

RESOLUTION NO. 22-9048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING THE SUSTAINABLE COMMUNITIES PROJECT EXEMPTION TO EXEMPT THE PROJECT FROM CEQA REVIEW FOR THE PROPERTY LOCATED AT 3941 STEVENS CREEK BOULEVARD, SANTA CLARA, CALIFORNIA

PLN21-15213 (3941 Steven Creek Blvd)

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

WHEREAS, Steven Blanden, CRP Affordable Housing and Community Development (“Applicant”) applied for a development application to allow the construction of a new 59-unit 100% affordable mixed-use project at 3941 Stevens Creek Boulevard, Santa Clara (“Project Site”);

WHEREAS, the development application involves Architectural Review of the development proposal to construct a six-story, 59-unit residential apartment building, with 1,750 square feet of amenity space, 2,630 square feet of ground floor commercial/office space, and an outdoor podium courtyard with play areas, ground floor parking, landscaping and site improvements (“Project”);

WHEREAS, the Project Site is currently zoned as CT – Thoroughfare Commercial and has the General Plan land use designation of Community Mixed-use;

WHEREAS, in order to implement the proposed development, the City Council needs to find that the project qualifies as a transit priority project in accordance with the state Sustainable Communities Strategy Criteria, Public Resources Code § 21155, et seq.;

WHEREAS, the applicant filed a preliminary application under Senate Bill 330 (2019) on July 8, 2021 and a formal application for architectural review on September 20, 2021 for the proposed Project;

WHEREAS, the Project is within one-half mile from the intersection of two bus routes, VTA bus line 57 on Kiely Boulevard and line 23 on Stevens Creek Boulevard, each of which have 15 minute headways during peak commute hours, which qualifies the location as a “major transit stop”;

WHEREAS, the applicant is relying upon AB 3194 (2018) to utilize the Very High Density Mixed-use (VHDMU) zoning district;

WHEREAS, the project will be 100% affordable, and the developer is seeking a “super” density bonus under the Density Bonus Law (AB 1763) (2019);

WHEREAS, California Public Resources Code § 21155 *et seq.*, requires the legislative body of a public agency to make a determination as to whether or not the project qualifies as a Sustainable Communities Project and is therefore exempt from CEQA review, in accordance with PRC Section 21155.1;

WHEREAS, the Applicant prepared a Sustainable Communities Project Exemption declaring compliance with all criteria under PRC Section 21155.1, as set forth in Attachment 1, attached hereto and incorporated herein by this reference; and,

WHEREAS, on January 25, 2022, the City Council held a duly noticed public hearing to consider the architectural approval of the Project and the approve the Sustainable Communities Project Exemption, at which time all interested persons were given an opportunity to present evidence and provide testimony, both in favor of and in opposition to the proposed Project.

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

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City Council hereby finds that the Project qualifies as a transit priority project pursuant to PRC Section 21155, which by definition means that the Project square footage is at least 50% residential (here, 92.6%), provides a minimum net density of at least 20 units per acre (here, 101.7 du/ac); and is located within one-half mile of a major transit stop (here, 135 feet). As detailed in Attachment 1, the Transit Priority Project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the Regional Transpiration Plan/Sustainable Communities Strategy (Plan Bay Area).

3. That the City Council hereby finds that all environmental criteria of PRC § 21155.1(a) are met, all land use criteria of PRC § 21155.1(b) are met, and the affordable housing criteria of PRC § 21155(c)(1) are met.

4. That the City Council hereby approves the use of the Sustainable Communities Project Exemption to exempt the project from CEQA review, in accordance with PRC Section 21155.1.

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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 25TH DAY OF JANUARY, 2022, BY THE FOLLOWING VOTE:

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

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Sustainable Communities Project Exemption

3941 STEVENS CREEK BOULEVARD PROJECT SUSTAINABLE COMMUNITIES PROJECT CEQA EXEMPTION

1.0 Project Description

CRP Affordable Housing and Community Development (the Applicant) proposes to demolish an existing car wash building and associated surface parking area to construct a 59-unit 100 percent affordable housing development and ground-floor commercial/retail use at 3941 Stevens Creek Boulevard (Project Site) within the Stevens Creek Boulevard focus area in the City of Santa Clara, as shown on Attachment A. Surrounding land uses are comprised of a five story multi-family residential to the north, a one-story, retail music shop building to the east, one- to two-story commercial/retail buildings to the west across Buckingham Boulevard, and one-story commercial car dealerships and associated surface parking areas to the south along Stevens Creek Boulevard, as shown in Attachments A1 and A2.

The Project Site is zoned Thoroughfare Commercial (CT), but intends to utilize the development standards of the Very High Density Mixed Use (VHDMU) zone pursuant to AB 3194 (2018); and has a land use designation of Community Mixed Use, which allows for a high-density, transit-oriented residential district with supportive retail services. The VHDMU zoning designation allows for a minimum dwelling unit density of 50 units per acre and a maximum dwelling unit density of 120 units per acre in conjunction with local and regional serving commercial uses that link with existing and planned transit facilities to support and maximize transit use. The maximum height limit in the VHDMU zoning district is limited by Federal Aviation Administration (FAA) restrictions. There is no maximum building coverage in this zone; however, all development is subject to providing adequate pervious area to meet stormwater requirements.¹

The Project Site is also in close proximity to the Stevens Creek Boulevard/Saratoga Avenue Santa Clara Valley Transit Authority (VTA) Bus Stop No. 60583 (approximately 200 feet east) and, therefore, would benefit from Transit Adjacency development incentives, which allows for four concessions (allowances), and a height increase of 33 feet or 3 stories. The Applicant would apply for one concession to reduce the parking requirement of the development.

¹ City of Santa Clara. 2021. Chapter 18.22, Article III - Regulations for the Very High Density Mixed Use (VHDMU) Zoning District. Available at <https://www.codepublishing.com/CA/SantaClara/html/SantaClara18/SantaClara1822.html#18.22.230>, accessed September 23, 2021.

The Project Site consists of a vacant car wash within one single-story building located on the central-southern portion of the site. The building is divided into one retail unit and one car wash unit, including office rooms, restrooms, storage, and equipment areas. In addition to the current structure, the Project Site is improved with a concrete-paved driveway and parking areas, two trellis structures, one canopy cover, two dumpster/trash enclosures, perimeter fencing, and associated landscaping throughout. An unmaintained street planter fronts the Project Site along the southern and western boundary. Shrubs are located on the southwest corner of the property and wrap around the Project Site along a portion of the western boundary. Ornamental vines cover a stem wall located along the eastern property boundary. Ornamental trees and shrubs occur along the northern site boundary and appear to provide visual screening between the Project Site and a concrete block stem wall that forms the property boundary between the site and the multifamily building to the north.

The Project Site has been historically used for automobile operations and has been impacted by petroleum hydrocarbons and/or volatile organic compounds (VOCs) found in underlying soils. The Project Site is not eligible for inclusion on the National or California registers for historic resources and/or property.

The Project requires a Development Review by the City's Project Clearance and Subdivision Committees (PCC/SC) for Project compliance and consistency with the City's General Plan, Zoning Ordinance, City Codes, and other regulations and standards. The Project would require an Architectural Review pursuant to Chapter 18.76 of the Santa Clara Zoning Code, which requires architectural review prior to issuance of any building permits.

With utilization of the concessions described above, the Project would develop a 6-story (72 foot six inches in height [at top of parapet]), 59-unit residential apartment building, including 10 one-bedroom units with an average size of 531 to 608 square feet, 20 two-bedroom units with an average size of 800 to 843 square feet, 24 three-bedroom units with an average square footage of 1,077 to 1,315 square feet, and five four-bedroom units with an average size of 1,295 to 1,315 square feet. The ground floor of the proposed building would include 1,750 square feet of amenity space, 2,630 square feet of commercial/office space, as well as utility areas and a lobby. The proposed structure would replace the existing commercial building and associated parking area onsite.

Parking would be provided onsite within one surface level parking lot offering approximately 32 parking stalls, which is less than the 84 residential parking stalls required by Chapter 18.22 (Regulations for Various Mixed Use Combining Zoning Districts) of the Santa Clarita City Code for development within a VHDMU Zoning District. However, pursuant to Assembly Bill (AB) 1763 (Chiu), which amends Section 65915 of the Government Code (Density Bonus Law), the Project would be required to provide 30 vehicle parking stalls. As indicated within Attachment D, the Project would provide a total of 32 vehicle parking stalls.

In addition, the Project would include indoor and outdoor bicycle storage areas, which would provide approximately 36 bicycle parking spots. Approximately 28 bicycles would be located within a secured bicycle storage room within the building. The remainder of the bicycle parking stalls (eight) are located on the exterior of the building.

