the full City Council for their review.

Thank You,
Melissa Lee | Executive Assistant
Mayor & Council Offices | City of Santa Clara
(408) 615-2252 | www.santaclaraca.gov



From: une vagabonde

Sent: Friday, May 9, 2025 6:21 PM

To: Mayor and Council < MAYORANDCOUNCIL@SantaClaraCA.gov>

Subject: Related Santa Clara / City Place

You don't often get email from une.vagabonde@gmail.com. Learn why this is important

Dear Mayor Gillmor and Council Members,

My name is Thanh, and I reside in the neighborhood located between Bracher school and Wilcox. I am writing to express my concerns regarding the increasing presence and location of data centers in our city.

I have observed the significant data centers constructed in recent years behind Bracher Park and in the Scott/Monroe neighborhoods. Based on my own map analysis, I've noted that data centers in Santa Clara are largely concentrated in the central area. This region frequently overlaps with areas identified as "Communities of Concern," which experience disproportionate environmental burdens, and also falls within areas highlighted in our Bicycle Master Plan (Figure 6). According to 2010 data, this central area is also predominantly Hispanic.

My concern extends to the proposed data center conversion at the Related development site near Levi's Stadium. This location is in a predominantly Asian area (2010 data). The site was originally planned as a substantial 3 million square foot mixed-use project – significantly larger than Santana Row – designed to include retail, restaurants, hotels, and residential units. Converting this space into a data center would replace a potentially vibrant, publicly accessible area with a facility that inherently offers no public life or activity, both inside and out.

Given the increasing housing density in North Santa Clara and the critical lack of open space, I urge you to completely deny the proposed switch of the Related development to a data center. As a team dedicated to public service and the well-being of residents, I hope it is clear that designing spaces devoid of life and public interaction is not in the best interest of our community. We need spaces that allow our communities to thrive, age well, and remain healthy and active.

While it may be too late to alter the existing large buildings behind our homes and parks, perhaps these structures could be viewed as blank canvases. I suggest exploring opportunities for large-scale murals that could feature and elevate the work of local artists, adding some visual interest and community connection to these otherwise sterile facades.

For your reference, here are the links I consulted:

Santa Clara Bicycle Master Plan:
 https://www.santaclaraca.gov/home/showpublisheddocument/63506/63688
 https://www.santaclaraca.gov/home/showpublisheddocument/63506/63688
 https://www.santaclaraca.gov/home/showpublisheddocument/63506/63688

Draft Data Centers mapped in Santa Clara:
 https://www.arcgis.com/apps/mapviewer/index.html?
 webmap=461e84c6471f44f2b4c855a575ba762e

Thank you for your time and consideration of this important matter. Please also let me know if you feel my analysis is off.

Sincerely,

Thanh

Pilot Knob Dr, Santa Clara

Former BPAC member (2018-2020)



CONDITIONS OF APPROVAL

PLN24-00060 5155 Stars and Stripes Boulevard APNs: 097-01-069, 097-01-039, 104-01-102, 104-03-036, 104-03-037, 104- 03-038 and 104-03-039

Project Description: General Plan Text Amendment, Zoning Code Text Amendment and Amendment to the Master Community Plan for the Related Santa Clara Project (formerly referred to as "City Place") to Introduce a Scheme C Land Use Scenario.

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval shall be applied to the Master Community Plan Scheme C Supplement (MCP). The conditions of approval and obligations cited herein may be altered as necessary and additional specific detailed conditions may be added by the Executive Project Clearance Committee (Exec PCC) to accommodate the specific development Phases provided for in individual Development Area Plans (DAPs) called for under the provisions of the Master Community Plan (MCP). Detailed requirements and conditions specific to any DAP will be applied to the Council's consideration of that DAP approval.

References herein to the term *Parcels* shall be consistent with those five identified in Exhibit 1-4 of the MCP. References herein to the term *Phases* shall be consistent with those six or seven identified in Exhibit 2C-1 or 2-2 of the MCP, as appropriate.

GENERAL

1. Prior to submitting a DAP application, the Master Developer shall submit and secure approval from the Community Development Director of an integrated MCP for Schemes A and B (if the Master Developer will pursue Schemes A or B) or an integrated MCP for Scheme C (if the Master Developer will pursue Scheme C). The integrated MCP shall include only those elements applicable to Schemes A and B or Scheme C, as applicable, and shall also include any changes incorporated into the MCP in accordance with Council approvals. The Master Developer may elect to submit both an integrated MCP for Schemes A and B and an integrated MCP for Scheme C.

