Addendum No. 1 to the Freedom Circle Focus Area Plan/ Greystar Project General Plan Amendment EIR

State Clearinghouse (SCH) #2020060425

The following Addendum has been prepared in compliance with CEQA.

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1.0 INTRODUCTION

This Addendum and the attached supporting documents have been prepared to document that the Final Environmental Impact Report (FEIR) for the Freedom Circle Future Focus Area and Greystar General Plan Amendment Project (2022, State Clearinghouse [SCH] No. 2020060425) adequately addresses the potential environmental impacts of the Santa Clara Park Apartment Community Project (Santa Clara Park [SCP] project), proposed in the City of Santa Clara, California, pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000, et seq.) and that no subsequent or supplemental EIR is required.

This Addendum provides an analysis of the environmental impacts evaluated in the 2022 EIR to determine whether new significant impacts or substantially more severe significant impacts would occur, or whether new mitigation measures would be required, in the event that the proposed changes to the Focus Area Plan are approved by the City.

2.0 PURPOSE OF ADDENDUM

On June 7, 2022, the City of Santa Clara (the "City") certified a FEIR (SCH No. 2020060425) prepared pursuant to CEQA for the Freedom Circle Focus Area and Greystar General Plan Amendment Project ("2022 EIR") by Resolution No. 22-9098, No. 22-9099, No. 22-9100, and No. 22-9101. The 2022 EIR analyzed the potential impacts of development anticipated by the Freedom Circle Focus Area Plan for the Freedom Circle Future Focus Area, a 108-acre area in the city of Santa Clara. The Freedom Circle Focus Area Plan designates the Freedom Circle area as a new "Future Focus Area" in the City's General Plan and makes changes to the City's General Plan Land Use Diagram that describe the future land uses anticipated in the Future Focus Area Plan Area.

The approved Focus Area Plan, encompassing an area with land use designations of Very High Intensity Office/Research and Development (R&D), High Intensity Office/Research and Development (R&D), Very High Density Residential with some Regional Commercial and Public/Quasi Public land uses, would allow development of up to 3,600 dwelling units (including the proposed Greystar project discussed below), 2,000,000 square feet of net new office space above the remaining 1,020,000 square feet of development currently allowed in the Plan Area, and 2,000 square feet of retail (on the Greystar project site), with additional land provided for public parks and open space (including the two-acre park proposed by the Greystar project). The Greystar project was also evaluated in the 2022 EIR, including the development of three buildings with 1,075 total residential units and 2,000 square feet of retail space, plus a two-acre park, on 13.3 acres in the Freedom Circle Plan Area. The Greystar project was approved on June 7, 2022, concurrently with the Freedom Circle Focus Area Plan.

CEQA Guidelines Section 15162(a) provides that once an EIR has been certified, no Subsequent EIR shall be prepared unless the lead agency determines, based on substantial evidence, one or more of the following:

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

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

- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

    - The project would have one or more significant effects not discussed in the previous EIR;

    - Significant effects previously examined would be substantially more severe than shown in the previous EIR;

    - Mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

    - Mitigation measures which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164(a) (Addendum to an EIR or Negative Declaration) states that the lead agency shall prepare an Addendum to a previously certified EIR if some discretionary changes or additions are necessary but none of the conditions described in Section 15162 (Subsequent EIRs and Negative Declarations) calling for preparation of a Subsequent EIR have occurred. Section 15164(d) provides that the decision-making body shall consider the Addendum in conjunction with the EIR prior to deciding whether to approve changes or additions to the project. Section 15164(e) requires the administrative record to include documentation of the decision ***not to prepare*** a Subsequent EIR pursuant to Section 15162.

The 2022 EIR anticipated and assumed the preparation and adoption of a "future planning document" (such as a specific plan) prior to new development or redevelopment in the Freedom Circle Future Focus Area (not including the Greystar project) in order to establish more detailed policies, regulations, and actions applicable to future development within the Future Focus Area. This is also a requirement of multiple General Plan policies, including 5.1.1-P8 ("Prior to approval of residential development for Phase III in any Future Focus Area, complete a comprehensive plan

for each area . . .") and 5.4.7-P1 ("Require the adoption of the comprehensive plan prior to any rezoning within that designated Future Focus Area"); and Goal 5.4.7-G1 ("All applicable prerequisites are met, and a comprehensive plan is adopted, prior to implementation of any Future Focus Area.").

At this time (2024), the City has not yet adopted a specific plan for the Freedom Circle Future Focus Area. Following the certification of the 2022 EIR and the approval of the Freedom Circle Focus Area Plan and Greystar General Plan Amendment Project, however, Irvine Company (applicant) submitted an application to the City to redevelop a 25.74-acre parcel of land in the central portion of the Freedom Circle Future Focus Area, currently developed with Office and R&D land uses, pursuant to a development plan to be adopted in accordance with the City's Planned Development zoning regulations ("PD Plan"). Although the General Plan currently requires a comprehensive plan be developed for the entire future focus area prior to rezoning and redevelopment, the proposed project would add a new policy to the Freedom Circle Focus Area Plan to allow the Santa Clara Park project to proceed under a plan specific to the project site. Thus, the proposed PD Plan would serve as the "future planning document" applicable to the project. Irvine Company proposes to redevelop the site to provide an apartment community. Because a residential development for the site is proposed, but a "future planning document" has not yet been adopted for the project site, the proposed Santa Clara Park Apartment Community Project (the Santa Clara Park [SCP] project) would represent a "change" to the previously approved 2022 project as evaluated in the 2022 EIR.

The proposed SCP project requires a discretionary approval by the City of Santa Clara, and CEQA requires that a lead agency must evaluate the environmental consequences of a discretionary approval before that approval is granted. To comply with CEQA, the City as lead agency has examined the proposed changes to the previously approved Freedom Circle Future Focus Area and Greystar General Plan Amendment Project (i.e., the SCP project without a specific plan) to determine if those changes would result in new significant or substantially more severe significant environmental impacts than previously identified and evaluated in the 2022 EIR.

As described above, major revisions to the 2022 EIR would be required if:

(1) The proposed SCP project were to result in new significant environmental effects or a substantial increase in the severity of significant environmental effects previously identified and evaluated in the 2022 EIR,

(2) Substantial changes occur with respect to the circumstances under which the SCP project is undertaken which would require major revisions of the 2022 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2022 EIR was certified as complete that shows:

(1) That the proposed SCP project would have one or more significant effects not discussed in the 2022 EIR,

(2) Significant effects previously examined in the 2022 EIR would be substantially more severe than shown in the 2022 EIR,

(3) Mitigation measures previously found not feasible would in fact be feasible and would substantially reduce one or more significant effects of the proposed project, but the SCP project proponent declined to adopt the mitigation or alternative, or

(4) Mitigation measures that are considerably different from those analyzed in the 2022 EIR would substantially reduce one or more significant effects on the environment, but the SCP project proponent declines to adopt the mitigation measure or alternative.

This Addendum concludes that the proposed SCP project would not cause substantial changes to the previously approved Freedom Circle Focus Area and Greystar General Plan Amendment Project, and major revisions to the 2022 EIR would not be required. This Addendum further concludes that, if the proposed SCP project is approved, no substantial changes would occur with respect to the circumstances under which the previously approved Freedom Circle Focus Area and Greystar General Plan Amendment Project is undertaken and, therefore, no major revisions to the 2022 EIR would be required. This Addendum also concludes 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 2022 EIR was certified, that shows (1) that the proposed SCP project would have one or more significant effects not discussed in the 2022 EIR, (2) significant effects previously examined in the 2022 EIR would be substantially more severe than shown in the 2022 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 SCP project proponent declined to adopt the mitigation or alternative, or (4) mitigation measures or alternatives which are considerably different from those analyzed in the 2022 EIR would substantially reduce one or more significant effects on the environment, but the SCP project proponent declines to adopt the mitigation measure or alternative. This Addendum includes four refinements to 2022 EIR mitigation measures which provide clarification and detailed protocols for SCP project-specific implementation of the 2022 EIR mitigation measures: one in Air Quality, two in Biological Resources, and one in Cultural Resources. No new significant or substantially more severe significant environmental impacts have been identified compared to the 2022 EIR.

Consistent with CEQA, some mitigation measures from the certified 2022 EIR have been clarified and refined to address the proposed SCP project at a site-specific level. As stated above and

throughout the Addendum, the proposed SCP project would not result in new significant or substantially more severe significant environmental impacts than previously identified and evaluated in the 2022 EIR. Therefore, this Addendum is the appropriate environmental document to demonstrate, pursuant to CEQA Guidelines Section 15162, that no additional environmental review is required under CEQA. This Addendum has been prepared to satisfy applicable requirements of CEQA Guidelines Section 15164.

3.0 PROJECT DESCRIPTION

3.1 Summary of the Approved 2022 Freedom Circle Focus Area Plan and Certified 2022 Freedom Circle Focus Area Plan/Greystar EIR

The City of Santa Clara certified an EIR for the Freedom Circle Focus Area Plan/Greystar General Plan Amendment Project in 2022. See Figure 3.1 (Regional Location and Aerial). The 2022 EIR evaluated designation of the Freedom Circle Focus Area Plan Area as a new "Future Focus Area" in the City of Santa Clara General Plan along with changes to the General Plan Land Use Diagram describing future land uses anticipated in the Focus Area Plan Area and policies intended to guide future development and infrastructure improvements. In addition, the 2022 EIR evaluated a site-specific development proposal and General Plan Amendment for the Greystar project to be developed independently of any other future Focus Area Plan Area development activity.

The Freedom Circle Focus Area Plan encompasses an approximately 108-acre area currently designated primarily as High Intensity Office/R&D with some Regional Commercial, and allows for development of up to 3,600 dwelling units (including the approved 1,075-unit Greystar project), 2,000,000 square feet (SF) of net new office space above the remaining 1,020,000 SF of development currently allowed under the General Plan, 2,000 square feet of retail (on the Greystar project site), and at least two acres for public parks. (Of these totals, the Greystar project includes approximately 1,075 residential units, 2,000 square feet of retail, and a 2.0-acre public park.)

In addition to certifying the 2022 EIR, the City approved a General Plan Amendment to create the Freedom Circle Future Focus Area and adopt the Focus Area Plan. For the Greystar site only, the Council approved a change to the General Plan land use designation, a rezoning, a vesting tentative parcel map, a development agreement, and architectural review.

3.2 Proposed Changes to the Approved 2022 Project

Irvine Company has applied to the City for a General Plan Text Amendment to allow the proposed residential and retail development on the SCP project site (the General Plan currently requires a comprehensive plan for the entire focus area, and the amendment would allow the Project to proceed with a plan for the Project site only) and for approval of the proposed Santa Clara Park (SCP) project, as discussed in more detail in the following "Project Components" section and throughout the remainder of this document.

A summary comparison of the existing site conditions and the SCP project is provided in Table 3.1 below.