The Project would provide approximately 3,857 square feet of common/amenity space. Amenities include a 781 square-foot multi-purpose community room on the ground floor, indoor mailboxes, on-site management offices, secured bike storage, communal laundry facilities, a teen room, and multiple additional flex spaces throughout. The proposed multi-purpose community room would be located on the second floor and spills out onto a 4,494 square foot podium courtyard where play areas will be provided for residents. The proposed building would be approximately 88,087 square feet of floor area and a Floor Area Ratio (FAR) of 3.48:1.² The Project would meet or exceed all City of Santa Clara current building code and Santa Clara City Code requirements. The Project would integrate a variety of eco-friendly practices where feasible, such as including Energy Star appliances, water saving/low flow fixtures, non-VOC paints/adhesives, drought tolerant planting, high-performance building development, solar photovoltaic arrays, and the use of eco-friendly building materials, systems, and features.

² Gross building Area: 88,087 square feet / Property Area: 25,300 square feet = 3.48:1

2.0 Sustainable Communities Strategy Criteria

As discussed below, a Sustainable Communities Project Exemption (SCPE) may be prepared for a project that: (a) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable community's strategy (see California Public Resources Code Section 21155(a)); and (b) is a "transit priority project" (as defined in California Public Resources Code Section 21155(b)). As further described below, the Project meets these criteria and, thus, is eligible for certain California Environmental Quality Act (CEQA) streamlining benefits by way of preparing a SCPE for purposes of clearance under CEQA.

The Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) are the metropolitan planning and transportation organizations for the Project Site area, and in that capacity bear the responsibility under Senate Bill 375 to implement and administer regional transportation plans (RTP) and sustainable communities' strategies (SCS) for purposes of achieving the goals for reducing greenhouse gases as envisioned by Assembly Bill 32.

Under the requirements of Senate Bill 375, the MTC and ABAG jointly prepared Plan Bay Area 2040, which serves as the region's RTP/SCS. Plan Bay Area 2040 is a long-range visioning plan for the nine-county ABAG region that highlights the existing land use and transportation conditions throughout the ABAG region and forecasts how it will meet the region's transportation needs between 2013 and 2040, as well as achieve CARB's GHG emissions reduction targets.

Specifically, the Plan Bay Area 2040 specifies the strategies and investments to maintain, manage, and improve the region's transportation network, which includes improvements to bicycle and pedestrian facilities, local streets and roads, public transit systems, and highways. Plan Bay Area 2040 also calls for focused housing and job growth around high-quality transit corridors, particularly within areas identified by local jurisdictions as Priority Development Areas (PDAs). This land use strategy is anticipated to enhance mobility and economic growth by linking the location of housing and jobs with transit, thus offering a more efficient land use pattern around transit and a greater return on existing and planned transit investments. In March 2018, CARB officially determined that the Plan Bay Area 2040 would achieve CARB's 2040 GHG emission reduction target.

The ABAG/MTC Plan Bay Area 2050 Regional Transportation Plan/Sustainable Communities Strategy (Plan Bay Area 2050) is ABAG's most recent update to the Plan Bay Area 2040. Like Plan Bay Area 2040, Plan Bay Area 2050 is a long-range visioning plan for the nine-county ABAG region that highlights the existing land use and transportation conditions throughout the ABAG region and forecasts how it will meet the region's transportation needs between 2020 and 2050, as well as achieve CARB's GHG emissions reduction targets.

Specifically, Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the plan’s Implementation Plan identifies more than 80 specific actions for MTC, ABAG, and partner organizations to take over the next five years to make headway on each of the 35 strategies. On October 21, 2021, the MTC and the Executive Board of the ABAG jointly adopted Plan Bay Area 2050 and its related supplemental reports. CARB has not yet approved Plan Bay Area 2050. Collectively, Plan Bay Area 2040 and Plan Bay Area 2050 demonstrate how the ABAG region will achieve CARB’s identified GHG reduction targets, and for this reason, this SCPE addresses the consistency of the Project with both plans.

SUSTAINABLE COMMUNITIES’ STRATEGY CRITERIA – Public Resources Code (PRC) Section 21155		
PRC § 21155(a). Consistency with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities’ strategy.	Consistent?	
	Yes	No
<p>As described in Section 1, Project Description, the Project would develop a 59-unit mixed-use building at 3941 Stevens Creek Boulevard. The Project would be developed on a rectangular-shaped site comprised of one legal parcel totaling approximately 25,300 square feet (0.58 acres) that is currently developed with a vacant car wash and associated surface parking area. The Project would develop a 6-story mixed-use building with 59 dwelling units and 2,630 square feet of commercial/office space. All residential units would be restricted as affordable housing units.</p> <p>Pursuant to Chapter 18.22 (Regulations for Various Mixed Use Combining Zoning Districts) of the Santa Clara City Code, the Project is required to provide 84 parking stalls for VHDMU zoning districts.³ However, pursuant to Assembly Bill (AB) 1763 (Chiu), which amends Section 65915 of the Government Code (Density Bonus Law), affordable housing projects within one-half mile of a major transit stop with unobstructed access to it, may provide 0.5 parking stalls per unit (exclusive of handicapped and guest parking). As the Project Site is located 200 feet west of VTA Bus Stop No. 60583, the Project would qualify for this parking reduction and would be required to provide 30 parking stalls. The Project would provide 32 vehicle parking stalls in the apartment building within one surface parking area accessed by an existing curb cut located on Buckingham Drive. The Applicant proposes the provision of two additional parking stalls for guest use, as feasible. The proposed apartment building would be approximately 72 feet and 6</p>	X	

³ Section 18.22.260 (Parking Requirements [for VHDMU]), requires a minimum of three parking stalls per 1,000 square feet of commercial uses, one parking stall per studio/one-bedroom dwelling unit, and 1.5 stall for dwelling units with two or more bedrooms; however, up to 20 percent of total proposed parking stalls (16 stalls) could be shared between commercial and residential uses.

inches in height (at top of parapet) and contain approximately 88,087 square feet of floor area, resulting in a proposed FAR of 3.48:1.

The Project is designated for 'Community Mixed Use' uses (Attachment A), and would be consistent with the general use, designation, density, and building intensity outlined in both Plan Bay Area 2040 and Plan Bay Area 2050.⁴ It should be noted that the statutory requirement is that a project achieves general rather than absolute or perfect consistency with both the Plan Bay Area 2040 and Plan Bay Area 2050 use designation, density, and building intensity projections.

Plan Bay Area 2040

For the Plan Bay Area 2040, ABAG produced a limited and focused update that builds upon the growth patterns and strategies developed in the original Plan Bay Area but with updated planning and growth assumptions that incorporate key economic, demographic, and financial trends from the last four years. Specifically, ABAG's Supplemental Statutorily Required Maps Appendix, identifies Transit Priority Areas (TPAs) in the region where growth is forecasted to occur due to proximity to existing and planned transit, existing job centers, existing and planned infrastructure to support more walkability and use of alternative transportation modes, and in areas identified for jurisdictional expansion (i.e., spheres of influence). As shown in Attached A, Figure 4a, Forecast Development 2040, the Project Site is located within a TPA as identified by Plan Bay Area 2040. The map also identifies Priority Development Areas (PDAs), which are existing neighborhoods served by public transit and have been identified as appropriate for additional, compact development. Collectively, these TPAs and PDAs are anticipated to contain the majority of the existing and expected growth within the region. As shown in Figure 4a, the Project Site is adjacent to a PDA. Therefore, the Project and the Project Site are consistent with ABAG's forecasted development pattern for the region, including the general use designation, density, building intensity, and applicable policies specified for the area.

Plan Bay Area 2050

For Plan Bay Area 2050, Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the

4 On October 21, 2021, the Association of Bay Area Governments (ABAG) approved the Plan Bay Area 2050. However, pursuant to CARB Executive Orders G-16-066 and G-20-239, the 2050 Plan Bay Area would need to be approved by California Air Resources Board (CARB) to determine that the Plan would achieve 2020 and 2035 GHG reductions targets. Therefore, this analysis discusses both the Plan Bay Area 2040 and the Draft Plan Bay Area 2050. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) jointly adopted Plan Bay Area on July 26, 2017 (MTC Resolution No. 4300 and ABAG Resolution No. 10-17).