(a)

- 2. All development, construction and uses shall comply with all applicable codes, regulations, ordinances and resolutions that are not otherwise altered by the specific development entitlements for the project.
- 3. 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.
- 4. The project shall comply with the conditions set forth in the Development Agreement and Development and Disposition Agreement in effect between the City of Santa Clara and Related, Santa Clara, LLC.
- 5. The project shall comply with the mitigation measures included within the Mitigation Monitoring or Reporting Program for the Project, each of which is hereby imposed as a condition of approval.
- 6. Provide filtration systems for on-site residences and daycare centers as necessary to reduce operational cancer risks and exposure to particulate matter 2.5 microns in diameter or less (PM2.5). This measure only applies to on-site residences and daycare centers. The Project Developer shall implement the following measures, as necessary, to reduce cancer risks to a

level less than BAAQMD project-level thresholds:

- (a) Revised Health Risk Assessment (HRA): The Project Developer may choose to reassess the potential on-site cancer risk and PM2.5 concentrations to be experienced by on-site residential receptors and on-site daycare centers later in the design Phase, but prior to occupancy, and to prepare a revised HRA using updated receptor location information and more detailed assessment of risks associated with existing and project operational sources, and submit to the City for review. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk and exposure to PM2.5 for all potentially exposed on-site receptors will be less than BAAMQD project-level thresholds, then no additional measures are necessary. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk or exposure to PM2.5 for on-site sensitive receptors will be less than presented in the EIR but still over the BAAMQD threshold, then the control effort may be less.
- (b) Install filtration systems on ventilation and recirculation systems. Filtration systems shall be installed on ventilation and recirculation systems within on-site residences and the heating, cooling, and ventilation systems that serve daycare centers that are exposed to risks above BAAQMD thresholds due to individual existing sources. All filters must be rated MERV 13 or higher. The Project Developer shall submit a plan for installation and maintenance of all filters in accordance with the manufacturer's recommendations to the City prior to approval of the first building permits.
- 7. Prepare and implement a noise control plan to reduce interior noise at sensitive land uses. The Project Developer shall conduct a design-level acoustic study that identifies exterior noise levels for residential and commercial uses on the project site. This study shall take into account existing, project, and reasonably foreseeable future noise sources (such as proposed increases in passenger rail service along the Lafayette Street corridor). Where this study finds that the exterior noise level would exceed the residential compatibility standard of 55 dBA Ldn or the commercial incompatibility standard of 65 dBA Ldn, the Project Developer shall prepare a design-level operational noise control plan to provide acceptable interior noise levels. This plan shall identify all project features and treatments that will be implemented to ensure that the project is in compliance with the interior noise standards listed in the City's General Plan and City Code as well as the standards specified for new construction within the Comprehensive Land Use Plan (CLUP) for Mineta San Jose International Airport (SJC). The study and plan shall be developed by an acoustical design professional. Design features and treatments will be identified to ensure that interior noise levels at new proposed uses are in compliance with the noise standards. The report shall be submitted to the City for review and approval prior to the issuance of building permits for the project. Depending on the noise exposure for a particular site, such treatments may include, but are not limited to, those listed below, as recommended by the acoustical design professional.
 - (a) Construction of enclosures around noise-generating mechanical equipment at commercial uses.
 - (b) Use of setbacks from noise sources to maximum attenuation of noise over distance.
 - (c) Installation of noise-reducing treatments in new buildings, including:
 - High-performance, sound-rated double-glazed windows,
 - Sound-rated doors,
 - Sound-rated exterior wall construction,
 - Special acoustical details for vents,
 - Acoustical caulking at all exterior facade penetrations,
 - Sound-rated roof and ceiling constructions, and
 - Adequate mechanical ventilation so that windows and doors may be kept closed at

the discretion of the building occupants to control environmental noise intrusion.

- 8. Prepare and implement a vibration control plan to reduce vibration from the Union Pacific Railroad (UPRR) for sensitive land uses. The Project Developer shall prepare a design-level operational vibration control plan that identifies all project features and treatments that would be implemented to ensure that the project is in compliance with the vibration standards recommended by the Federal Transportation Administration (FTA) relative to railway operational vibration associated with UPRR operations. The plan shall be prepared when new uses would be located within the following screening distances, as recommended by FTA (FTA 2006):
 - a. Category 1: Buildings where vibration would interfere with interior operations (600 feet).
 - b. Category 2: Residences and buildings where people normally sleep (200 feet).
 - c. Category 3: Institutional land uses with primarily daytime use (120 feet). The plan shall take into account current and future expected passenger and freight rail service levels adjacent to the project site. The plan shall be developed by an acoustical design professional and shall include a detailed investigation of ground-borne train vibration that considers site-specific train vibration source and propagation conditions and the actual building designs. The design features and treatments shall be identified to ensure that vibration levels at new proposed uses are in compliance with FTA standards. The report shall be submitted to the City for review and approval prior to the issuance of building permits for the project. Depending on the vibration exposure for a particular site, such treatments may include, but are not limited to, those listed below, as recommended by the acoustical design professional.
 - d. Increased setbacks of noise-sensitive uses from the train track.
 - e. Foundation isolation systems to reduce the transmission of vibration into buildings with noise-sensitive uses that are near the tracks.
- 9. Incorporate flood warnings for access roads for areas vulnerable to flooding. The Project Developer and the City shall coordinate to provide flood warnings for new and existing roadways that provide access to the site and are vulnerable to 100-year flood levels. The Project Developer shall review the City's flood warning and emergency response plan and submit a brief plan for the project that is consistent with the City's plan. The plan shall be submitted to the City's Emergency Services Coordinator in the City's Fire Department for review and approval. The specific frequency of expected flooding on-site access roads shall be determined by the Project Developer and reviewed by the City. Flood warnings may be temporary or permanent, depending on the frequency of expected flooding, as determined by the City. Information about alternative access/egress routes, based on flooding potential and other factors, shall also be provided by the Project Developer to the City's Emergency Services Coordinator in the City's Fire Department for review and approval. If other flood improvements are implemented that remove the flooding risk at the site access roads, then this condition of approval shall no longer be required.