SOURCE: Irvine Company Apartment Development

FIGURE **3.1**

MIG

Regional Location and Aerial

Table 3.1
Existing Site Conditions Compared to Proposed Santa Clara Park Project

	Existing Site Condition	**Proposed Santa Clara Park**
GP Land Use Designation	Very High Density Residential	Very High Density Residential
Zoning	High Intensity Office/ R&D	PD – Planned Development
Site Size	25.74 acres	25.74 acres
Parcels	1	6
Structures (type)	12 commercial buildings (with surface parking areas)	5 residential buildings (with attached parking structures)
Building Heights (levels)	Two stories	residential buildings: five stories parking structures: four to six levels, all above ground
Open Space	N/A (planting strips, trees)	public open space: 4.225 acres (includes a 3.48-acre neighborhood park to be dedicated to the City) private open space and amenity space: 2.03 acres
Trees	417	932* (including 148 existing trees to remain on-site), which exceeds replacement requirement removed trees to be replaced at minimum 2:1 ratio (287 replaced trees x 2 = 574 minimum)**
Pervious and Impervious Surface Area**	917,642 sq. sf. (impervious) 291,987 sq. sf. (pervious)	803,334 sq. sf. (impervious) 393,392 sq. sf. (pervious)

SOURCE: Irvine Development Company; City of Santa Clara; MIG, Inc., 2024.

* The proposed tree preservation strategy is preliminary and will be finalized based on arborist review, a final survey, and a site walk with City staff and applicant representatives. The final strategy may include more new on-site trees than noted here, and may also include a greater number of existing on-site trees to remain (currently estimated at 148).
** Fire Department aerial access standards may require removal of some additional trees, which would be determined during the Fire Department's final project design review; the project would also replace these trees at a 2:1 ratio.
** Square footages may not total project site size due to drainage management areas extending off-site.

Proposed Project Entitlements

General Plan Amendment

The General Plan currently provides that prior to any residential development in a Future Focus Area, a comprehensive plan must be completed for the entire area meeting certain requirements. The SCP project would require a General Plan Text Amendment (GPA) to add a new policy to the Freedom Circle Focus Area Plan to allow the PD Zoning document for the Santa Clara Park project to serve as the required comprehensive plan, even though it would be specific to the project site.. This particular GPA (text amendment) would also establish the framework for development, development assumptions, and related performance standards to implement this site-specific development proposal. The GPA would implement the General Plan comprehensive planning

process for the project site required under Phase III of the City's 2010-2035 General Plan, which is programmed to occur between 2023 and 2035, while deferring planning for the balance of the Future Focus Area. The first phase was completed at the end of 2014. The timeframe for implementation of Phase II was from 2015 to 2023.

The timing of the phases generally aligns with the housing element update cycles. The Prerequisite Goals and Policies described in the General Plan identify fundamental steps, or milestones, to be completed prior to moving on to each successive phase of the General Plan. For example, General Plan Prerequisite Policy 5.1.1-P2 states: "Prior to the implementation of Phase III of the General Plan, update and adopt the applicable Housing Element, in accordance with State law." Some of the prerequisites may require future General Plan amendments, or adjustments to allowed growth, to ensure that the City continues to meet the infrastructure and service requirements of new development. Some Goals and Policies are specific to a particular year or phase, while others apply to all phases. Each of the policies must be followed to graduate to the next phase.

The proposed GPA text, the development standards (see Table 3.2), and the plans submitted for the SCP Project constitute the comprehensive rezoning plan for the project site to be filed with this project, consistent with the Freedom Circle Focus Area Plan and City of Santa Clara General Plan. The General Plan Text Amendment, and Planned Development (PD) Rezoning would include the following:

(1) A General Plan Text Amendment to add a new policy to the Freedom Circle Focus Area to allow the PD Rezoning Document for the SCP Project to constitute the necessary "comprehensive plan" for the project site and deferring a Specific Plan for the balance of the Future Focus Area.

(2) PD Rezoning: Per City code, an application for a Planned Development zoning district shall include and be accompanied by a development plan which, if approved by the City Council, shall become a part of the City's zoning map as provided for by Santa Clara City Code 18.20.030.C. See Table 3.2, Development Standards for Planned Development (PD) Rezoning.

Table 3.2
Development Standards for Planned Development (PD) Rezoning

Development Feature (minimum unless otherwise indicated)	Santa Clara Park Project
On-site Parcel area: minimums required for each newly created parcel.	
Parcel Area	10,000 sq. ft.
Street Frontage (feet)	70 ft.
Structural Coverage (maximum percentage)	
Parcel Area less than 10,000 sq. ft.	None
Parcel Area greater than 10,000 sq. ft.	None
Setbacks (minimum) – setback lines are measured from sidewalk	
Residential (front, side corner, and interior)	10 ft.
Mixed-Use (front, side corner, and interior)	0
Office (front, side corner, and interior)	0
Height (maximum) - measured in front	
Height within 20 ft. of the R1-6L, R1-8L, and R2 zones; not for project site – included for comparative informational purposes	32 ft.
Height all other zones (applies to project site)	100 ft.
Number of Stories (maximum)	
Number of stories all other zones (i.e., not within 20' of R1-6L, R1-8L, and R2 zones)	10
Gross Residential Density (minimum to maximum) shown in number of dwelling units per acre	
Allowable Density	51-100 dwelling units (du's)/acre
Recreation Space for Multi-Family Dwellings (minimum) measured in sq. ft. per dwelling unit	
Private Recreation Space	25 gross square feet (GSF) per unit
Common Recreation Space (per unit)	65 GSF per unit
SOURCE: Irvine Development Company; MIG, Inc., 2024.	

Overview of the Santa Clara Park Project Development Components

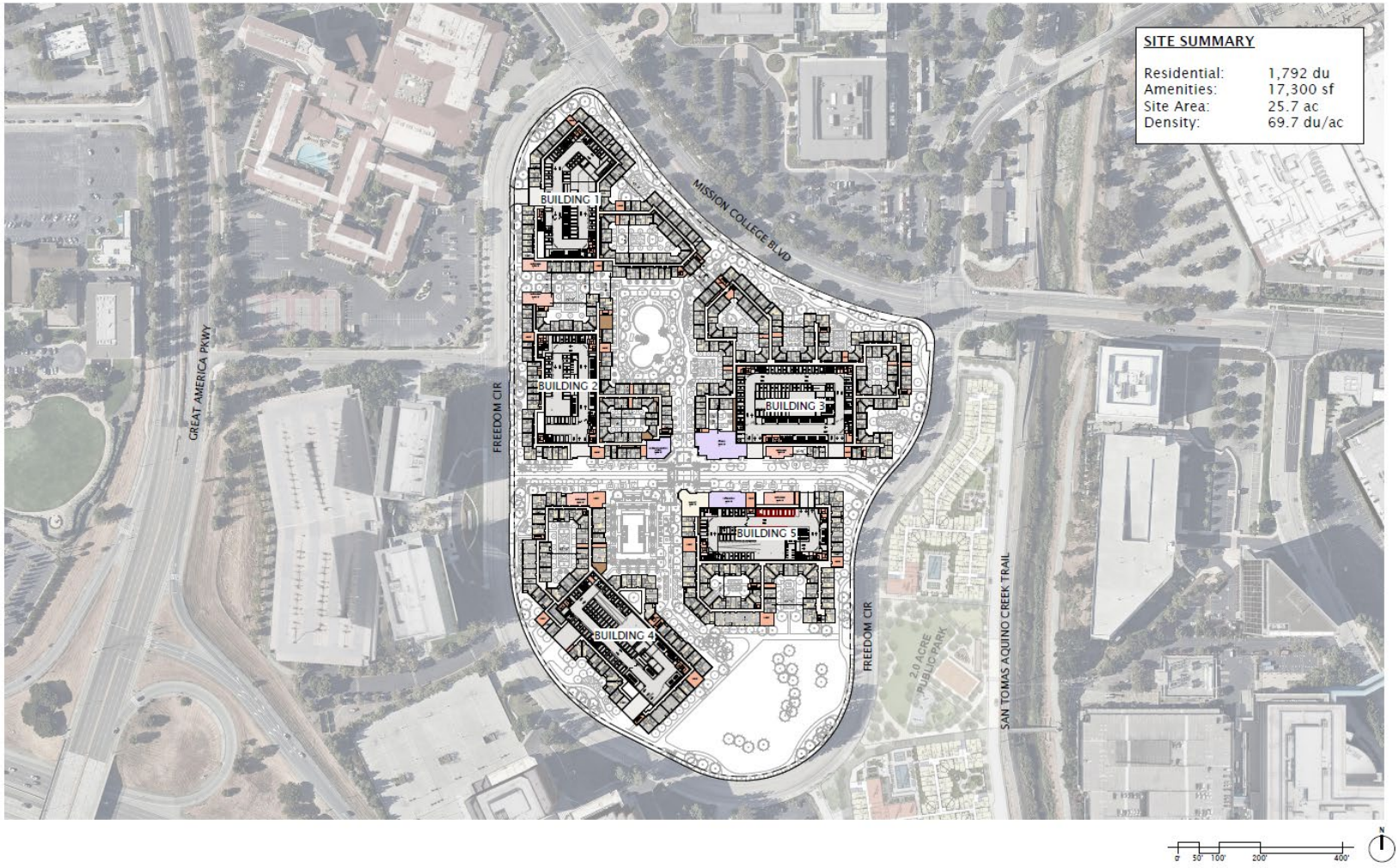
The 25.7-acre project site is currently occupied by the Santa Clara Park at Freedom Circle business center, which is comprised of 12 two-story office structures, surface parking, and landscaping. Development of the proposed SCP project would require demolition and removal of all existing structures, parking, and landscaping. See Figures 3.2, 3.3, and 3.4 and Table 3.3, Santa Clara Park Project – Proposed Parcel Characteristics. The Santa Clara Park project proposes a 1,792-unit multi-family residential project comprised of five five-story buildings, with structured parking to accommodate approximately 2,459 parking spaces; 3,600 square feet (SF) of project-serving retail (an approximately 3,600 SF market located in Building 5); 14,400 SF of amenities (a 3,600 SF Resident Services Office in Building 2; a 7,200 SF Fitness Center in Building 3; and a 3,600 SF

Co-Working space in Building 5). In addition, the SCP project would provide one secure private bicycle parking space per unit located in the five parking garages (1,792 total bicycle parking spaces), 120 short-term, public Class II bike racks within public park space, do-it-yourself bicycle repair facilities (e.g., air pump and basic tools) so cyclists can conduct repairs as needed, and e-bike charging stations. Also, approximately 4.225 acres of public open space would be provided, including an approximately 3.48-acre neighborhood park to be dedicated to the City; the final park design would be finalized with the Parks division as the design details become more precise.

Project buildings 1 through 3 would have 6 levels of parking; Buildings 4 and 5 would have 4 levels of parking.

The project would provide a private street through the project site to connect the east and west sides of Freedom Circle, with Buildings 1, 2, and 3 north of the road, and Buildings 4 and 5 south of the road.