<p>plan's Implementation Plan identifies more than 80 specific actions for MTC, ABAG, and partner organizations to take over the next five years to make headway on each of the 35 strategies. Specifically, Plan Bay Area 2050 created a spatial framework to carry out strategies and evaluate the outcomes of such strategies. The Growth Geographies are places identified for housing and/or job growth either by local jurisdictions or because of their proximity to transit or access to opportunity. For modeling purposes, a series of specific Growth Geographies were established to further define the overall definition of Growth Geographies (GG) adopted by the Commission and Executive Board in September 2020 (mapped in Figure 13 of the Plan Bay Area 2050 [Map 1-1] Forecasting and Modeling Supplemental Report). Specifically, the Plan Bay Area 2050, Forecasting and Modeling Report, identifies Growth Geography (GG) that are areas including locally designated PDAs and Priority Production Areas (PPAs), as well as Transit-Rich Areas (TRAs) served by BART or Caltrain Baby Bullet routes. In cities that have nominated less than 50 percent of the land within their boundaries eligible for designation as a PDA, these areas also include: all TRAs not included in a PDA including both High-Resource Areas (HRAs) and places outside HRAs; and HRAs that are outside of a TRA but within ¼ mile of a bus stop with 16- to 30-minute peak period headways. As shown in Attachment A, Figure 4b, Forecasted Development 2050, the Project Site falls within a TRA/HRA under the Plan Bay Area 2050. Therefore, the Project and the Project Site are consistent with ABAG's forecasted development pattern for the region, including the general use designation, density, building intensity, and applicable policies specified for the area.</p> <p>The Project is also consistent with the goals and policies in Plan Bay Area 2040 and Plan Bay Area 2050, as outlined in Attachment B. As such, the Project is consistent with this criterion.</p>		
<p>PRC § 21155(b). To be considered a Transit Priority Project (TPP), as defined by § 21155(b), the project must meet all of the following criteria. A TPP shall:</p>	Consistent?	
<p>(1) Contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;</p> <p>The Project would demolish the existing car wash and associated surface parking area on the Project Site. In its place, the Project would construct a 6-story apartment building with a total floor area of 88,087 square feet and 59 affordable housing units. Of the 88,087 square feet, 2,630 square feet is proposed for ground-floor commercial/office uses. Thus, 85,457 square feet, or approximately 97 percent of the Site is proposed for residential uses. In addition, the onsite FAR would be 3.48:1, which greater than the required 0.75 FAR. As such, the Project is consistent with this criterion.</p>	Yes	No
	X	

<p>(2) Provide a minimum net density of at least 20 dwelling units per acre; and</p> <p>The Project would develop the approximately 25,300 square feet (0.58-acre) Project Site with 59 residential units. Pursuant to Chapter 18.22 (Regulations for Various Mixed Use Combining Zoning Districts) of the Santa Clara City Code, development located within the VHDMU zone, which the development will be utilizing under AB 3194 (2018), is permitted at a maximum density of 120 dwelling units per acre or 70 dwelling units on the 0.58-acre Project Site.</p> <p>The Project is providing a total of 59 dwelling units on the 0.58-acre Project Site, or a total density of 101.7 dwelling units per acre. As such, the Project is consistent with this criterion.</p>	<p>X</p>	
<p>(3) Be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in PRC Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one half mile from the stop or corridor.</p> <p>The applicable regional transportation plan is the ABAG Plan Bay Area 2040. PRC Section 21064.3 defines a major transit stop as a site containing any of the following: (a) An existing rail or bus rapid transit station; (b) A ferry terminal served by either a bus or rail transit service; or (c) 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. ABAG defines peak hours as between 6 AM and 9 AM and between 3 PM and 6 PM.⁵ As described below, the Project Site is located within one-half mile of an existing major transit stop.</p> <p><u>Major Transit Stop</u></p> <p>The entirety of the Project Site is located within approximately 200 feet west of the existing Stevens Creek Boulevard/Saratoga Avenue VTA Bus Stop No. 60583, near the intersection of Stevens Creek Boulevard and Saratoga Avenue and served by VTA Bus Line Route 23.</p> <p>VTA Route 23 runs between De Anza College in Cupertino and Alum Rock Station in San Jose via Stevens Creek Boulevard. Landmark stops include Cupertino High School, Santana Row, Westfield Valley Fair, San</p>	<p>X</p>	

⁵ Association of Bay Area Governments (ABAG). 2013. Plan Bay Area 2040 – Glossary. Adopted 2017, accessed September 23, 2021.

<p>Jose Convention Center, San Jose City Hall, San Jose State University, and the Mexican Heritage Plaza.⁶ The VTA Route 23 rims along Stevens Creek Boulevard with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.⁷</p> <p>Additionally, other regular bus routes in the area include VTA Rapid Bus Line 523, and Local Bus 61.</p> <p><u>High-Quality Transit Corridor</u></p> <p>As described above, the Project Site is located on Stevens Creek Boulevard, near the Stevens Creek Boulevard/Saratoga Avenue bus stop and the intersection of Stevens Creek Boulevard and Saratoga Avenue. This portion of Stevens Creek Boulevard has been designated as a High-Quality Transit Corridor and within a TPA by ABAG/MTC Plan Bay Area 2040 and Plan Bay Area 2050. Furthermore, the Project Site is located within the Stevens Creek Boulevard Focus area, which is an area that reflect higher densities, mixed-uses, and a higher proportion of housing and employment growth in urban areas, particularly near transit stations and along transit corridors as well as in town centers.⁸</p> <p>The Project Site is therefore located within one-half mile of a high-quality transit corridor. As such, the Project is consistent with this criterion.</p>		
<p>PRC § 21155.1(a). The TPP complies with all of the following environmental criteria:</p>	<p>Consistent?</p>	
<p>(1) The TPP and other projects approved prior to the approval of the TPP but not yet built can be adequately served by existing utilities, and the TPP applicant has paid, or has committed to pay, all applicable in-lieu or development fees.</p> <p>A considerable increase in demand for services or utilities would not be anticipated with the implementation of the Project since it is located in an existing heavily urbanized location served by existing public utilities and services. The Santa Clara Valley Water District (SCVWD) provides water and sewer service, Silicon Valley Power (SVP) provides electric service, and the City of Santa Clara provides solid waste collection to the Project Site. Pacific Gas and Electric (PG&E) provides natural gas services to the City and would be expected to serve the Project Site. AT&T and Comcast would be the cable television, telephone, and fiber providers for the Project Site.</p> <p>In compliance with locally administered laws and ordinances, the California Department of Real Estate has approved a Master Geographic</p>	<p>Yes</p>	<p>No</p>
	<p>X</p>	

⁶ Santa Clara Valley Transportation Authority (VTA). 2019. Route 23 Map. Effective December 28, 2019, accessed https://www.vta.org/sites/default/files/images/2019-12/23_combined.jpg.

⁷ Ibid.

⁸ Association of Bay Area Governments (ABAG). 2013. Plan Bay Area 2040 – Glossary. Adopted 2013, accessed September 23, 2021.

Letter (MGL) (Attachment C1) for the City of Santa Clara. The MGL allows cities and counties to avoid the need for individual clearance letters in connection with subdivision map requests. Conditions for approval listed in the MGL include utility service, including sanitary sewers, domestic water systems, storm sewers and ditches, and electric utilities. Based on this letter, there is sufficient capacity to provide water and sewer service to the Project Site (Attachment C1).

In addition, SCVWD's Water Supply Master Plan 2040, which accounts for existing development within the water service area as well as projected growth through the year 2040, concludes that SCVWD would meet all new domestic demand for water due to projected population growth through the year 2040 with implementation of all anticipated water supply projects.⁹ Furthermore, the Project and other proposed projects would be required to comply with numerous water conservation regulations contained in the Santa Clara City Code (SCCC) and with the California Green Building Standards Code, which contain standards designed for efficient water use. Specifically, the Project, with inclusion of the required water conservation features, will use approximately 85.3 gallons per day (gpd) per unit (Attachment D2). As calculated in the CEQA SCPE Energy & Water Efficiency Compliance Memorandum, the average per unit water uses for the City of Santa Clara from 2019-2020 was 150.6 gallons per household per day. Therefore, the per household water usage for the Project would be approximately 38.6 percent less than the average household.¹⁰

SCVWD's review considers the Project demands on the infrastructure in conjunction with existing conditions and forecasted growth. In addition, the City's 2020 Urban Water Management Plan addresses the facility needs of the City's wastewater program, recycled water, and urban runoff/stormwater management through the year 2045.

As it relates to wastewater, the 2020 Urban Waste Management Plan guides the City and SCVWD on implementing decisions that would include system improvements and expansions, as well as maintenance and reuse of wastewater within its collection and treatment facilities.

The 2020 Urban Water Management Plan concludes that based on the design capacities and the projected future flows of each water reclamation plant within the City through year 2045, all existing water reclamation plants would have sufficient capacity to manage projected wastewater flows. As such, the Project as well as other projects within the City could be served by the existing sewer infrastructure.¹¹

Stormwater collection and infrastructure would be provided by the City of

- 9 SCVWD, 2019. Santa Clara Valley Water District Water Supply Master Plan 2040. Adopted November 2019, accessed October 19, 2021 at https://www.valleywater.org/sites/default/files/Water%20Supply%20Master%20Plan%202040_11.01.2019_v2.pdf.
- 10 Based on household size of 2.51 persons per household, and City of Santa Clara 2020 Urban Water Management Plan R-GPCD Gallons Per Capita Per Day of 60 x 2.51 occupants per multi-family; the average water usage is 150.6 gallons per day per household.
- 11 City of Santa Clara, 2021. 2020 Urban Water Management Plan. Adopted June 22, 2021, accessed October 19, 2021 at <https://www.santaclaraca.gov/home/showpublisheddocument/74073/637606452907100000>.