ENGINEERING

- E1. Developer is responsible for cost of relocation or modification of any public facility necessary to accommodate subject development, unless the cost of relocation or modification of a utility is the responsibility of a franchisee under a franchise agreement. Planned changes to existing facilities shall be included with and described in proposed infrastructure plans required at the time of DAPs.
- E2. Following approval of Tentative Maps and/or Vesting Tentative Maps by Council, the Developer shall file Final Maps for approval and recordation to the satisfaction of the Director of Public Works prior to the issuance of building permits for the DAP, except as follows:
 - a. For DAP 1, a Tentative Map or Vesting Tentative Map shall be approved by Council prior to the

issuance of building permits for buildings located on property covered by DAP 1, and a Final Map approved to the satisfaction of the Director of Public Works shall have been filed for recordation covering property on which the building is located prior to the issuance of any certificate of occupancy for any building within DAP 1.

- b. For DAP 2, a Tentative Map or Vesting Tentative Map shall be approved by Council prior to the issuance of building permits for buildings located on property covered by DAP 2, and a Final Map approved to the satisfaction of the Director of Public Works shall have been filed for recordation covering property on which the building is located prior to the issuance of any certificate of occupancy for any building within DAP 2.
- E3. Infrastructure plans that are submitted with the DAP application shall address infrastructure needs for the entire phase where the DAP infrastructure needs must rely on, may be affected by, or may affect any future phase(s) of development. The submitted DAP infrastructure plans in that case shall provide not less than conceptual plans for or a description of the design of the infrastructure in the future phase(s), to the satisfaction of the Director of Public Works. 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. The Sanitary sewer (SS) laterals from Parcel 1 and Parcel 2 shall connect to the westernmost 42" SS main in Lafayette Street. The SS laterals from Parcel 3 and Parcel 4 shall connect to the 42" SS main running between the two parcels from Great America Parkway to Lafayette Street. Parcel 5 shall be connected to the 12" SS main in Stars and Stripes Drive. The City shall determine available SS capacity for each main as of the time of project entitlements, including each DAP or DAP Amendment, and the Developer shall construct facility improvements to accommodate the maximum MCP development. The Developer may be reimbursed for design and construction costs above its fair share costs.
- E5. Execute Covenant(s) Running with the Land to assume maintenance responsibility for non-standard street improvements within public rights-of-way prior to the City's acceptance of said improvements. Non-standard street improvements include, but are not limited to, curb return type driveway(s).
- E6. Obtain site clearance through the Engineering Department prior to issuance of building pe1mits. Site clearance will require payment of applicable development fees prior to issuance of the building permit. Other requirements may be identified for compliance during the site clearance process.

TRAFFIC

TR1. If the Lick Mill Boulevard extension north of Tasman Drive is constructed as a 4-lane minor arterial road before the Developer implements the proposed Scheme C development, the Developer shall modify Lick Mill Boulevard from a 4-lane minor arterial road to a 2-lane collector street, in accordance with the street design guidelines specified in the Tasman East Specific Plan. The anticipated changes would involve lane reconfigurations to reduce travel lanes, potential improvements at the northern terminus of Lick Mill Boulevard, the addition of on-street parking, and the implementation of traffic-calming features within the existing public rights-of-way.

ELECTRIC

EL1. DAP infrastructure plans and documents that address the electrical distribution system shall specify on-site private electric facilities and off-site public electric facilities to address the needs of the particular DAP and, conceptually, the needs of the overall phase which contains that DAP. To the extent that development of any particular DAP or phase may affect service to other phases, a conceptual plan or description of those needs shall be included in the application.

- EL2. On-site infrastructure is the Developer's responsibility. The Developer shall install the substructures required to meet Silicon Valley Power (SVP) design requirements. SVP will install all cable and equipment facilities. The Developer will pay for any and all costs associated with installation of these facilities.
- EL3. Developer shall provide the City easements and all rights of way for electric facilities and access for all facilities located on private streets or within structure boundaries.
- EL4. The Developer entered into the Esperança Substation Agreement (the "Existing Substation Agreement") with the City of Santa Clara, dated December 3, 2019. Under the Existing Substation Agreement, up to 27 MVA of electrical capacity ("Available Capacity") is allocated for the Developer's use from Esperança Substation in connection with the project described therein. In addition, SVP and Developer are in discussions to amend the Existing Substation Agreement to among other things increase the Available Capacity by an additional 6.5MVA, which amendment will be subject to both City Council approval and such other SVP requirements including but not limited to Conditions of Approval EL.6 through EL.10 (the "Pending Amendment"). If the Developer requires electrical capacity or modifies the development after approval of the Pending Amendment, a further amendment to the Existing Substation Agreement and/or a new substation agreement will be necessary to accommodate such additional capacity or project modifications. In such instances, Conditions of Approval EL 6 through EL 10, along with any other conditions reasonably required by Silicon Valley Power (SVP), shall apply.
- EL 5. SVP is currently conducting a distribution system impact system study (In Progress SIS). Developer submitted an application for the In Progress SIS in October 2024. This In Progress SIS does not include (and will not include) any data center loads in Parcels 1 and 2.
- EL 6. If Developer modifies the project described in the In Progress SIS or requires capacity above the Available Capacity, additional requirements will be required based on SVP's evaluation of the modified development and its estimated load. In such case, the Developer shall submit an updated project description to SVP with such additional information as SVP may require. If SVP determines a new or amended system impact report is required based on the new project description or request for additional capacity, Developer shall submit an application for a new or amended system impact study (either distribution and transmission, or both) or other study as required, enter into a deposit agreement as required by SVP, and pay for the cost of these studies.
- EL 7. In connection with EL 6, if the modified development's estimated load exceeds 13.5 MVA for any parcel (or such lower amount as may be determined by SVP), SVP will require a transmission system impact study which will assess the following:
 - a. System capacity of SVP's electric transmission system to serve the proposed load.
 - b. System capacity of PG&E's electric transmission system to serve proposed load.
 - i. This is determined by studies performed by the California Independent System Operator (CAISO) in its yearly Transmission Planning Process (TPP).
 - ii. Any mitigation measures identified, and/or construction schedules required by PG&E to the Developer's proposed load ramp. Any PG&E identified mitigations and/or construction schedules are not controlled by SVP nor is SVP responsible for any delays caused by these project schedules. Cost, if applicable, shall be borne solely by Developer.
 - c. Determine if developer's load ramp can be accommodated
- EL.8 In connection with EL. 6, if SVP determines sufficient electric capacity is available for modified development or request for additional capacity under a system impact study (either distribution and transmission, or both) or such other study required by SVP, Developer shall secure an amendment to the Existing Substation Agreement (which would include the Pending Amendment) and, for any such requests after the Pending Amendment, a subsequent amendment and/or a new substation agreement,