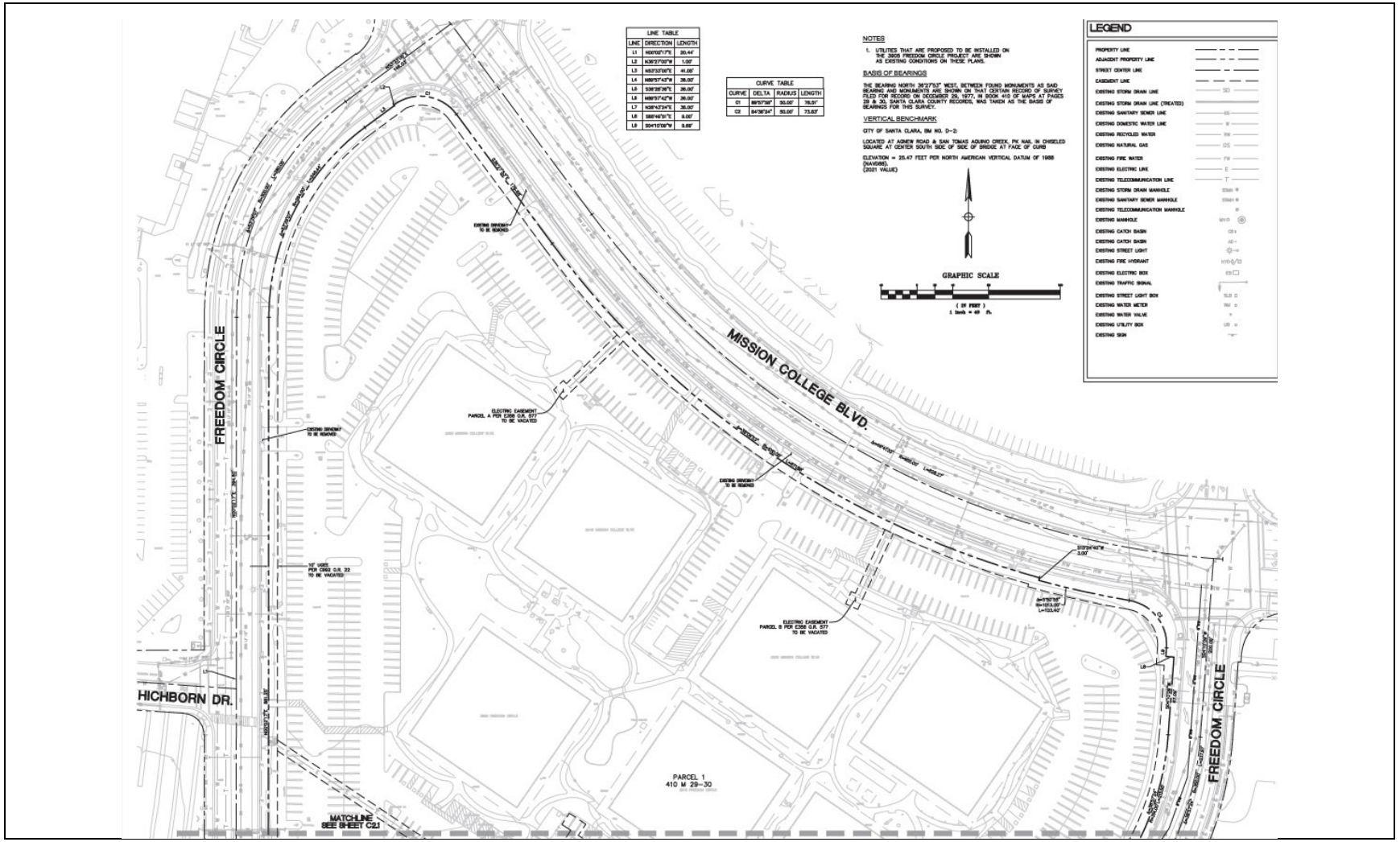
The project would comply with the City's affordable housing ordinance by including an Affordable Housing Rental Agreement that meets the City's 15 percent affordable housing requirement.