Santa Clara. In terms of stormwater runoff, the Project would actually be expected to decrease the amount of runoff that would flow to nearby storm drains due to inclusion of Low Impact Development (LID) best management practices (BMPs) to capture some of the stormwater. In addition, per City requirements, the Project would be required to comply with the City of Santa Clara Department of Public Works Green Stormwater Infrastructure (GSI) Plan and the City's LID Ordinance to treat stormwater for pollutants and control runoff at buildout. Therefore, the Project would not create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage system.

Silicon Valley Power (SVP) would provide electric service to the Project Site. Since the Project is located in an urbanized area with high-density uses, there would be no need for additional construction of electrical utilities or power lines. Furthermore, energy efficient measures proposed for the Project include high performance low-e windows, wood framed walls with R-21 batt insulation, wood framed roof with R-38 batt insulation, certified high-reflectance cool roof, central water heating system, reduced wattage from light-emitting diode (LED) lighting fixtures, and low-flow toilets, sinks, and plumbing fixtures (Attachment D2). SVP provided a will-serve letter on October 8, 2021, that indicates that the company has sufficient infrastructure to support the Project (Attachment C4).

Pacific Gas and Electric (PG&E) would be the gas provider for the Project. A gas meter shall be provided for the back of house and central domestic and space heating systems and located on the ground floor parking structure in a dedicated room as outlined by the gas company rules and regulations. Final determination of gas pressure will be applied for and approved by PG&E.

With regard to electrical service, SVP's most recently adopted Integrated Resource Plan¹² identifies adequate resources (natural gas, coal) to support future generation capacity through 2030. Projections for energy efficiency improvements and economic growth which includes construction projects are also provided within the Integrated Resources Plan. Therefore, electricity usage resulting from the future operation of the Project is accounted for in SVP's projections. Furthermore, the Project will be required to incorporate energy conservation features and comply with applicable regulations, including the California Green Building Standards (CALGreen) Code and State energy standards under Title 24, as necessary. As such, based on SVP's 2018 Integrated Resource Plan, the Project can be served by the existing and planned electrical service.

With regard to natural gas, the 2020 California Gas Report presents a comprehensive outlook for natural gas requirements and supplies for California through the year 2035.¹³ As stated therein, the California Energy and Electric Utilities, a collective of California's utility companies,

12 SVP, 2018. 2018 Integrated Resource Plan. Adopted November 12, 2018. Accessed October 19, 2021 at <https://www.siliconvalleypower.com/home/showpublisheddocument/62481/637268684502400000>.

13 California Gas and Electric Utilities, 2020. 2020 California Gas Report. Available at: https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf, accessed October 19, 2021.

<p>estimates natural gas supplies within PG&E’s planning area. As with SVP’s 2018 Integrated Resource Plan discussed above, the 2020 California Gas Report considers changing economics and demographics and trends in growth in various market sectors to plan for future natural gas supplies and infrastructure. Therefore, natural gas usage resulting from future operation of the Project as well as other nearby projects is accounted for in the PG&E projections. Furthermore, as specifically discussed in the 2020 California Gas Report, PG&E projects total gas demand to decline from 2020 to 2035 due to modest economic growth, the California Public Utilities Commission mandated energy efficiency standards and programs, tighter standards created by revised Title 24 Codes and Standards, renewable electricity goals, the decline in commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure. Consistent with this forecast, pursuant to City and state requirements, the Project would incorporate energy conservation features and comply with applicable regulations, including the CALGreen Code and State energy standards under Title 24 that would continue to reduce the use of natural gas. As such, based on the 2020 California Gas Report, the Project could be served by the existing and planned natural gas service.</p> <p>Regarding solid waste services, as required by City Ordinance No. 1947 (Accumulation, Transportation, and Disposal of Waste Matter), Project construction waste would be hauled by permitted haulers and taken only to City-certified construction and demolition processing facilities that are monitored for compliance with recycling regulations. In addition, during operation the Project would include an on-site recycling area or room of specified size. The Project would also comply with State and local solid waste reduction and recycling regulations including AB 939, AB 341, AB 1826, and the City’s waste diversion goals.</p> <p>In addition, the Project would be required to pay all applicable permit and development fees pursuant to code requirements and conditions of the Project. The applicable fees include but are not limited to the Santa Clara Unified School District fee in compliance with Senate Bill 50 and parks and recreation fees pursuant to the Quimby Act. Thus, the Project meets this criterion.</p>		
<p>(2) The site of the TPP does not contain wetlands or riparian areas, does not have significant value as a wildlife habitat, and implementation of the project would not harm protected species.</p> <p>The Project is situated in an urban, fully developed mixed-use corridor, adjacent to a large boulevard, and nearby multiple employment centers. The Project Site is currently developed with an existing one-story structure and associated surface parking.</p> <p>Review of the United States Fish and Wildlife Service’s National Wetlands Inventory identified no protected wetlands in the vicinity of the Project Site and the Project Site is not located within a riparian area.¹⁴ The nearest</p>	<p>X</p>	

14 U.S. Fish and Wildlife Service, 2021. National Wetlands Inventory, Wetlands Mapper. Available at: www.fws.gov/wetlands/Data/Mapper.html, accessed September 24, 2021.

<p>body of water is the Saratoga Creek, approximately 1.25 miles northwest and downhill from the Project Site. Furthermore, as the Project Site is fully developed, there are no open spaces with water courses such as streams or lakes within or adjacent to the Project Site, and the Project Site and vicinity do not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act. Therefore, the Project would not have a substantial adverse effect on wetlands, riparian habitat, or other sensitive natural communities identified in federal, state, or local plans, policies, and regulations.</p> <p>An unmaintained street planter fronts the Project Site along the southern and western boundary and contains ruderal/weedy species. Shrubs are located on the southwest corner of the Project Site and wrap around the site along a portion of the western boundary. Ornamental vines cover a stem wall located along the eastern property boundary. Ornamental trees and shrubs occur along the northern boundary of the Project Site and appear to provide visual screening between the site and a concrete block stem wall that forms the property boundary with the multifamily building to the north. Pursuant to Santa Clara City Code Chapter 18.88 (Landscape Permit Provisions), all trees and shrubs planned for removal would require a written permit from the superintendent of streets. As discussed in Attachment F, consistent with Plan Bay Area 2050 Mitigation Measures 2.9-1(a) through 2.10-5 included in Plan Bay Area 2040 Final Program EIR, the removal or pruning of trees would occur in accordance with the MBTA and state and local requirements. Thus, the Project would not harm any species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act [Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code], or the California Endangered Species Act [Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code], and, therefore, meets this criterion.</p>		
<p>(3) The site of the TPP site is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.</p> <p>Government Code Section 65962.5 requires the compilation of a list of hazardous materials sites, commonly referred to as the "Cortese List." Because the statute was enacted more than 20 years ago, some of its provisions refer to agency activities that were conducted many years ago and are no longer being implemented; in some cases, the information required to be compiled on the Cortese List does not exist. Those requesting a copy of the Cortese Lists are now referred directly to the appropriate information resources contained on internet websites hosted by the boards or departments referenced in the statute, including the Department of Toxic Substances Control's (DTSC's) online EnviroStor database and the State Water Resources Control Board's online GeoTracker database.¹⁵ EnviroStor and Geotracker each provide access</p>	<p>X</p>	

¹⁵ California Environmental Protection Agency (CalEPA). 2020. Background and History, Cortese List. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/Background/>, accessed September 24, 2021.

to detailed information on hazardous waste permitted sites and corrective action facilities, as well as existing site cleanup information. EnviroStor and Geotracker also provide information on investigation, cleanup, permitting, and/or corrective actions that are permitted, planned, being conducted, or have been completed under DTSC's and the Regional Water Quality Control Board's (RWQCB) respective oversight.