in either case, on terms and conditions required by Silicon Valley Power in order to secure interim electric capacity and electric capacity for the modified development. Such amendment to the Existing Substation Agreement and/or new agreement shall contain the amount of allocated capacity and load ramp. The Developer will fully fund the design and construction of electric infrastructure improvements required by SVP in connection with the development.

- EL.9 If SVP determines no electric capacity is available for Developer's request for additional capacity, no additional electric capacity shall be provided by SVP. If SVP determines that the modified development (or request for additional capacity) must be studied in the CAISO Transmission Planning Process (TPP), the Developer shall pay the CAISO System Impact Study Fee and any other CAISO fees and costs
- EL.10 Pre-Design Work If applicable, the Developer shall enter into a deposit agreement (in a form required by SVP) with the City, outlining the Developer's funding obligations for pre-design work related to the substation and/or distribution or transmission infrastructure necessary to support the development or any modifications thereto. Developer shall be responsible for the cost of the ampacity and grounding study (performed by SVP) for their Developer's distribution system incorporated into the pedestal design of the development. The requirements from the ampacity and grounding study shall be incorporated in the slab and pier construction on the parcels with landfill.
- EL.11 The Development shall not encroach on SVP's Underground 230kV Line trench such that it is accessible with an 18' drivable surface over its entire alignment. Areas around manholes will require additional space. Any proposed development encroachments or changes (including, but not limited to, new electrical equipment, substructures, new streets, changes in grading and cover, landscaping and bioretention) will require additional analysis by SVP to ensure the capacity rating of the 230 kV line is not negatively impacted.
- EL.12 These approvals do not grant Developer's project any electric power for its project.

Conditions E13 through E37 shall apply at the detailed design level unless SVP alters or waives any requirement in writing.

- EL.13 **Utility Plan -** Electric Utility Infrastructure must be included in Civil Composite Drawings (C4) with horizontal profiles showing clearances.
 - a. Show existing infrastructure and easements.
 - b. Show new proposed infrastructure and easements per markups that will be provided once a utility plan is submitted.
 - c. Show all the trees.
 - d. Show all the electrical rooms for each building.
- EL.14 **Initial Information:** Developer shall provide a site plan showing all existing utilities, structures, easements, and trees. Developer shall also include a detailed panel schedule showing all current and proposed electric loads.
- EL.15 **Work Drawing:** Developer shall have a work drawing created for the site by either an SVP estimator or through the design process. All SVP standards and clearance requirements must be met, or variance approvals must be granted by SVP. The Developers' work drawing shall include but is not limited to: SVP substructure for primary, low voltage, streetlight, and fiber facilities. SVP facilities may extend off-site to the nearest utility connection point to tie in with existing infrastructure as deemed necessary by SVP.
- EL.16 **Encroachment Permit:** Prior to issuance of Building Permits, the Developer shall submit an encroachment permit application with an **approved** SVP Developers Work Drawing for construction of