SOURCE: Irvine Company Apartment Development

FIGURE **3.2**

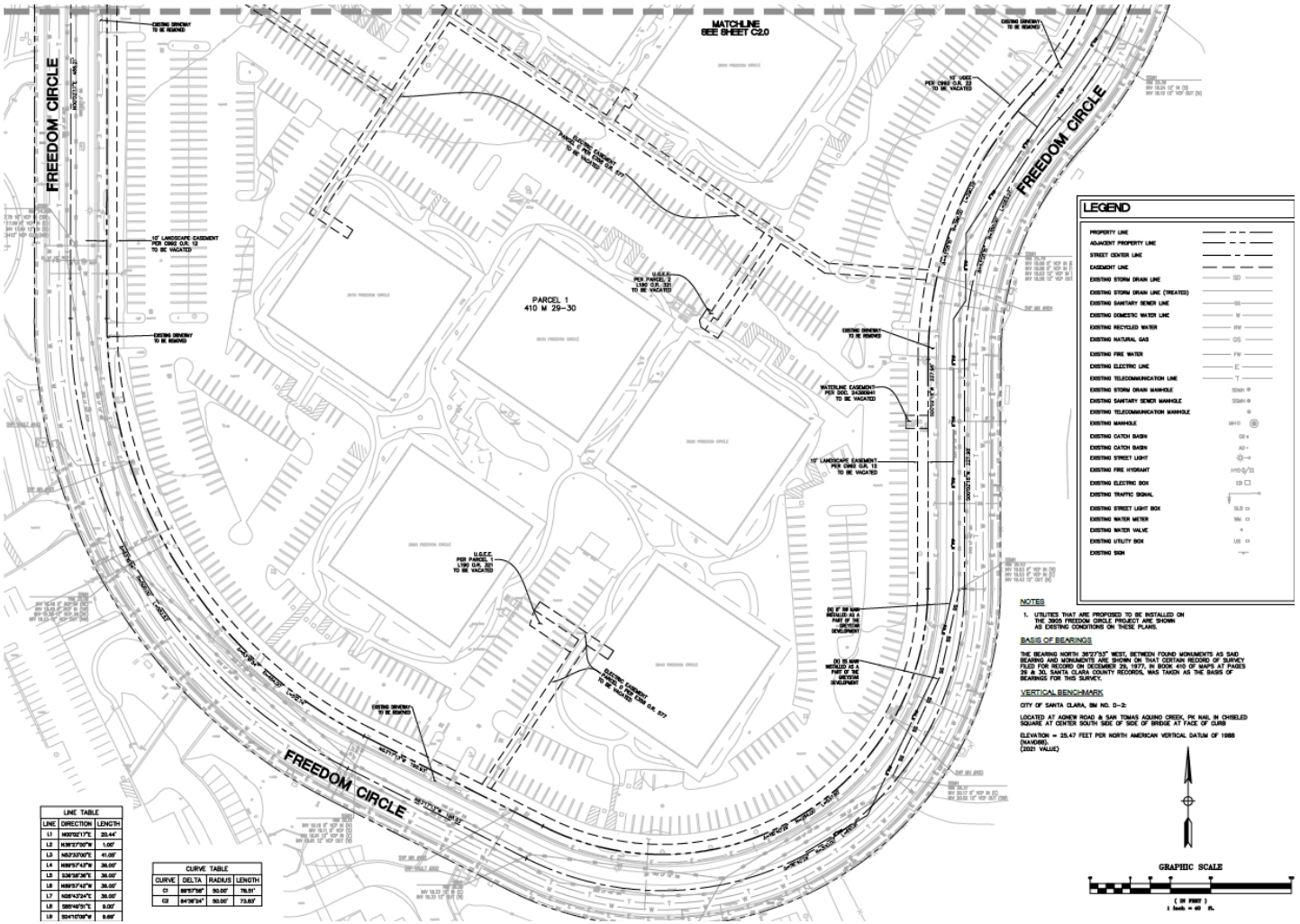
Project Site Overview



SOURCE: Irvine Company Apartment Development

FIGURE **3.3A**

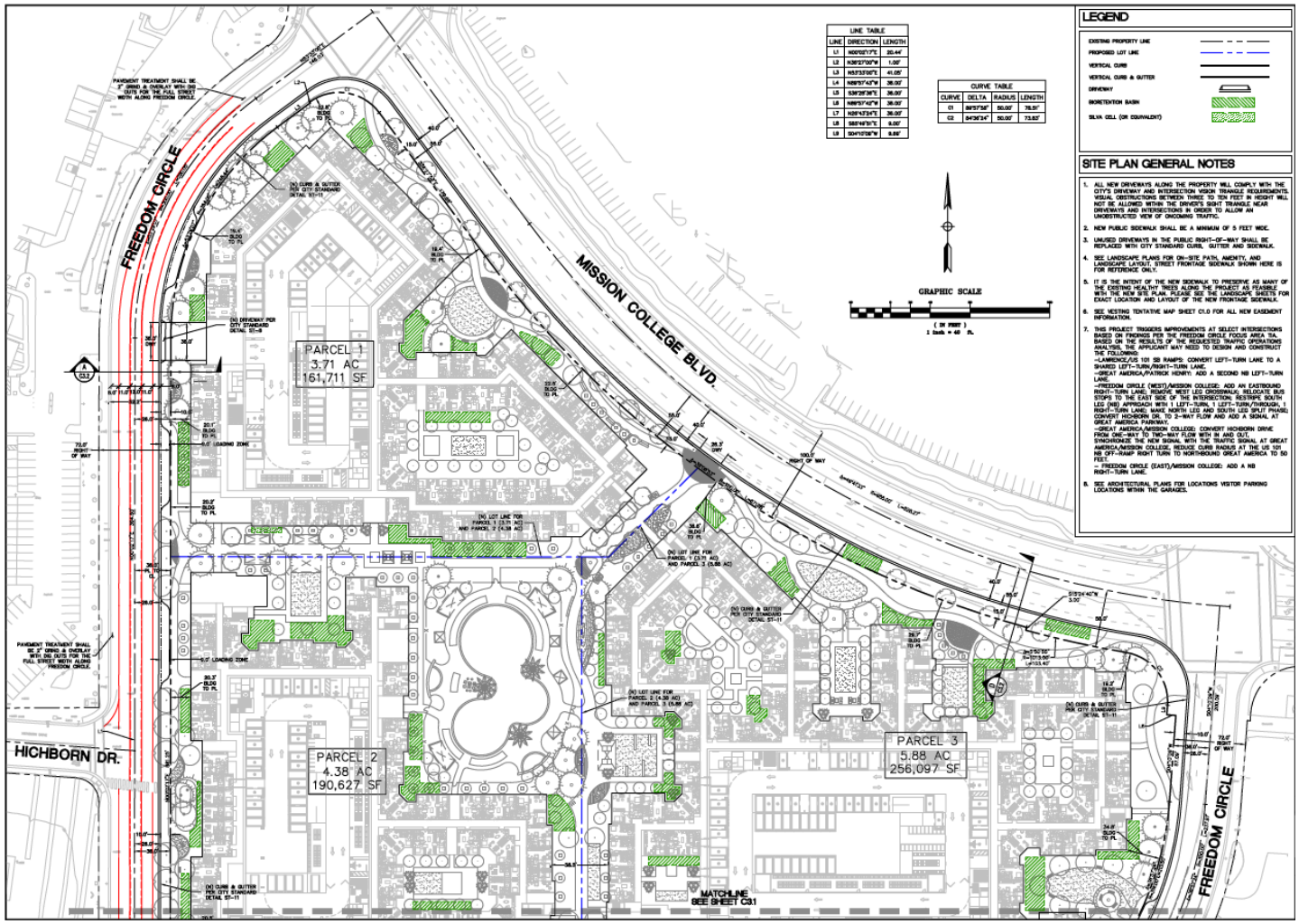
Existing Conditions



SOURCE: Irvine Company Apartment Development

FIGURE **3.3B**

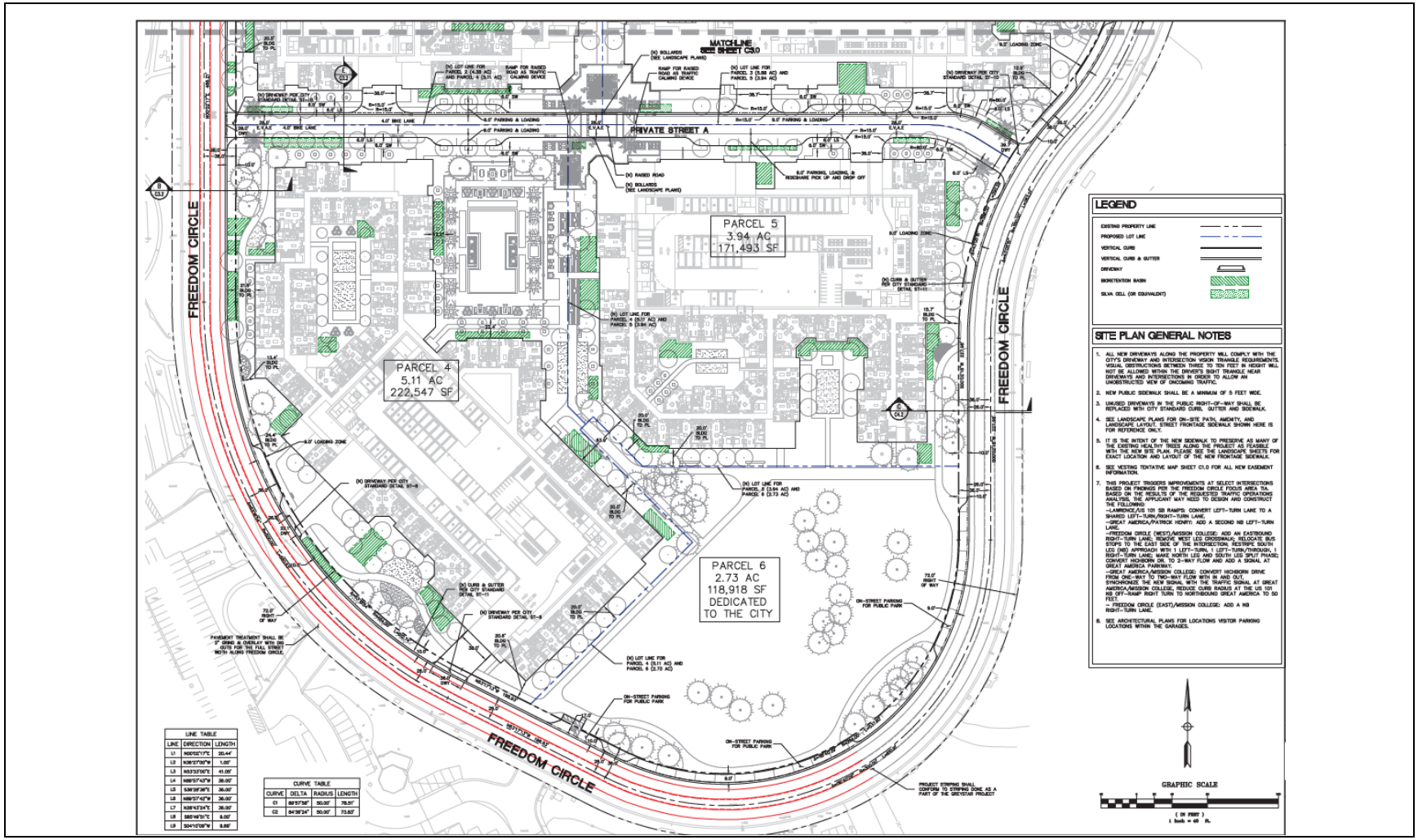
Existing Conditions



SOURCE: Irvine Company Apartment Development

FIGURE **3.4A**

Site Plan Details



SOURCE: Irvine Company Apartment Development

FIGURE **3.4B**

Site Plan Details

Parcel Configuration

As shown in previous Figure 3.4, the project proposes to create six parcels from the one existing parcel, which would include one parcel for each of the five proposed residential buildings and one parcel for the public park to be dedicated to the City.

Table 3.3
Santa Clara Park Project – Proposed Parcel Characteristics

Parcel No.	Parcel Size	Dwelling Units	Parking Spaces	Amenities/other	Courtyards
1	161,711 sq. ft. (3.71 acres)	362 DUs by unit type – 1 BR: 79 2 BR: 138 Studio: 145	500	--	1
2	190,627 sq. ft. (4.38 acres)	341 DUs by unit type – 1 BR: 68 2 BR: 133 Studio: 140	474	resident services office: 3,600 sq. ft.	2
3	256,097 sq. ft. (5.88 acres)	536 DUs by unit type – 1 BR: 120 2 BR: 192 Studio: 224	728	fitness room: 7,200 sq. ft.	5
4	222,547 sq. ft. (5.11 acres)	292 DUs by unit type – 1 BR: 186* 2 BR: 106 Studio: -0-	398	--	2
5	171,493 sq. ft. (3.94 acres)	261 DUs by unit type – 1 BR: 163* 2 BR: 98 Studio: -0-	359 (plus an additional 18 retail spaces)	market: 3,600 sq. ft. co-working space: 3,600 sq. ft.	2
6	118,918 sq. ft. (2.73 acres)	N/A –public park to be dedicated to City	N/A (20 on-street parking spaces would be available)	(various; see "Public Park/Open Space" below)	N/A
SOURCE: Irvine Development Company; MIG, Inc.; 2024. * means these include "1 BR plus den" units in the total					

Demolition and Site Preparation

See Figure 3.5. Prior to construction, the existing 12 on-site buildings and all parking surfaces would be demolished and removed. Remaining vegetation (grass and weeds), asphalt, and concrete would be removed.

Demolition of the existing buildings is anticipated to generate approximately 18,750 tons (37,500 cubic yards) of debris that will need to be removed from the site. Subsequent grading, excavation, and preparation for building foundations and utilities are estimated to result in the export of an additional 10,000 cubic yards of soil. Provisions for protecting 148 existing trees, as discussed below (see "Landscaping"), would be necessary.

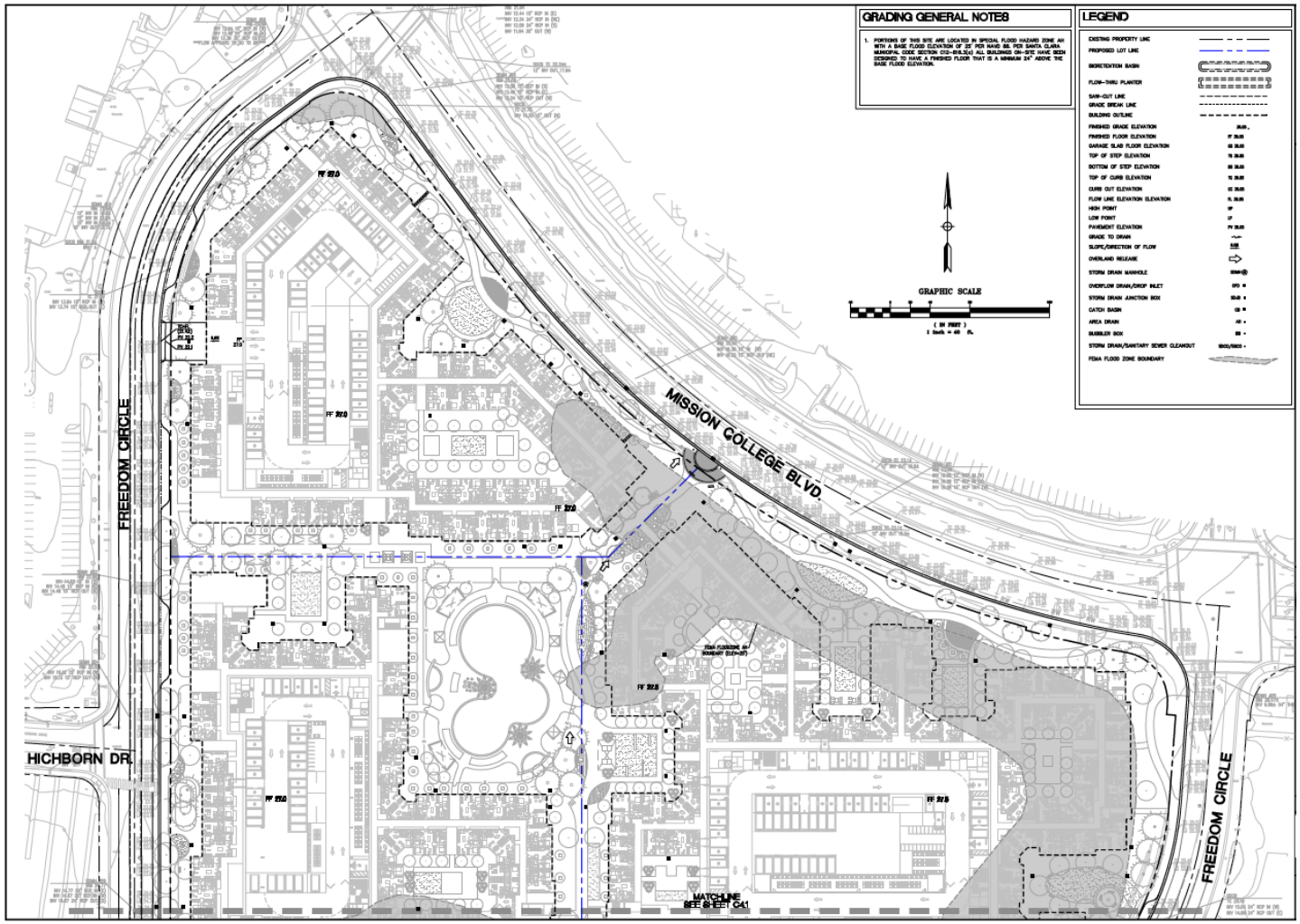
Site Circulation and On-Street Parking

See Figure 3.6. Access to the project site is from Freedom Circle, via Mission College Boulevard. Driveway access to the project buildings would be provided as follows: Building 1 – one driveway, via Freedom Circle; Building 2 – one driveway via the new private street (which connects to Freedom Circle); Building 3 – two driveways, both via the new private street (which connects to Freedom Circle); Building 4 – one driveway, via Freedom Circle; and Building 5 – one driveway via the new private street (which connects to Freedom Circle).

Additional circulation would be provided as follows:

- A new 28-foot-wide two-way private street, including bike lanes, roughly dividing the project site into a northern half (Buildings 1, 2, and 3) and a southern half (Buildings 4 and 5); 6-foot pedestrian sidewalks are located adjacent to both sides of the street, with a landscape parkway in-between the street and sidewalk.
- A public pedestrian path between Buildings 1/2 and Building 3 from Mission College Boulevard to the private street; between Building 4 and Building 5 from the private street to the park in the southeastern part of the project site; and generally from west to east and adjacent to Building 4 and Building 5 along the northern boundary of the park.
- A Class II bike lane around the project site perimeter ("Freedom Circle Bike Lane").
- A Class IV bike lane proposed for Mission College Boulevard.