A Phase I Environmental Site Assessment (ESA) was prepared on April 29, 2021 for the Project Site by Partner Engineering and Science, Inc.¹⁶ Information regarding the 3941 Stevens Creek Boulevard parcel was acquired by reviewing the historical aerial photographs, Sanborn fire insurance maps, and field surveys. As part of the Phase I, local agencies were contacted to request any information related to hazardous materials on-, or in the immediate vicinity, of the Project Site. In addition, a Phase II ESA was prepared by Partner Engineering and Science, Inc. in July 2021 to provide additional information.¹⁷

According to the Phase I, the Project Site is not listed in the Cortese list. The Project Site is listed in the California Hazardous Waste Tracking System (HWTS), as a site that was permitted to operate as a generator of hazardous waste from approximately 1998 to 2007; however, no reportable quantity of waste was available, and no releases or violations are indicated. The Phase I concluded that based on the lack of listing in other databases indicating violations and/or a release, this listing is not expected to represent a significant environmental concern. The Phase I identified one recognized environmental condition (REC) on the Project Site, which was due to the nature of the site's previous auto-related operations, which may have included the use, storage, handling, and/or generation of hazardous materials and/or waste onsite. To determine the presence of such materials, shallow soil vapor sampling was completed at the Project Site on March 22, 2017. Results of the soil vapor sampling concluded that all soil vapor samples collected on the Project Site contained detectable concentration of dichlorodifluoromethane, freon 113, tetrachloroethene, toluene, 1,1,1-trichloroethane, 1,2,4-trimethylbenzene, and/or total xylenes, above the laboratory reporting limits; however, the detected concentration of analytes was reportedly well below the applicable residential and commercial/industrial land use environmental screening levels (ESLs). In addition, the survey determined the presence of a clarifier/separator, approximately 12 feet below ground surface. Due to the duration of auto related operations onsite, including seven-stage, below-grade clarifier, known detections, and limited information from previous environmental reports, the Phase I could not rule out the potential for additional impact to the subsurface beneath the Project Site and, as such, the historical use is considered a REC. The Phase I recommended further subsurface investigation in order to determine the presence or absence of soil, soil vapor, and/or

¹⁶ Partner Engineering and Science, Inc. 2021. Phase I Environmental Site Assessment Report for 3941 Stevens Creek Boulevard. Prepared April 29, 2021.

¹⁷ Partner Engineering and Science, Inc. 2021. Phase II Subsurface Investigation Report. For 3941 Stevens Creek Boulevard, Santa Clara CA. Prepared July 9, 2021.

<p>groundwater contamination due to the historical use of the site.</p> <p>Given the recommendation of the Phase I, a Phase II was prepared for the Project Site by Partner Engineering and Science, Inc. on July 9, 2021.¹⁸ According to the Phase II, seven soil and soil gas borings were taking during the investigation and seven soil samples were analyzed for volatile organic compounds (VOCs). Impacts from benzene were identified throughout the Project Site above the residential ESL and in the eastern portion of the site above the commercial/industrial ESL. In addition, 1,2-dibromethane and 1,4-dichlorobenzene were identified in the southeast corner of the site and ethylbenzene was detected in the northeast corner of the Project Site. The Phase II recommended the decommissioning and removal of the clarifier in accordance with local regulatory standards and the installation of a vapor barrier as a part of new construction activities.</p> <p>In addition to the Phase I and Phase II, a Preliminary Environmental Assessment (PEA) was completed for the Project Site in October 2021 (Attachment E3).¹⁹ The PEA reiterated the conclusion of the Phase II that the Project should include the removal of the existing clarifier on the property, as well as removal of soil in the surrounding area with post-remediation confirmatory gas sampling and inclusion of a sub-slab vapor barrier system.</p> <p>As a part of the Project, the Project Applicant will decommission and remove the existing clarifier onsite. During this process the soils surrounding the clarifier will be tested and removed as needed in accordance with local regulatory guidelines. In addition, a vapor barrier system will be installed to mitigate the potential for vapor intrusion. The vapor barrier would be designed to mitigate volatile organic compounds (VOCs) and follow up sampling would be required to evaluate the effectiveness of the mitigation efforts. Furthermore, the Project would incorporate passive design features (ground-level open podium style parking on lower level, and no residences on lower level) that would also help to mitigate any potential vapor intrusion. Implementation of these Project components would be done in compliance with regulatory standards, including coordination with the Santa Clara Building Division.</p> <p>While the Project Site is listed in the California HWTS, as discussed in the Phase I, it is not identified on the Cortese List and, therefore, is not on any list of hazardous waste sites pursuant to Section 65962.5 of the Government Code and would not result in a significant hazard to the public or environment. (Attachment E1, E2, and E3).</p>		
<p>(4) The site of the TPP is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future</p>	<p>X</p>	

¹⁸ Partner Engineering and Science, Inc. 2021. Phase II Subsurface Investigation Report prepared for 3941 Stevens Creek Boulevard, Santa Clara, California 92117. Partner Project Number 21-316150.3. Prepared July 9, 2021.

¹⁹ ESA, 2021. Preliminary Endangerment Assessment (PEA) prepared for CRP Affordable Housing and Community Development. October 2021.

<p>occupants to significant health hazards from any nearby property or activity.</p> <p>(a) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements;</p> <p>(b) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.</p> <p>As previously stated, a Phase I ESA, Phase II ESA, and PEA, included within Attachment E, were prepared for the Project Site. Information regarding the 3941 Stevens Creek Boulevard parcel was acquired by reviewing the historical aerial photographs, field surveys, database reviews, and previous soil vapor studies prepared for the Project Site. Previous uses of the Project Site and nearby properties were evaluated to identify any historically recognized environmental conditions, to determine the existence of hazardous substance releases on the Project Site, and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. The findings of these reports are summarized below.²⁰</p> <p><u>Site Reconnaissance</u></p> <p><u>3941 Stevens Creek Boulevard Phase I ESA (2021)</u></p> <p>A Phase I Environmental Site Assessment (ESA) was prepared on April 29, 2021 for the Project Site by Partner Engineering and Science, Inc.²¹ Information regarding the 3941 Stevens Creek Boulevard parcel was acquired by reviewing the historical aerial photographs, Sanborn fire insurance maps, and field surveys. As part of the Phase I, local agencies were contacted to request any information related to hazardous materials on-, or in the immediate vicinity, of the Project Site. In addition, a Phase II ESA was prepared by Partner Engineering and Science, Inc. in July 2021 to provide additional information.²²</p> <p>According to the Phase I, the Project Site is not listed in the Cortese list. The Project Site is listed in the California Hazardous Waste Tracking System (HWTS), as a site that was permitted to operate as a generator of hazardous waste from approximately 1998 to 2007; however, no</p>		
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²⁰ Note that the Sustainable Communities Project CEQA Exemption (specifically, Public Resources Code Section 21151.1(a)(4)) does not contemplate or require the preparation of a preliminary endangerment assessment pursuant to the requirements of Health & Safety Code Chapter 6.8, which is a distinct and unrelated statutory regime. This fact has been confirmed by the DTSC, which has noted that Public Resources Code Section 21151.1 does not envision any role or mandate any regulatory oversight by DTSC.

²¹ Partner Engineering and Science, Inc. 2021. Phase I Environmental Site Assessment Report for 3941 Stevens Creek Boulevard. Prepared April 29, 2021.

²² Partner Engineering and Science, Inc. 2021. Phase II Subsurface Investigation Report. For 3941 Stevens Creek Boulevard, Santa Clara CA. Prepared July 9, 2021.

reportable quantity of waste was available, and no releases or violations are indicated. The Phase I concluded that based on the lack of listing in other databases indicating violations and/or a release, this listing is not expected to represent a significant environmental concern. The Phase I identified one recognized environmental condition (REC) on the Project Site, which was due to the nature of the site's previous auto-related operations, which may have included the use, storage, handling, and/or generation of hazardous materials and/or waste onsite. To determine the presence of such materials, shallow soil vapor sampling was completed at the Project Site on March 22, 2017. Results of the soil vapor sampling concluded that all soil vapor samples collected on the Project Site contained detectable concentration of dichlorodifluoromethane, freon 113, tetrachloroethene, toluene, 1,1,1-trichloroethane, 1,2,4-trimethylbenzene, and/or total xylenes, above the laboratory reporting limits; however, the detected concentration of analytes was reportedly well below the applicable residential and commercial/industrial land use environmental screening levels (ESLs). In addition, the survey determined the presence of a clarifier/separator, approximately 12 feet below ground surface. Due to the duration of auto related operations onsite, including seven-stage, below-grade clarifier, known detections, and limited information from previous environmental reports, the Phase I could not rule out the potential for additional impact to the subsurface beneath the Project Site and, as such, the historical use is considered a REC. The Phase I recommended further subsurface investigation in order to determine the presence or absence of soil, soil vapor, and/or groundwater contamination due to the historical use of the site.

3941 Stevens Creek Boulevard Phase II Subsurface Investigation Report (2021)

Given the recommendation of the Phase I, a Phase II was prepared for the Project Site by Partner Engineering and Science, Inc. on July 9, 2021.²³ According to the Phase II, seven soil and soil gas borings were taking during the investigation and seven soil samples were analyzed for volatile organic compounds (VOCs). Impacts from benzene were identified throughout the Project Site above the residential ESL and in the eastern portion of the site above the commercial/industrial ESL. In addition, 1,2-dibromomethane and 1,4-dichlorobenzene were identified in the southeast corner of the site and ethylbenzene was detected in the northeast corner of the Project Site. The Phase II recommended the decommissioning and removal of the clarifier in accordance with local regulatory standards and the installation of a vapor barrier as a part of new construction activities.