Page 6 of 13

- electric utilities that comply with the latest edition of SVP Standards and Rules and Regulations, Electric Notes, and Electric Standard Details and Specifications
- EL.17 **Applicants Switchgear:** Development's main switchgear with SVP meters must meet EUSERC standards and be approved by SVP's meter shop prior to ordering. Switchgear for 12KV gear must have batteries sized for 4 hours of operation, no capacitive tripping, and 2 sets of relays, CTs, & PTs for each main. All double ended switchgear with a tie breaker must include a kirk-key interlock scheme and an SVP provided warning label for the operation of the main tiebreaker.
- EL.18 **AMI/Fiber Building Requirements:** All projects implementing high rise metering and multi-floor infrastructure requirements shall meet the requirements outlined in UG 0250 & FO1901.
- EL.19 **Easements**: Prior to the City's issuance of Building or Grading Permits, the Developer shall provide a dedicated underground electric utility easement (U.G.E.E) around the electric onsite facilities. The electric utility easement shall be a minimum of 10 feet wide around conduit and 5' minimum around equipment and vault/manhole pads. Additionally, the Developer shall submit plans defining existing easements so SVP can verify if there are any conflicts with new proposed easements or improvements. The Developer shall grant to the City, without cost, all easements and/or rights of way necessary for serving the development and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL.20 **Coordination Study:** For any services taken at 12KV, a coordination study will need to be conducted by the Developer prior to energizing the service for the development.
- EL.21 **Developer Switchgear:** Developer's switchgear will be inspected on site by SVP to ensure compliance with approved switchgear drawings. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- EL.22 **Electric Facilities:** Prior to the City's issuance of occupancy, the Developer shall construct all electric utilities per the approved SVP Developers Work Drawing. SVP will inspect all electric utility installations and all other improvements encroaching on electric facilities.
- EL.23 **Municipal Fees:** Prior to electric service energization, all applicable fees per the City of Santa Clara's Municipal Fee Schedule at time of energization shall be paid by the Developer.
- EL.24 **Costs & Expenses:** Unless expressly stated otherwise or covered by a fee to be paid by the Developer, Developer shall be responsible for all costs and expenses associated with fulfilling these conditions of approval.
- EL.25 **Access:** SVP will require 24-hour unobstructed access to all SVP equipment which includes: manholes, transformers, vaults, switches, meters, indoor electrical rooms with SVP owned equipment etc.
- EL.26 **SVP Rules and Regulations:** Developer shall comply with all applicable SVP rules, regulations, standards, guidelines, and requirements, as may be amended from time to time.

EL.27 SVP Equipment Clearances:

- a. Access Doors: Ten (10) foot minimum clearance in front of equipment access doors.
- b. Pad Sides: Five (5) foot minimum clearance from pad on sides without access doors.
- c. **Truck Access:** Eighteen (18) foot minimum width on one side of the equipment pad for truck access.
- d. Barrier pipes: (on sides accessible to vehicles)
 - i. Thirty (30) inches from equipment sides.
 - ii. Forty-Eight (48) inches in front of access doors. (use removable bollards)

EL.28 SVP Conduit Clearances:

- a. **Longitudinal**: Five (5) foot minimum between new conduits/piping and existing/proposed SVP conduits.
- b. **Vertical**: Twelve (12) inch minimum between new conduit/pipes perpendicular to existing SVP conduits.

- c. **Poles/Posts**: Three (3) foot six (6) inches clearance required from poles (electrolier, guy stub, service clearance, self-supporting steel, and light poles), except for riser conduits. This is reduced to a three (3) foot minimum for posts (signposts, barrier pipes, bollards, fence posts, and other similar posts).
- d. **Longitudinal**: Five (5) foot minimum between new conduits/piping and existing/proposed SVP conduits
- e. **Vertical**: Twelve (12) inch minimum between new conduit/pipes perpendicular to existing SVP conduits
- f. **Poles/Posts**: Three (3) foot six (6) inches clearance required from poles (electrolier, guy stub, service clearance, self-supporting steel, and light poles), except for riser conduits. This is reduced to a three (3) foot minimum for posts (signposts, barrier pipes, bollards, fence posts, and other similar posts).

EL.29 SVP Vault/Manhole Clearances:

- a. **Conduits:** Five (5) foot minimum to tree root barrier or other subsurface wall or structure.
- b. **Equipment:** Five (5) foot minimum to tree root barrier. The tree canopy drip line cannot be over the SVP equipment.
- c. **Subsurface Facilities:** Five (5) foot minimum to any electric department facilities. Any existing trees in conflict will have to be removed.
- d. **Easements:** No trees shall be planted in SVP's U.G.E.E or P.U.E's.
- EL.30 **Transformer & Switch Placement:** these devices and pads may only be located outdoors. Clearances to buildings are defined in UG1225. All projects are to assume mineral oil fluid, unless otherwise approved by SVP.
- EL.31 **SVP Standards.** Developer shall comply with the following SVP standards (as may be amended or supplemented).
 - a. UG1000 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
 - f. UG1225 Pad mounted Equipment Clearances and Protection
 - g. UG0250 High Density Residential Metering Requirements
 - h. FO-1901 Fiber Optic Splicing and Testing Methods
 - i. SVP Rules and Regulations Latest Edition

SVP Standards, Miscellaneous:

- a. 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.
- b. No splice boxes are allowed between the SVP utility connection point and the Developer's main switch board.
- c. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.

EL.33 Meter Locations:

a. 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.

EL.34 Underground Service Entrance

- a. (277/480V Service or Lower) Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes to the SVP defined utility connection point.
- b. (12KV Service) SVP terminates cable on the Developer owned switchgear.
- c. No cross-parcel distribution is allowed. SVP service points must be within the parcels that they serve.

EL.35 Code Sections:

- a. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- b. 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**.
- c. The Developer shall perform, 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 Developer will dedicate the improvement to the City subject to City's acceptance of the work. The Developer shall further install at its cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect Developer to SVP's electric grid. After completion of the facilities installed by the 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 per Santa Clara City Code chapter 17.15.210 (2).