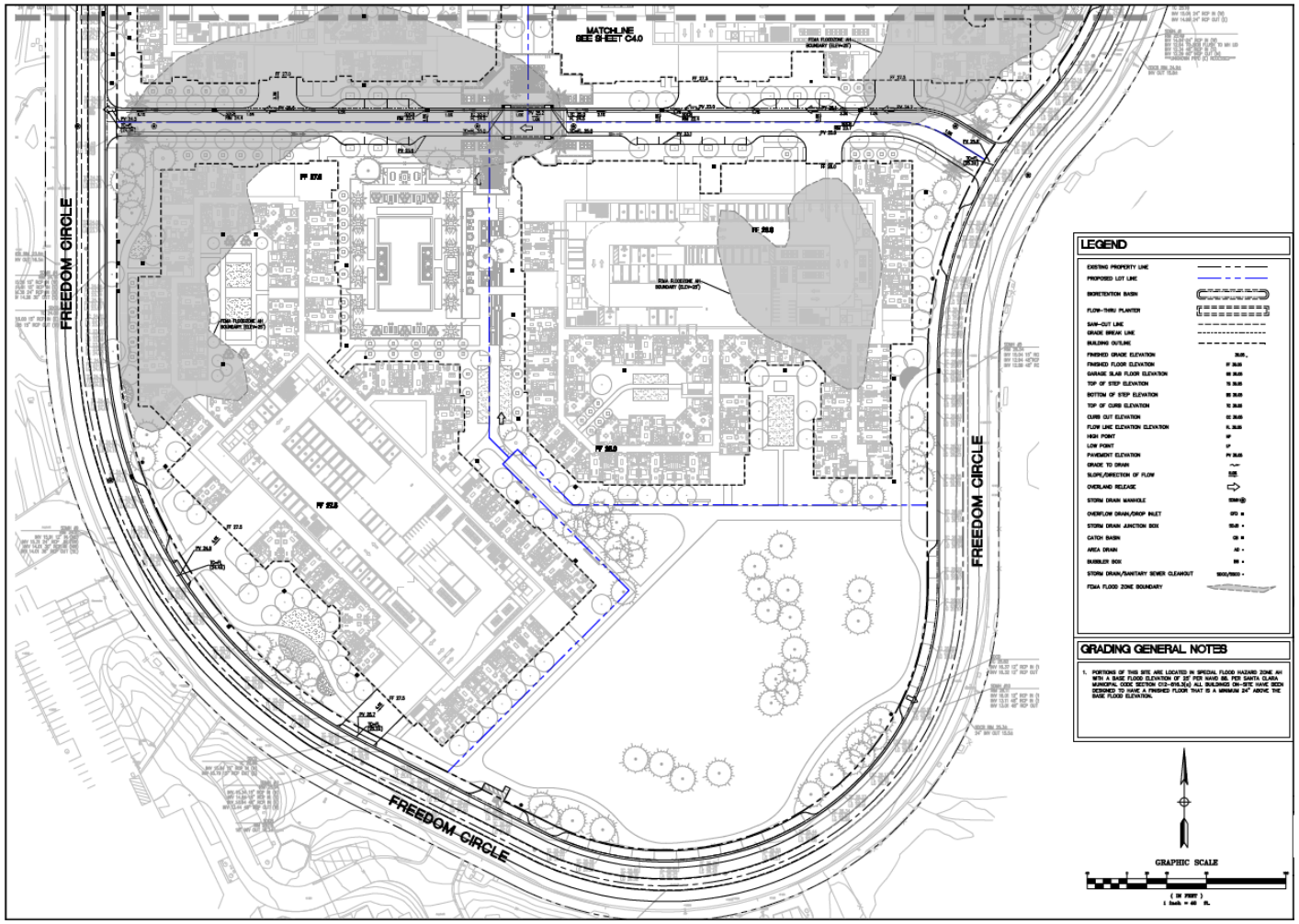
Loading zones would be provided for each building. Parallel street parking would be provided along the project frontage at the southern border of the park. As discussed later, the project proposes three new crosswalks, two of which were already proposed in the Freedom Circle Focus Area Plan (see Figure 3.6). Additional details regarding site circulation, "complete streets" provisions, and the proposed private street are included in Figures 3.7, 3.8, 3.9, and 3.10.