Preliminary Endangerment Assessment for 3941 Stevens Creek Boulevard (2021)

In October 2021, a Preliminary Endangerment Assessment (PEA) was prepared for the Project Site. The PEA concluded that vapor intrusion of VOC's would result in potential health risks based on maximum site

²³ Partner Engineering and Science, Inc. 2021. Phase II Subsurface Investigation Report prepared for 3941 Stevens Creek Boulevard, Santa Clara, California 92117. Partner Project Number 21-316150.3. Prepared July 9, 2021.

concentrations for all contaminants of concern. As recommended within the Phase II ESA and PEA, the Project would remove the existing clarifier in accordance with local regulations. The contaminated soil on the Project Site would be removed and prior to construction of the new development, the Project would construct a sub-slab vapor barrier system, which would lower the risk of potential vapor exposure. In addition, the Project would incorporate passive design features (ground-level open podium style parking on lower level, and no residences on lower level) that would mitigate vapor intrusion.

Limited Soil – Vapor Sampling Assessment Report, Former Premier Carwash, 3941 Stevens Creek Boulevard, Santa Clara, California, IRC Environmental Consulting, LLC (March 22, 2017)

On February 8, 2017, IRC completed drilling and setting up soil vapor sampling points at 12 locations throughout the Project Site, at depths ranging from 2.65 to 5 feet below ground surface (bgs). Soil cuttings derived from the drilling, reportedly did not exhibit any odor, staining or discoloration. Furthermore, field screening of the soil cutting did not reveal any elevated levels of total VOCs.

Due to heavy rainy period, and after a three-week equilibrium period, the soil vapor was sampled from each sampling locations on March 2, 2017. The 12 soil vapor samples were analyzed for VOCs by EPA Method TO-15.

All soil vapor samples contained detectable concentration of dichlorodifluoromethane, freon 113, tetrachloroethene, toluene, 1,1,1-trichloroethane, 1,2,4-trimethylbenzene, and/or total xylenes, above the laboratory reporting limits; however, the detected concentration of analytes was reportedly well below the applicable residential and commercial/industrial land use screening levels.

Based on the analysis results, IRC concluded that it is unlikely that there are significant widespread concentrations of VOCs in soil vapor above environmental screening levels at the Project Site, and assuming no change in use or redevelopment plans, IRC recommended no additional investigation.

However, since the current soil vapor sampling was completed after a heavy rainy season, IRC stated that there is potential for higher concentration of contaminants to exist in soil vapor, if the soil vapor sampling was completed during a drier part of the year. In addition, IRC indicated that further subsurface investigations at the subject property may be warranted in the event of planned subsurface disturbance or change in use to more sensitive receptors.

Asbestos Containing Materials (ACM), Lead Based Paint (LBP), and Polychlorinated Biphenyl (PCB)

EnviroScience, Inc. (ESI) prepared an Inspection and Sampling Report for Suspect Asbestos-Containing Materials on January 7, 2018. The report was prepared to determine the extent of asbestos-containing

<p>materials (ACMs) present, if any, from the subject building.</p> <p>A total of 11 bulk asbestos samples were collected and analyzed using polarized light microscopy techniques. Samples consisted of joint compound and texture of interior walls, stucco of exterior walls, interior ceramic grout, carpet glue, wall mastic, window caulking, exterior tile grout, and exterior concrete.</p> <p>Analysis results indicated that none of the suspect ASMs analyzed contained any detectable asbestos fibers. Based on the results, ESI did not make any specific recommendations for asbestos removal at the Project Site.</p> <p><u>Historical Uses</u></p> <p><u>3941 Stevens Creek Boulevard Phase I ESA (2021)</u></p> <p>According to available historical sources, the Site was formerly undeveloped as early as 1889 and developed as agriculture land, orchard, between 1939 and 1953, including a building in 1953, likely farm-related. The Site was a vacant land in 1956, and by 1957, developed with a commercial real estate office building. By the early 1960s, the Site was developed as an auto wrecking yard (1961) and later as a used auto sales lot (1963-1982), likely associated with the east adjoining property, that was occupied by Century Chrysler Plymouth (1963-1975) and Camino Camper (1985-1991).</p> <p>The Site was again vacant land in 1993, the site was graded in 1995, and developed with the existing commercial building in 1996. Since development, the Project Site operated as a car wash. The Site was vacated in 2017 and has been unoccupied since then.</p> <p>Numerous automotive related businesses have operated on the subject property from at least 1961 to 2017, and as nature of the operation, various forms of hazardous materials and/or waste were likely stored, used, handled and/or generated onsite. Furthermore, previous water/sludge sampling completed in 2004, related to the onsite clarifier, and shallow soil vapor sampling completed in 2017, related to a potential real estate transaction, indicated the presence of petroleum hydrocarbon, metals and/or volatile organic compounds contaminants.</p> <p>Additionally, the parcel was historically used for agricultural purposes. There is a potential that agricultural related chemicals, such as pesticides, herbicides, and fertilizers may have been used and stored onsite. The subject property is either paved over or covered by building structures that minimize direct contact to any potential remaining concentrations in the soil. Additionally, during previous site development activities, near surface soils (where residual agricultural chemical concentrations would have most likely been present, if at all) were generally mixed with fill material or disturbed during grading.</p> <p>Also, it is common that engineered fill material is placed over underlying soils as part of the development activities. Furthermore, it is likely that</p>		
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<p>residual agricultural chemicals (if any) would have likely degraded since that site was last utilized for agricultural purposes. These additional variables serve to further reduce the potential for exposure to residual agricultural chemicals (if any). Based on these reasons, the former agricultural operations do not pose an environmental risk at this time.</p> <p>A review of all major governmental databases was conducted any information related to hazardous materials on, or in the immediate vicinity, of the Project Site. While results showed that nearby properties were listed in the regulatory databases, the Project Site itself was also identified in one regulatory database reviewed. Based on the review of all pertinent regulatory documents, reported release incidents that would represent RECs in connection with the site or a source of a release that would be likely to contribute to a vapor encroachment condition (VEC) was identified.</p> <p>As a part of the Project, the Project Applicant will decommission and remove the existing clarifier onsite. During this process the soils surrounding the clarifier will be tested and removed as needed in accordance with local regulatory guidelines. In addition, a vapor barrier system will be installed to mitigate the potential for vapor intrusion. The vapor barrier would be designed to mitigate volatile organic compounds (VOCs) and follow up sampling would be required to evaluate the effectiveness of the mitigation efforts. Furthermore, the Project would incorporate passive design features (ground-level open podium style parking on lower level, and no residences on lower level) that would also help to mitigate any potential vapor intrusion. Implementation of these Project components would be done in compliance with regulatory standards, including coordination with the Santa Clara Building Division.</p> <p>Therefore, with compliance with regulatory requirements and the Project components described above, implementation of the Project would not result in impacts pertaining to the release of or exposure to hazardous substances. Furthermore, the analysis and conclusions of the Phase I ESA and Phase II ESA fully address and resolve the hazards-related analysis required by this criterion: namely, the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. Therefore, the Project meets this criterion (Attachment E1 and E2).</p>		
<p>(5) The TPP does not have a significant effect on historical resources pursuant to Section 21084.1.</p> <p>A Cultural Resources Study for the Project was prepared by Eileen Barrow, M.A./R.P.A of Tom Oringer and Associates on September 15, 2021 (Attachment G), to identify historical resources on and in the vicinity of the Project Site to assess any potential impacts the Project may have</p>	<p>X</p>	