EL.36 Existing Facilities:

- a. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel in a separate document. It is the Developer's responsibility to maintain all clearances from equipment and easements. 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.
- b. Any relocation of existing electric facilities shall be at Developer's expense.
- EL.37 **Generators:** 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. The 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 the SVP Electric Engineering Division.

WATER

- WI. Each DAP submittal shall indicate all service connections and facilities for potable and recycled water and sanitary sewer facilities to serve the development area. To the extent necessary, plans shall include conceptual plans to serve the remainder of the Phase or future Phases that will rely on these facilities, to the satisfaction of the Director of the Water and Sewer Utilities.
- W2. Prior to issuance of Building Permits, the Developer shall submit plans for water service to each individual building parcel, site and/or building to be connected to a public main in the public right-

of-way to the satisfaction of the Director of Water & Sewer Utilities. Additionally, different types of water use (domestic, irrigation, fire) shall be served by separate water services.

Plans shall also indicate locations of proposed fire hydrants.

FIRE DEPARTMENT

- FD1. When in the opinion of the fire code official, a new structure obstructs emergency radio communications to existing buildings or to any other locations, the Developer shall resolve the deficiency to the satisfaction of the Fire Department, which may include requirements to provide and install radio retransmission equipment necessary to restore communications capabilities. Any required equipment shall be located in a space or area within a new structure approved by the Fire Department.
- FD2. Each DAP application shall include proposed access routes for emergency service vehicles. Plans may be required to include the entire Phase in which the DAP is included and may necessitate conceptual plans for access through or to future Phases to the extent that may be necessary to the satisfaction of the Fire Chief.
- FD3. Construction and final development in each Phase and DAP shall comply with applicable fire standards, codes, and policies, including emergency access requirements.
- FD4. The Developer shall provide a replacement Fire Station in accordance with the Disposition and Development Agreement.

POLICE

PD1. The Developer shall include, for each building, design specifications that meet the City of Santa Clara's guidelines established for radio signal penetration, as detailed in the Communications Department's Public Safety Radio System Building Penetration Guidelines. The intended use of telecommunications sites/equipment shall be clearly and accurately stated in the building documentation. The signal, of whatever nature, of any communications facility or system, shall in no way whatsoever interfere with or affect any police communication or police communication system.

PARKS AND RECREATION

PRI. The Developer shall comply with the City's Park and Recreational Land Ordinance (SCCC Ch. 17.35), subject to conformance with and as otherwise satisfied by the provisions of the MCP, Development Agreement and Disposition and Development Agreement, to the satisfaction of the City Manager.

STREET DEPARTMENT

- STI. Submit copies of complete landscape and automatic irrigation plans for all public rights-of-way for review and comment by City staff. The Developer is to supply and install City street trees per the MCP and City specifications. Spacing, specie, and sizes of street trees shall be subject to approval of the City Arborist.
- ST2. Special Urban Runoff Stormwater Pollution Prevention requirements apply. Provide the Street Department with information to evaluate proposed stormwater pollution prevention improvements for each Phase.
- ST3. Developer shall comply with City Development Guidelines for Solid Waste Services in each Phase, as specified by development type.

PLANNING AND BUILDING INSPECTION

- PI. DAP applications for partial Phases as described in the MCP may be required to include conceptual plans and information for areas outside of the DAP boundaries that address site access for the provision of safety and service by City forces, as well as related utility facilities, and schematic or concept plans addressing such items as open space and parks that may be constructed in future Phases on abutting sites.
- P2. Tentative Subdivision Map, Vesting Tentative Subdivision Map and/or Parcel Map applications consistent with the intent and obligations of the MCP, Development Agreement and Disposition and Development Agreement, and consistent with any parcel(s) indicated in the submission of the DAP, shall be approved by City Council prior to issuance of building permits for development within any Phase, Sub Phase or DAP within the area of that map application. Maps shall define development sites and provide for the dedication or disposition of public streets, utilities and parks/open space, to the satisfaction of the City.
- P3. The Developer will be required to prepare acoustical analyses and implement noise insulation features in building construction as required by the Mitigation Monitoring and Reporting Program.
- P4. The Developer shall be required to incorporate within the residential tenant lease agreements notification of the occurrence of aircraft traffic noise over the project site.
- P5. The Developer shall convey an avigation easement to the City of San Jose on behalf of the San Jose International Airport.
- P6. Obtain required permits and inspections from the Building Official and comply with the conditions thereof, based upon approved DAPs. Submittal of plans shall be consistent with a predetermined address numbering scheme based upon Phases identified in the MCP, to the satisfaction of the Building Official.
- P7. The Developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any permit for grading or construction in accordance with an approved DAP, or as otherwise permitted or required under the obligations and rights of the Disposition and Development Agreement. 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.
- P8. Along with the submission of the first DAP within any Phase, a landscape and lighting concept plan for that Phase shall be provided and agreed upon by the Developer and the City. Landscaping and lighting concepts shall address public areas and street frontage areas, as well as open space and park areas within the Phase.
- P9. The Developer shall employ green building standards and materials in the site design and construction of structures within each DAP, designed to meet USGBC LEED standards for new construction, in accordance with the approved MCP.
- PI 0. The project will be required to comply with the City's Urban Runoff Pollution Prevention Program, including best management practice measures for construction and post-construction activity, including reducing runoff to public storm drain facilities from rooftops and paved surfaces.
- P11. Prior to the issuance of a grading or building permit, the Developer shall provide the Streets Division of Public Works third-party certification that the stormwater control plan meets applicable C.3 requirements, along with an Operations and Maintenance Agreement approved by the City for post-construction maintenance of C.3 devices/measures. Each DAP phase shall meet its C.3 requirements on its own merit. If a banking system is to be created to achieve compliance for the entire project's full implementation, the applicant shall first create area treatment surplus (credit) during the earlier DAP phase(s) to be used by subsequent project phase(s).