SOURCE: Irvine Company Apartment Development

FIGURE **3.5A**

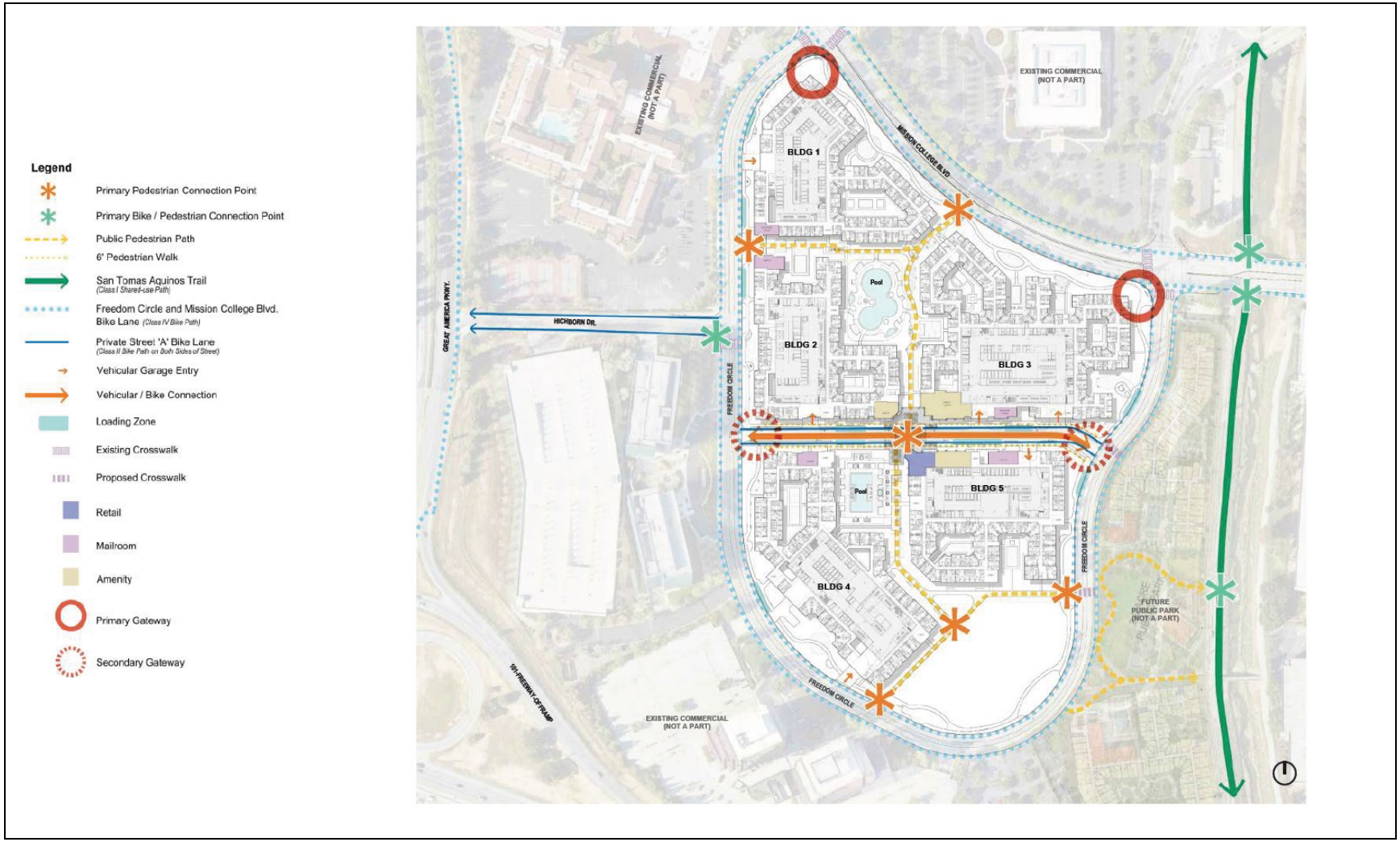
Preliminary Grading and Drainage Plan



SOURCE: Irvine Company Apartment Development

FIGURE **3.5B**

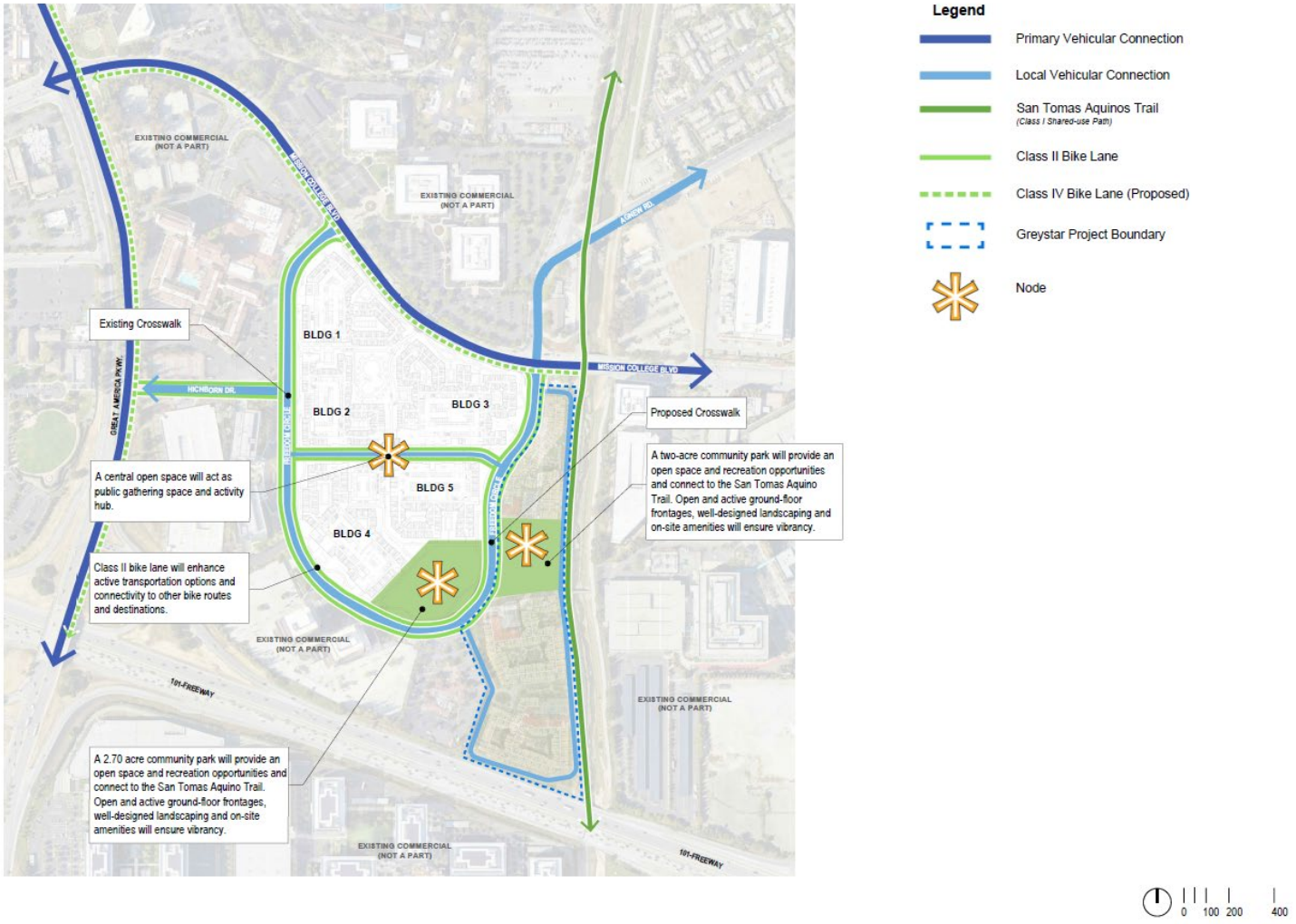
Preliminary Grading and Drainage Plan



SOURCE: Irvine Company Apartment Development

FIGURE **3.6**

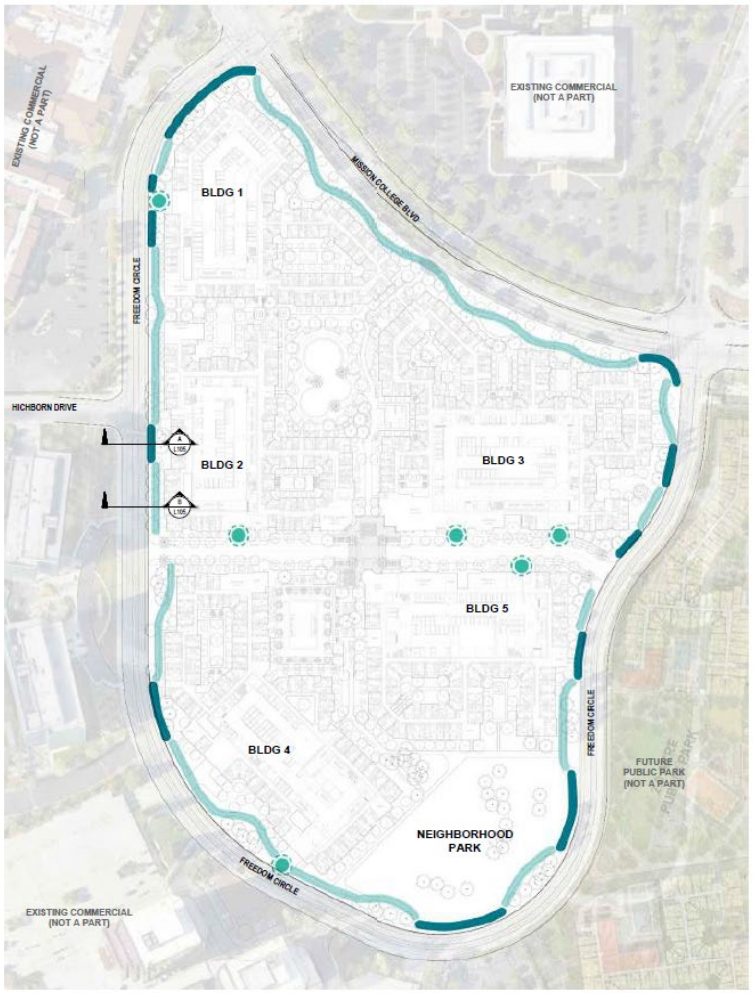
Site Circulation Diagram



SOURCE: Irvine Company Apartment Development

FIGURE **3.7**

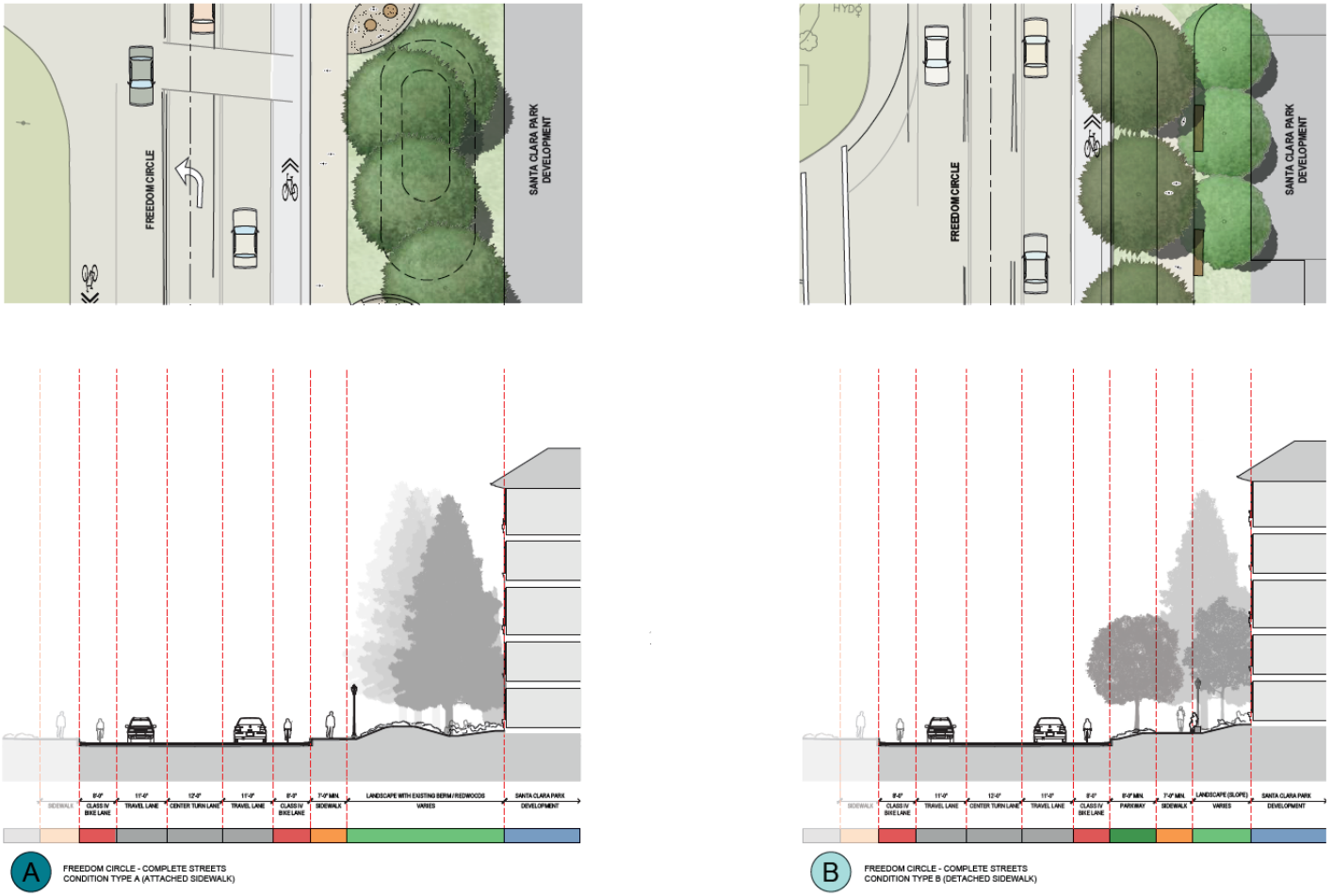
Regional Bike and Vehicular Circulation Diagram



SOURCE: Irvine Company Apartment Development

FIGURE **3.8**

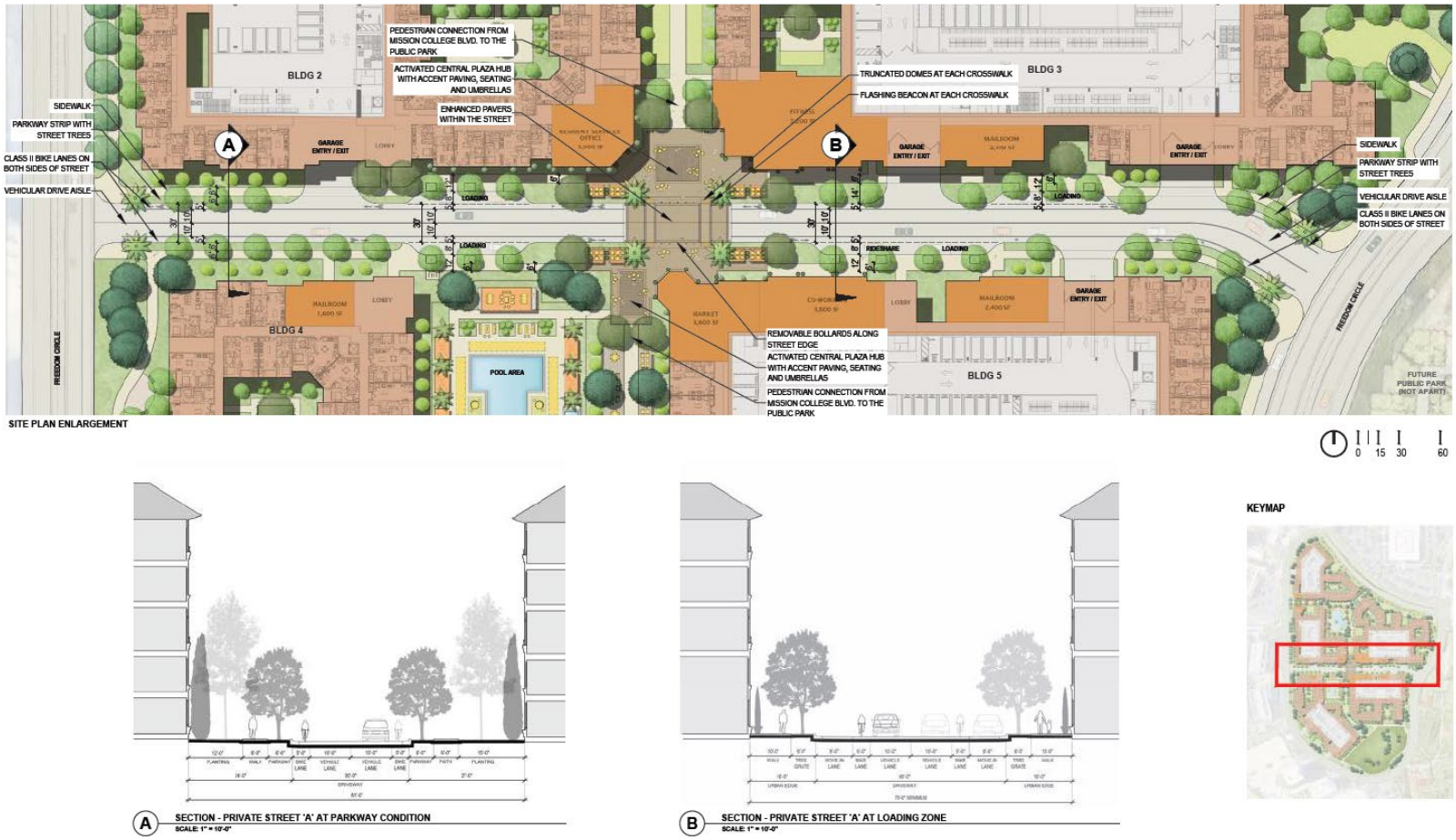
Complete Streets - Overall Diagram



SOURCE: Irvine Company Apartment Development

FIGURE **3.9**

Complete Streets Exhibit – Sections



SOURCE: Irvine Company Apartment Development

FIGURE **3.10**

Private Street "A" - Plan and Sections

Building Lobbies and Related Building Amenities

Main building lobbies would be provided on the ground floor (Level 1) for each building as follows: Building 1, four lobbies; Building 2, three lobbies; Building 3, three lobbies; Building 4, four lobbies; and Building 5, four lobbies. Each parking level would have its own lobby for resident access.