<p>on identified historical resources.²⁴</p> <p>According to the Study, there are two buildings onsite with the addresses of 3939 Stevens Creek Boulevard and 3911 Stevens Creek Boulevard. The first building (3939 Stevens Creek Boulevard) was constructed in 1962 and is a rectangular building constructed of concrete blocks. The front (south side) of the building was once all glass windows; however, these have been covered with wood.</p> <p>Although it is on a separate parcel, the second building (3911 Stevens Creek Boulevard) is a two-story building connected to the east side of the first building and is curved to match the curve of the front of the parcel. The façade is covered with a combination of stone and brick. The front of the bottom story is a combination of glass doors and large glass windows. There is a ribbon of single paned windows across the majority of the second story. County records state that this building was constructed in 1966.</p> <p>Behind the main building at 3939 Stevens Creek Boulevard is a narrow rectangular building with several open bays. This building is also constructed with concrete blocks, but the exterior is covered with tiles. This building and the front building are connected by a breezeway.</p> <p>Historical research of the property at 3939 Stevens Creek Boulevard showed that the building was constructed in 1962. Research was limited because Santa Clara County departments were closed due to COVID. Newspaper advertisements suggest that the first business in the building was a car dealership and a driving school (Los Gatos Times-Saratoga Observer 1964). It appears that between 1970 and 1987 the property was an RV dealership (Santa Cruz Sentinel 1987). For a brief time in the early 1990s, it housed a specialty rug store (San Francisco Examiner 1994). In at least 2007 and 2008, the location was used as a Hummer dealership (San Francisco Examiner 2007, 2008). A music store currently occupies the building.</p> <p>The building on the Project Site and nearly all of the buildings surrounding the Site are modern and are too young to be considered potentially eligible for inclusion on the California or National registers.</p> <p>For purposes of the National Register, the importance of a resource is evaluated in terms of criteria put forth in 36CFR60 (see below). Eligibility criteria for the California Register (Title 14 CCR, §4852) are very similar; and is thereby not presented within the Cultural Resources Study (Appendix G). The quality of significance is present in properties that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:</p> <ul style="list-style-type: none"> A. That are associated with events that have made a significant contribution to the broad patterns of our history; or B. That are associated with the lives of persons significant in our 		
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²⁴ Barrow, E. 2021. Cultural Resources Study for The Meridian Project 3941 Stevens Creek Boulevard Santa Clara, Santa Clara County, California Prepared by: Eileen Barrow, M.A./R.P.A. Tom Origer & Associates. Prepared for: CRP Affordable Housing & Community Development on September 15, 2021.

<p>past; or</p> <p>C. That embody the distinct characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or</p> <p>D. That have yielded or may be likely to yield, information important in prehistory or history.</p> <p>The only buildings that meet the age threshold for consideration to the California or National registers are the buildings at 3939 and 3911 Stevens Creek Boulevard, which were constructed in 1962 and 1966, respectively.</p> <p>Although these buildings could be considered important under the context of post-World War II development, these buildings are not associated with the history of the City of Santa Clara in an individually significant way and so they do not meet Criterion A of the National Register (or Criterion 1 of the California Register). The buildings are not associated with any people important to the history of Santa Clara; therefore, they do not meet Criterion B of the National Register (or Criterion 2 of the California Register). The buildings are not distinctive architecturally and so do not meet Criterion C of the National Register (Criterion 3 of the California Register). The buildings have not yielded or may be likely to yield, important information regarding prehistory or history and so do not generally meet Criterion D of the National Register (Criterion 4 of the California Register).</p> <p>Therefore, the Project would not materially alter in an adverse manner the known historical resources per Section 15064.5(b) of the CEQA Guidelines. Therefore, the Project meets this criterion.</p>		
<p>(6) The TPP site is not subject to any of the following:</p> <p>(a) A wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.</p> <p>As described above and recognized in the Plan Bay Area 2040, the Project Site is located in a highly urbanized area of the City. The Project Site is not located within a Very High Fire Hazard Severity Zone pursuant to the CALFIRE, nor has the Site been designated as fire hazard or other hazard zone within the City General Plan.^{25,26} Therefore, the Project Site is not subject to a wildland fire hazard, and the Project meets this criterion.</p> <p>(b) An unusually high risk of fire or explosion from materials stored or used on nearby properties;</p>	<p>X</p>	

25 California Department of Forestry and Fire Protection (CalFire). 2008. Very High Fire Hazard Severity Zones in LRA as Recommended by CalFire, Santa Clara County. Adopted October 8, 2008.

26 City of Santa Clara. 2014. City of Santa Clara General Plan, Chapter 5. Adopted December 9, 2014. Accessed September 24, 2021.

As concluded by the Phase I ESA, there are a limited number of sites of environmental concern in the Project vicinity; however, due to the distance to the Project Site and the lack of evidence regarding prior releases of hazardous materials, the risk of release of hazardous materials from these identified sites is considered unlikely. Accordingly, the Project Site is not subject to an unusually high risk of fire or explosion from materials stored or used on nearby properties or a risk of public health hazard in excess of federal or state standards. Therefore, the Project meets this criterion.

(c) Risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.

The Phase I ESA, prepared for the Project identified the Project Site as listed in the California Hazardous Waste Tracking System (HWTS), as a site that was permitted to operate as a generator of hazardous waste from approximately 1998 to 2007; however, no reportable quantity of waste was available, and no releases or violations are indicated (Attachment E1). As noted above, the Project would remove the existing clarifier in accordance with local regulations. The contaminated soil on the Project Site would be removed and prior to construction of the new development, the Project would construct a sub-slab vapor barrier system, which would lower the risk of potential vapor exposure. In addition, the Project would incorporate passive design features (ground-level open podium style parking on lower level, and no residences on lower level) that would mitigate vapor intrusion. Thus, the potential for risk of fire or explosion during construction is not anticipated. Furthermore, the Project proposes residential and ground-floor commercial uses that typically are not known for the use or storage of hazardous materials. Should hazardous materials be used or stored onsite, they would be required to comply with existing regulatory standards. Therefore, the Project would not result in public health exposure at a level that would exceed the standards established by any state or federal agency, and, thus, meets this criterion.

(d) Seismic risk as a result of being within a delineated earthquake fault zone, as determined pursuant to Section 2622, or a seismic hazard zone, as determined pursuant to Section 2696, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.

As discussed in the Geotechnical Engineering Investigation prepared for the Project by CTE Cal, Inc. in September 2021 (Attachment H), the Project Site is not located within a currently established Alquist-Priolo Earthquake Fault Zone or a fault zone mapped by the State Geologist pursuant to the Seismic Hazard Mapping Act.²⁷ Additionally, the Project Site is not located approximately eight miles away from the nearest fault,

²⁷ California Department of Conservation. 2021. Earthquake Zones of Required Investigation Website. Available at: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed September 24, 2021.

as identified in the City of Santa Clara General Plan.²⁸ No active faults are known to pass through the immediate Project vicinity. The closest active fault to the Project Site, the Hayward fault, is located approximately five miles east.²⁹ While blind thrust faults and others in the region do not present a potential surface rupture hazard at the Project Site, these faults are considered active features capable of generating future earthquakes that could result in moderate to significant ground shaking at the Project Site.³⁰

However, the Project would be required to comply with the existing building, grading, and seismic regulations of the Santa Clara City Code, which incorporates the Uniform Building Code (UBC) and California Building Code (CBC). In addition, the Project would be required to comply with Santa Clara City Code Chapter 15.15 (Building Code), which requires the Santa Clara Building Division to review and approve a final design-level geotechnical report for the Project prior to the issuance of grading permits. Furthermore, the final geotechnical report would incorporate the building design recommendations contained in the existing geology report prepared for the Project.

Because the Project Site is not located within a designated earthquake fault or seismic hazard zone, the Project would not result in seismic risk as a result of being within a delineated earthquake fault zone or a seismic hazard zone, and the Project meets this criterion.

(e) Landslide hazard, flood plain, flood way, or restriction zone unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

The Project Site is not within a landslide zone, a fault rupture zone, or a tsunami inundation zone.^{31,32} The Project Site is not located in a dam inundation or special flood hazard area according to the Santa Clara General Plan.³³

Although the Project is located within a liquefaction zone as identified within the Santa Clara General Plan, according to the Geotechnical Engineering Investigation (Appendix H), groundwater levels in the vicinity of the Project Site are estimated to be approximately 45 to 60 feet below existing grade. Nevertheless, the Project Applicant would include a non-liquefiable capping layer to prevent surface manifestation of any potential

28 City of Santa Clara. 2014. City of Santa Clara General Plan, Chapter 5. Adopted December 9, 2014. Accessed September 24, 2021.

29 City of Santa Clara. 2014. City of Santa Clara General Plan, Figure 5.10-2. Adopted December 9, 2014. Accessed September 24, 2021.

30 CTE Cal, Inc. 2021. Geotechnical Engineering Investigation for the Meridian, 3941 Stevens Creek Boulevard Santa Clara, California 95051, CTE Job No. 60-1002G, September 13, 2021.

31 California Department of Conservation. 2021. California Tsunami Maps and Data. Available at <https://www.conservation.ca.gov/cgs/tsunami/maps>, accessed September 24, 2021.

32 California Department of Conservation. 2021. Earthquake Zones of Required Investigation Website. Available at: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed September 24, 2021.

33 City of Santa Clara. 2014. City of Santa Clara General Plan, PDF page 91. Adopted December 9, 2014. Accessed September 24, 2021.