- P12. Trees removed shall be replaced at a ratio of two new trees for every one removed tree. Any trees not replaced at the 2:1 ratio shall be subject to in-lieu payments consistent with City policy. The developer shall be responsible for maintaining a master accounting of all tree removals, tree replacements, and in-lieu fee payments and shall provide such information with each DAP submittal and upon the City's request.
- P13. The Developer shall prepare a Construction Management Plan (CMP) for review and approval prior to the issuance of initial grading or building permits for development within any Phase, Sub Phase or DAP. To the extent that information is known, a CMP may address some or all construction within the DAP or Phase, such that a CMP may not be required for each permit as called for in the adopted Mitigation Monitoring or Reporting Program.
- P14. Construction activity not confined within an enclosed building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 8:00 a.m. to 6:00 p.m. Saturdays for construction within 300 feet of a residential use. Construction activity shall not be allowed on Sundays or recognized State and Federal holidays.
- P15. The Comprehensive Sign Program required by the MCP for Parcels 4 and 5 shall be considered and approved or conditionally approved by the City Council before the issuance of the first building permit (for buildings excluding below grade Tasman garage) for development undertaken pursuant to the DAP for Phase 1 or Phase 2. The Comprehensive Sign Program required by the MCP for Parcels 1 and 2 shall be submitted with the initial DAP submission for Parcel 1 or 2, whichever is submitted first, and shall be considered concurrently with and approved or conditionally approved as a part of the applicable DAP by the City Council.

KEY:

G = General

P = Planning Division

BD = Building Division

H = Housing & Community Services Division

F = Fire Department

PR = Parks & Recreation Department

PD = Police Department

E = Engineering Division

Streets Division (Landscape, Solid Waste, and Stormwater)

L = Landscape

SW = Solid Waste

ST = Stormwater

SVP = Silicon Valley Power

W = Water & Sewer Department

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The unde	ersigned a	agrees to	each	condition	of a	pproval	and	acknowle	edges	and	hereby	agrees	to u	se the	project
property of	on the ter	rms and	conditi	ons set fo	rth i	n this p	ermit								

Signature:	
Printed Name:	
Relationship to Property:	
Date:	

Pursuant to Santa Clara City Code 18.128.100, the applicant shall return this document to the Department, properly signed and dated, within 30-days following the date of the Acknowledgement.

EXHIBIT 3C-1 (SCHEME C): ILLUSTRATIVE SITE CONCEPT*



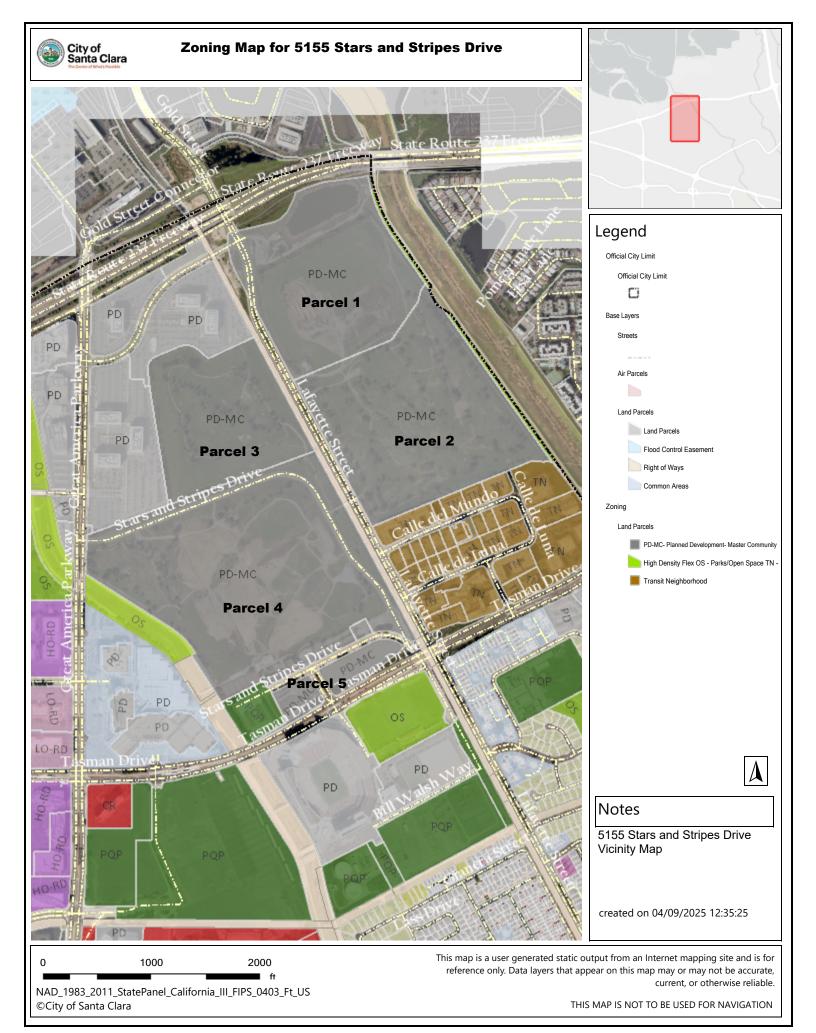


Web Link- MCP Scheme C Supplement

MCP Scheme C Supplement:

RSC MCP Scheme C Supplement

These documents are available for viewing in the Community Development Department



Attachment 2: Project Data comparison

Project Number: PLN24-00060

Project Address: 5155 Stars and Stripes Drive **General Plan:** Urban Center/Entertainment

Zoning: Planned Development-Master Community

LAND USE DEVELOPMENT COMPARISON BY SCHEME

	Scheme A (under IHA)	Scheme B	Scheme C	Difference Scheme A to Scheme C	Difference Scheme B to Scheme C			
City Center Mixed Use (Parcels 4 and 5) (gsf)								
Office	1,372,400	2,852,400	4,517,400	+3,145,000	+1,665,000			
Retail/Food and Beverage/Entertainment	1,502,000	1,502,000	800,000	-702,000	-702,000			
Residential	1,680,000 (1,680 units)	200,000 (200 units)	1,680,000 (1,680 units)	(same number of units)	+1,480,000 (+1,480 units)			
Hotel	578,000 (700 rooms)	578,000 (700 rooms)	567,000 (700 rooms)	-11,000 (same number of rooms)	-11,000 (same number of rooms)			
Subtotal	5,132,400	5,132,400	7,564,400	+2,432,000	+2,432,000			
Northeast Parcels (Parcels 1 and 2) (gsf)								
Office	4,032,000	3,832,000	0	-4,032,000	-3,832,000			
Retail	-	200,000	0	0	-200,000			
Industrial/Warehouse	-	-	1,600,000	+1,600,000	+1,600,000			
Subtotal	4,032,000	4,032,000	1,600,000	-2,432,000	-2,432,000			
Total Project (gsf)	9,164,400	9,164,400	9,164,400	0	0			

NOTE:

Scheme C permits incidental retail and personal service uses primarily serving employees and customers of the principal light industrial use, not to exceed 10 percent of the floor area of the applicable building or campus. Scheme C also permits incidental office use primarily serving the administrative needs of the principal light industrial use, not to exceed 25 percent of the applicable floor area.

SOURCES:

ICF International, 2015. City Place Santa Clara Project Draft Environmental Impact Report. October 2015. Prepared for the City of Santa Clara. Available at: https://www.santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/135/3649.

Related Santa Clara, 2025. Related Santa Clara Master Community Plan Scheme C Supplement, Chapter 8C, Infrastructure Overview – Scheme C Variant. June 2025.



City of Santa Clara

1500 Warburton Avenue Santa Clara, CA 95050 santaclaraca.gov @SantaClaraCity

Agenda Report

25-697 Agenda Date: 6/11/2025

REPORT TO PLANNING COMMISSION

SUBJECT

Study Session: El Camino Real Specific Plan Revisions

RECOMMENDATION

There is no staff recommendation.



City of Santa Clara

1500 Warburton Avenue Santa Clara, CA 95050 santaclaraca.gov @SantaClaraCity

Agenda Report

25-654 Agenda Date: 6/11/2025

REPORT TO PLANNING COMMISSION

SUBJECT

Election of Planning Commission Chair, Vice Chair and Secretary

BACKGROUND

City commissions rotate the position of Chair and Vice Chair each year during the beginning of the new Fiscal Year which commences on July 1. The roles of the Chair, Vice Chair, and Secretary are defined in the Procedures section of the City's Board, Commissions, and Committee Handbook. The Planning Commission Chair is responsible for the following duties:

- Preside at all official meetings of the City commission
- Consult with the staff liaison on the meeting agenda
- Attend City Council meetings as needed to represent the City commission
- Sign correspondence on behalf of the City commission

Responsibility of the Vice Chair:

Substitute for the Chair as needed.

Responsibility of the Secretary:

 Read the invocation, read the agenda items into the record, conduct meeting roll call and be responsible for any updates to the Planning Commission Policies and Procedures. The Secretary will also fill in for the Commission Vice-Chair in their absence.

DISCUSSION

Currently, Lance Saleme serves as the Planning Commission Chair, Mario Bouza serves as the Vice Chair, and Eric Crutchlow serves as Secretary. The Planning Commission may vote to elect a new Chair, Vice Chair, and Secretary to serve a one-year term beginning July 1, 2025 ending on June 30, 2026. After nominations, voting and election of each officer, the new officers will assume their positions at the August 13, 2025 Planning Commission meeting.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact associated with this item aside from administrative cost and expenses.

25-654 Agenda Date: 6/11/2025

COORDINATION

This report has been coordinated with the City Attorney's Office

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

There is no staff recommendation.

Prepared by: Elizabeth Elliott, Staff Aide II, Community Development Approved by: Lesley Xavier, Planning Manager, Community Development