Mail rooms would be provided on the ground floor (Level 1) for each building. Additional resident amenities would be provided on the ground floor as follows: Building 2 would have a Resident Services Office; Building 3 would have a Fitness Center; and Building 5 would have a market and Co-Working space.

Trash rooms would be provided on Parking Level 1 for each building as follows: Building 1, three trash rooms; Building 2, three trash rooms; Building 3, four trash rooms; Building 4, three trash rooms; and Building 5, three trash rooms. Each trash room would be connected to trash chutes serving the upper levels and accessible to residents via each parking level.

Courtyards and Pools

See Figure 3.11. The buildings would contain interior courtyards as follows: Building 1, one courtyard; Building 2, two courtyards; Building 3, five courtyards; Building 4, two courtyards; and Building 5, two courtyards. The project also proposes two swimming pool areas: one pool area between Buildings 1 and 2, and another adjacent to Building 4.

Publicly accessible open space would be provided around the project site perimeter as discussed further below (see "Public Park/Open Space").

Architectural Design and Materials

Architectural styles proposed for the five residential buildings would include Modern Palazzo and Italian for Buildings 1, 2, and 3; Building 4 would be designed in the Palladian style; and Building 5 would be designed in the Formal Spanish style. The building designs would incorporate variations in heights and interior courtyard areas. Awnings and sunshades, balconies and railings, and varying window treatments would provide visual highlights. Other elements would include use of iron work with ornamental shapes and geometry; cast stone columns; overhangs with rafter tails; and concrete tile roofs. See Figures 3.12, 3.13, 3.14, and 3.15 for more details.

Landscaping

See previous Figure 3.11; also see Figures 3.16 and 3.17. The project site currently contains approximately 417 trees. The project proposes to protect "in place" 96 trees and relocate on-site 34 trees. A total of 287 trees are proposed to be removed. The tree preservation strategy is preliminary and will be finalized based on final survey and the arborist review, with city staff and applicant representatives; this final strategy might incorporate retention of a greater number of existing on-site trees. As required by the City, all removed trees will be replaced on-site at a 2:1

ratio (utilizing 24-inch box or larger trees). Also, Fire Department aerial access standards may require removal of additional trees, which would be determined during the Fire Department's final project design review; the project would also replace these trees at a 2:1 ratio.

New, replaced, relocated, and preserved trees would be located generally around the building perimeters and project site boundaries, near sidewalks and along the north-south pedestrian/bike path, along the new private street, around the pool areas, in the building courtyards, and in the urban plaza and the public park. The plant palette to be used at Santa Clara Park will include drought-tolerant, sustainable plants that require limited amounts of water and maintenance.

Public Park/Open Space

See previous Figures 3.11, 3.16, and 3.17. The project proposes approximately 4.225 acres of public park and open space, including a 3.48-acre neighborhood park located in the southern part of the project site and to be dedicated to the City, and approximately 1.43 total acres of public park/open space areas located between each building and Freedom Circle plus the north-south pedestrian path (see Figure 3.11, Overall Illustrative Landscape Plan). The 3.48-acre neighborhood park would include a free-play open turf area; a kids play area with a 2-5 age group area and 6-12 age group area; a sport court; a dog park; fitness stations; large group picnic area with dining tables and umbrellas; and outdoor game, picnic, and group seating. The public park facilities would include recreational amenities such as multi-use turf areas, bench seating and picnic areas, and group gathering areas with seating. In addition to the 4.225 acres of public space, the project will provide private open space and building amenities space for SCP project residents, as follows: Each building would include private open space and amenity space primarily through building courtyards but also passive landscape, picnic areas, pool areas, fitness areas, and a game court, for a total of approximately 2.1 acres.

Storm Water and Flooding

See Figure 3.18. The project would connect to the City's existing storm drain system extending along Freedom Circle. The project design would incorporate on-site storm water treatment provisions to comply with Santa Clara Valley Urban Runoff Pollution Prevention Program requirements, including Low Impact Development (LID) practices and Best Management Practices (BMPs). On-site storm water treatment techniques would include a combination of bioretention treatment areas and potential Silva cell (or equivalent) methods. The park system would be designed as a self-retaining area; no drainage would extend beyond its borders. Along the project perimeter, the project intends to add on-site bioretention areas or other LID treatment measures to treat required off-site impervious areas.

SOURCE: Irvine Company Apartment Development

FIGURE **3.11**

M I G

Overall Illustrative Landscape Plan

EAVE PROFILE

DOOR SURROUND & WAINSCOT DETAIL

TRIM BAND PROFILE & ENHANCED PLASTER

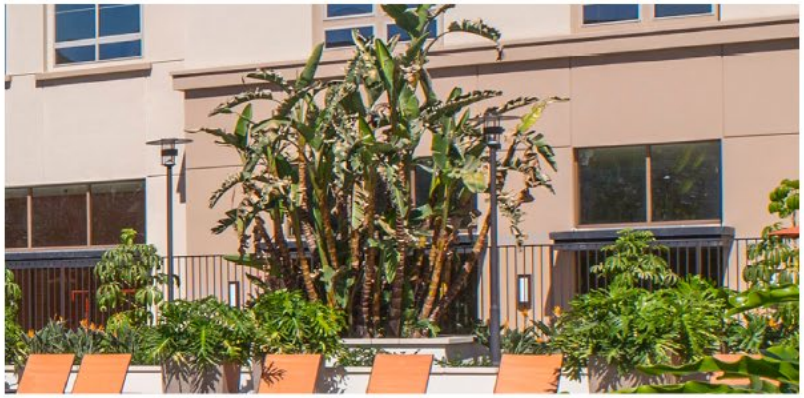
RAILING DETAIL

SOURCE: Irvine Company Apartment Development

FIGURE **3.12**

Architectural Style (Formal Italian)

FLAT PARAPET ROOF



DOOR SURROUND & WAINSCOT DETAIL

TRIM BAND PROFILE

WINDOW GROUPING AND PANEL

SOURCE: Irvine Company Apartment Development

FIGURE **3.13**

Architectural Style (Modern Palazzo)

24" OVERHANG WITH DECORATIVE RAFTER TAILS

DOOR SURROUND TRIM & FIRED CLAY BRICK

TRELLIS DETAILS

ORNAMENT RAILING DETAIL

SOURCE: Irvine Company Apartment Development

FIGURE **3.14**

Architectural Style (Formal Spanish)

15" OVERHANG WITH DECORATIVE RAFTER TAILS

TRANSOM MASSING ELEMENT

DECORATIVE FINIAL

ELEGANT RAILING DETAIL

SOURCE: Irvine Company Apartment Development

FIGURE **3.15**

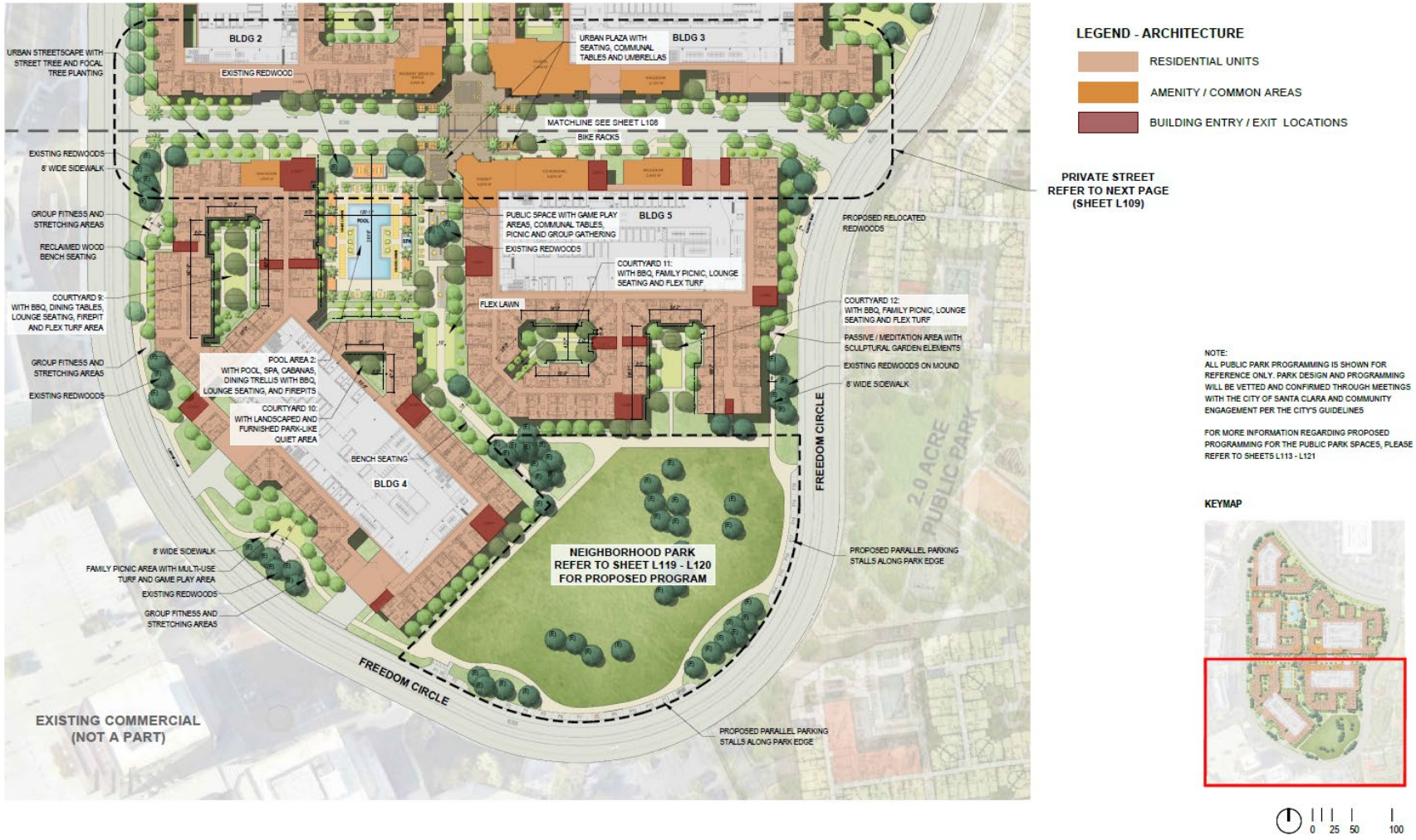
MIG

Architectural Style (Palladian)

SOURCE: Irvine Company Apartment Development

FIGURE **3.16A**

Landscape Site Plan (North Side)



SOURCE: Irvine Company Apartment Development

FIGURE **3.16B**

Landscape Site Plan (South Side)

SOURCE: Irvine Company Apartment Development

FIGURE **3.17**

Landscape Zone Diagram

As shown in Figure 3.5, portions of the proposed project site are designated by Federal Emergency Management Agency (FEMA) mapping as Zone AH with a base flood elevation of 25 feet above mean sea level (ASL). All on-site project buildings have been designed so that the finished floor would be a minimum of 2 feet above the base flood elevation.