<p>liquefaction that occurs below 60 feet.</p> <p>Additionally, according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel #06085C0228H, the Project Site is located outside of any Special Flood Hazard Areas (SFHAs) and is identified as being within Zone X, which are areas determined to be outside of the 0.2 percent annual change floodplain.³⁴ Furthermore, based on the Phase I ESA, no wetlands were identified at the Project Site or adjoining/immediately surrounding properties and, therefore, the risk of flooding from a seismically induced seiche is remote. Therefore, the Project would not result in landslide hazard, flood plain, flood way, or restriction zone impacts, and the Project meets this criterion.</p>		
<p>(7) The TPP site is not located on developed open space.</p> <p>(a) For the purposes of this paragraph, “developed open space” means land that meets all of the following criteria:</p> <ul style="list-style-type: none"> i. Is publicly owned or financed in whole or in part by public funds. ii. Is generally open to, and available for use by, the public. iii. Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ballfields, enclosed play areas, and picnic facilities. <p>The Project Site does not meet all of the "developed open space" criteria above, as it is entirely privately owned, and not open to or available for use by the public. The Project Site is also designated and zoned for Very High Density Mixed uses and is not designated or zoned for open space purposes.³⁵ Moreover, the Project Site is currently developed with an existing structure and associated parking area, which is fenced off and not accessible to the public. While there is minimal landscaping, it is provided for the private use of the adjacent residential and commercial uses and does not contain active or passive recreational facilities that are open to the public. Surrounding properties share the same land use and zoning designations as the Project Site and are built out with residential and commercial uses. The nearest park to the Project Site is Parkway Park, approximately 0.4 miles northeast of the Project Site. Therefore, the Project Site is not located on developed open space, and the Project meets this criterion.</p>	<p>X</p>	
<p>(8) The buildings in the TPP are 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations, and the buildings and landscaping are designed to achieve 25 percent less water usage than the average household</p>	<p>X</p>	

³⁴ Federal Emergency Management Administration (FEMA). 2021. FEMA’s National Flood Hazard Layer (NFHL) Viewer. Available at <https://www.fema.gov/flood-maps>, accessed September 24, 2021.

³⁵ City of Santa Clara. 2021. MAP Santa Clara – Property Report for 3941 Stevens Creek Boulevard. Available at <https://map.santaclaraca.gov/public/index.html?viewer=regional>, accessed September 24, 2021.

<p>use in the region.</p> <p>As shown by the CEQA SCPE Energy & Water Efficiency Compliance Memo prepared for the Project (Attachment D2), the Project's energy use would be 15.1 percent less than the standards required by Title 24, Part 6 (2019). Moreover, the Project's water use per household would be 38.6 percent below the regional baseline for the City of Santa Clara (150.6 gallons per household). The Project would achieve its energy efficiency through the implementation of multiple measures including, but not limited to, enhanced exterior wall and roof insulation, high-reflectance roofing, central water heating systems, light-emitting diode (LED) lighting, and low-flow plumbing fixtures. The Project would achieve its water efficiency through multiple measures including high efficiency water-using appliances such as clothes washers and dishwashers, and efficient irrigation systems in compliance with the California Green Building Code. Thus, the Project meets this criterion.</p>		
<p>PRC § 21155.1(b). The TPP complies with all of the following land use criteria:</p>	Consistent?	
	Yes	No
<p>(1) The site of the TPP is not more than eight acres in total area.</p> <p>The Project would develop a 59-unit apartment building on a 25,300 square foot lot (0.58-acre). Therefore, the Project Site is less than eight acres in total area, and the Project meets this criterion.</p>	X	
<p>(2) The TPP does not contain more than 200 residential units.</p> <p>The Project would develop exactly 59 residential units. Therefore, the Project would not contain more than 200 residential units and meets this criterion.</p>	X	
<p>(3) The TPP does not result in any net loss in the number of affordable housing within the project area.</p> <p>The Project Site is currently improved with an existing structure that contains vacant commercial space and an associated parking area. The Project would provide 59 affordable housing units for Very Low Income households, subsequently resulting in a net increase in the number of affordable housing units in the Project area. Therefore, the Project meets this criterion.</p>	X	
<p>(4) The TPP does not include any single level building exceeding 75,000 square feet.</p> <p>The Project would include 88,087 square feet in the new 6-story building. The largest level would be approximately 18,325 square feet. Therefore, the Project does not include any single-level building exceeding 75,000 square feet and meets this criterion.</p>	X	
<p>(5) Any applicable mitigation measures or performance standards or criteria set forth in the prior environmental impacts, and adopted in findings, have been or will be incorporated into the</p>	X	

<p>TPP.</p> <p>There are no prior EIRs, or other environmental documents prepared specifically for the Project Site. The most relevant prior EIR for the Project is the ABAG Plan Bay Area 2040 Program EIR (2040 PEIR), which was adopted in July 2017, and the ABAG Plan Area 2050 Program EIR (2050 PEIR), which was adopted in October 2021. The 2040 and 2050 PEIRs include Mitigation Monitoring and Reporting Programs (MMRP), which provides a list of mitigation measures ABAG determined a lead agency can and should consider, as applicable and feasible, where the agency has identified that a project has the potential for significant effects.^{36,37}</p> <p>While the ABAG mitigation measures should only be applied to projects that have the potential for significant effects, a discussion of applicability of these measures is contained in Attachment F. As described therein, many of the mitigation measures identified by ABAG would not apply to the Project and, therefore, would not be incorporated. In addition, as discussed in Attachment F, the Project will already substantially comply with a number of the MMRP's mitigation measures through its required compliance with various State, regional, and local regulatory requirements, as well as its implementation of various conditions of approval. The Plan Bay Area 2040 and 2050 PEIR MMRPs also include various mitigation measures at the regional level that would be implemented by ABAG and are therefore not discussed in Attachment F.</p>		
<p>(6) The TPP is determined not to conflict with nearby operating industrial uses.</p> <p>According to MAP Santa Clara, there are no parcels near the Project Site that are zoned for industrial use.³⁸ An aerial review of land uses on Google Maps revealed that this area is comprised of a mix of uses, including commercial development, residential uses, and mixed-use development.</p> <p>As described above, uses to the south, across Stevens Creek Boulevard, are zoned General Commercial (GC) and Neighborhood Commercial (CN). Uses to the east, are zoned Thoroughfare Commercial (CT). Uses to the west, across Buckingham Drive, are zoned Planned Development (PD). Land uses located to the north, is zoned Moderate Density Multiple Dwelling (R3-25D). Given the nearby uses, there is no significant potential for a land use or operational conflict occurring between the Project and nearby operating industrial uses. Accordingly, the Project would not conflict with any nearby operating industrial uses and meets this criterion.</p>	<p>X</p>	

³⁶ Association of Bay Area Governments (ABAG). 2013. Plan Bay Area 2040. Adopted 2017, accessed September 23, 2021.

³⁷ Association of Bay Area Governments (ABAG). 2013. Plan Bay Area 2040 – Final EIR Appendix A. Adopted 2013, accessed September 23, 2021.

³⁸ City of Santa Clara. 2021. MAP Santa Clara – Property Report for 3941 Stevens Creek Boulevard. Available at <https://map.santaclaraca.gov/public/index.html?viewer=regional>, accessed September 24, 2021.

<p>(7) The TPP is located within one-half mile of a rail transit station or a ferry terminal included in a RTP or within one-quarter mile of a high-quality transit corridor included in an RTP.</p> <p>As noted above, the Project Site is located on Stevens Creek Boulevard, near the Stevens Creek Boulevard/Saratoga Avenue bus stop and the intersection of Stevens Creek Boulevard and Saratoga Avenue. This portion of Steven's Creek Boulevard has been designated as a High-Quality Transit Corridor and within a TPA by ABAG/MTC Plan Bay Area 2040 and Plan Bay Area 2050. Therefore, the Project Site satisfies this criterion.</p>	<p>X</p>	
<p>PRC § 21155.1(c). The TPP complies meets at least one of the following three criteria:</p>	<p>Consistent?</p>	
	<p>Yes</p>	<p>No</p>
<p>(1) The TPP meets both of the following:</p> <ul style="list-style-type: none"> (a) At least 20 percent of the housing would be sold to families of moderate income, or not less than 10 percent of the housing would be rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income. (b) The TPP developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing. Rental units shall be affordable for at least 55 years. Ownership units shall be subject to resale restrictions or equity sharing requirements for at least 30 years. <p>(2) The transit priority project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to paragraph (1).</p> <p>(3) The transit priority project provides public open space equal to or greater than five acres per 1,000 residents of the project.</p> <p>In accordance with criterion 1, the Project would provide 100 percent of its total units (59 affordable units of 59 total units) to families of Very Low Income. Pursuant to SB 1818 (Government Code Section 65915), Santa Clara City Code Chapter 17.40 (Citywide Affordable Housing Requirements), and the Project's conditions of approval, the Applicant shall record a covenant against the Project Site ensuring the continued availability and use of the Project's 59 Very Low Income units for a period of at least 55 years. Therefore, the Project meets this criterion.</p>	<p>X</p>	