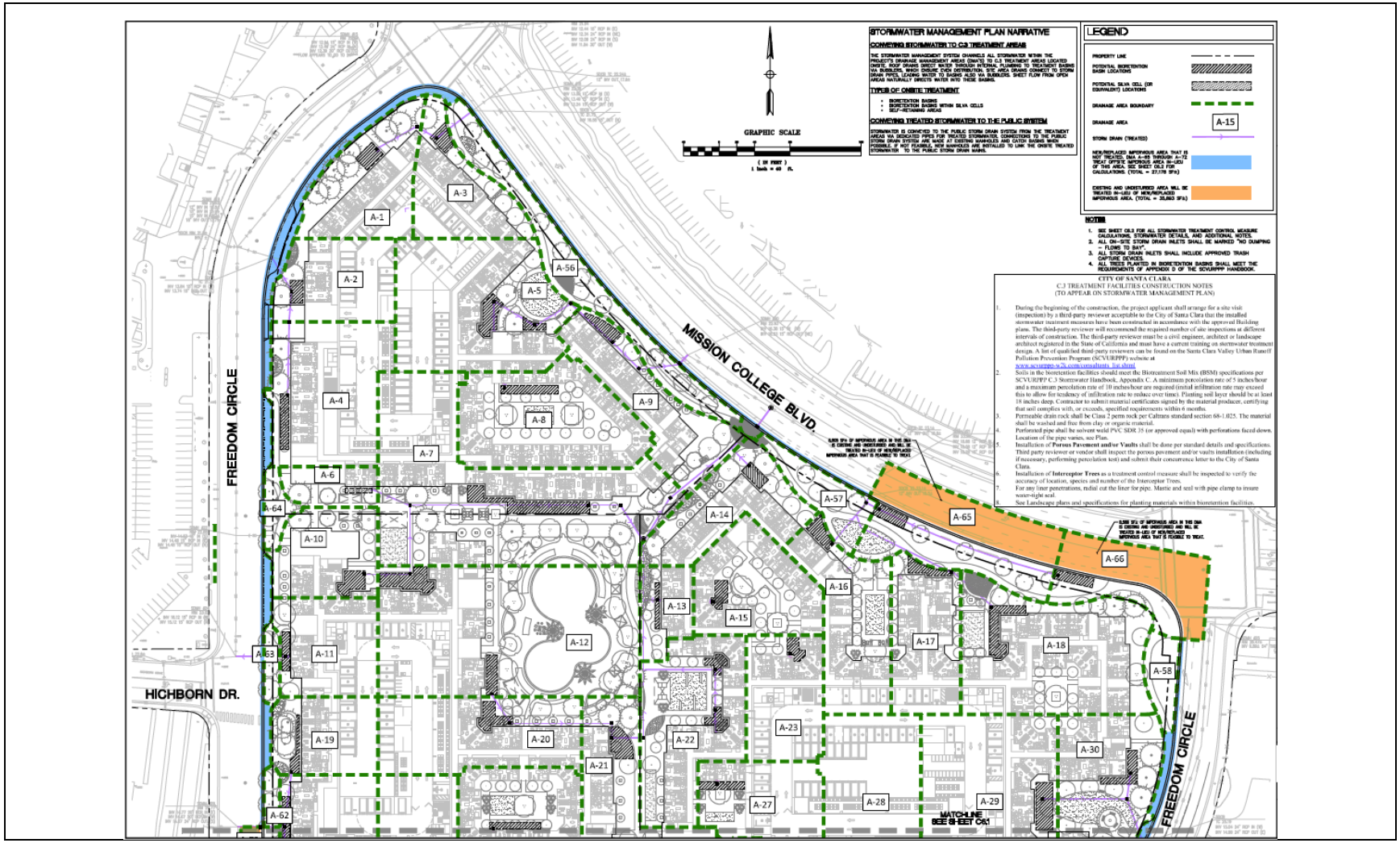
Sustainable Design

The project would support sustainability through incorporation of the following City Climate Action Plan measures: solar photovoltaic panels on the roofs of all project buildings; EV charging stations; all-electric building construction (with exceptions for gas hot water and pool heaters, and BBQs/fire pits); electric appliances and electric mechanical systems and equipment; and secure bike parking, including outlets for charging electric bikes. Additional sustainability design elements would include reuse of salvageable building materials and use of carbon-smart building materials; integration of natural stormwater systems at the site to reduce runoff and filter potential stormwater pollutants; use of recycled water for irrigation purposes; use of landscaping, green infrastructure, and natural stormwater systems to lower surface temperatures and reduce heat gain; compliance with CalGreen Tier 1 energy efficiency requirements; use of solar photovoltaic panels on garage and residential rooftops, electric vehicle charging stations (50 percent electric vehicle stall capacity), and all-electric building construction (excepting hot water systems and BBQ/fire pits); achievement of LEED Gold equivalent sustainable design; development of a TDM Program that reduces VMT by 20 percent, including 10 percent from TDM measures and 10 percent from physical design features (see section 4.14, Transportation); compliance with State solid waste laws that reduce organic waste by 75 percent; and planting new trees possibly exceeding City requirements." Also see section 4.7, Greenhouse Gas Emissions and Energy.

Infrastructure

Infrastructure improvements (i.e., sewer, water, and storm drainage) would be constructed to serve the proposed project, generally as follows:

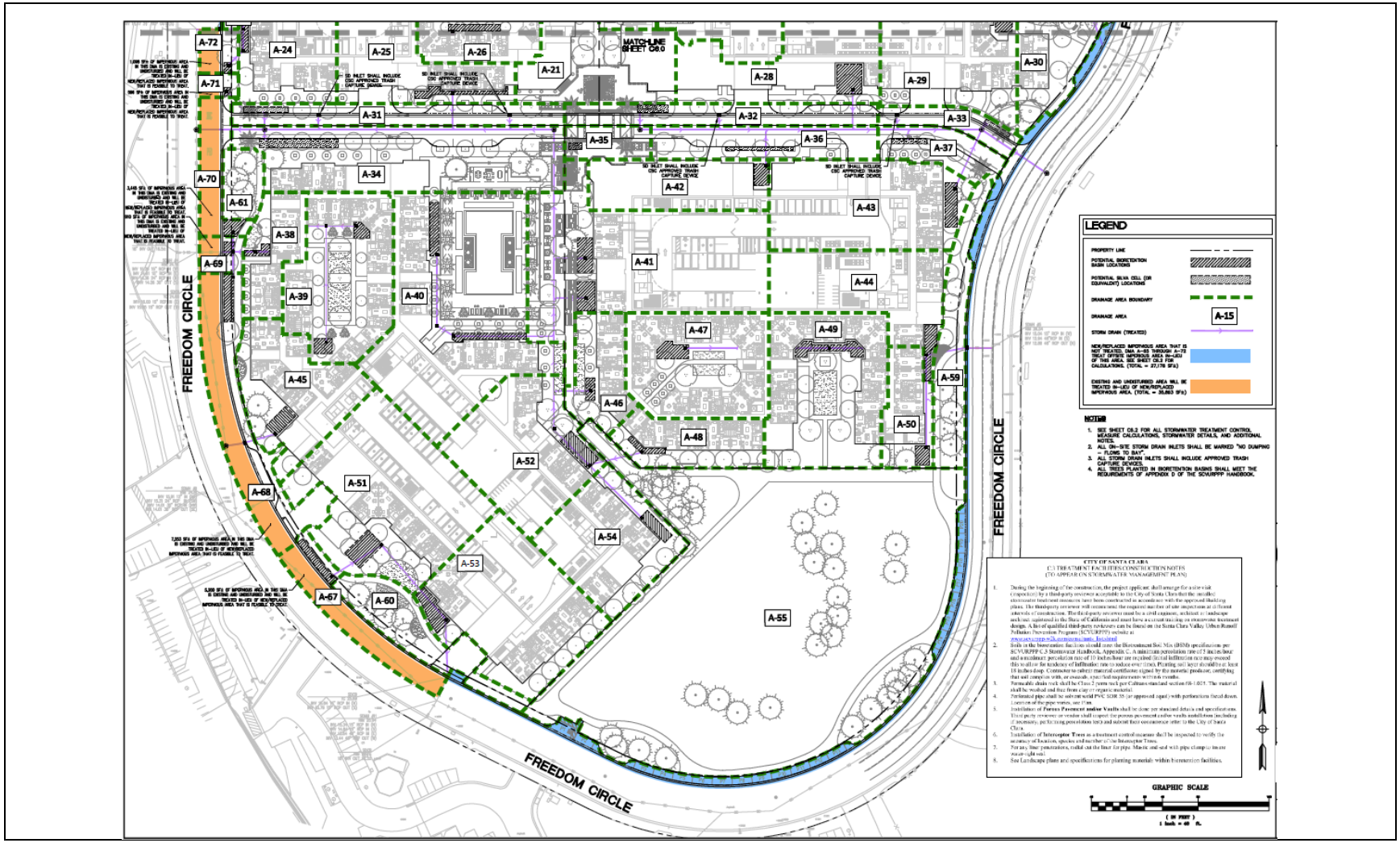
Potable water service would be provided by the City of Santa Clara Water & Sewer Utilities Department. The project intends to replace the domestic water main with ductile iron pipe starting at the intersection of Mission College and Freedom Circle (west), looping down and around Freedom Circle and connecting to the replaced water main that is a part of the Greystar project infrastructure improvements in Freedom Circle (east). Should the Greystar project not develop, the project intends to extend the water main replacement all the way around Freedom Circle and back to the Mission College water main.



SOURCE: Irvine Company Apartment Development

FIGURE **3.18A**

Preliminary Stormwater Control Plan



SOURCE: Irvine Company Apartment Development

FIGURE **3.18B**

Preliminary Stormwater Control Plan

The project proposes to utilize recycled water for irrigation. Although no recycled water main is currently available in Freedom Circle, the project intends to construct a new 8" recycled water main along a portion of the western part of Freedom Circle to connect the project site with the existing recycled water main located in Mission College Boulevard.

Sanitary sewer service would be provided by the Water & Sewer Utilities Department. No upsizing of sanitary sewer mains along the immediate project frontage is anticipated based on evaluation of the full build-out condition in the Freedom Circle Focus Area Plan EIR.

The project would be responsible for pipes on-site and connections to City water and sewer mains, per City approved plans and in compliance with City standards.

Regarding storm drainage, the project would increase on-site pervious surface area and provide LID stormwater treatment areas and source control measures, thereby decreasing the amount of stormwater runoff from the project site into the City mains. No upsizing of storm drainpipes is anticipated to be required.

Electricity would be provided to the project by Silicon Valley Power, which conducted a study of electrical infrastructure capacity and the need to upgrade two electrical transformers at the Agnew Substation to accommodate overall growth in its service area (see section 4.15 Utilities and Service Systems below). Natural gas service would be provided to the project by PG&E. The project proposes a joint trench generally running under the project's proposed perimeter sidewalk and along its proposed private road. Telecommunications (telephone, cable, internet) would be available through any of several private companies. Solid waste recycling and trash removal would be provided by GreenWaste Recovery.

Project Construction Timing

Project construction is estimated to occur for a period of approximately five years, from 2026 through 2030.

4.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED CHANGES TO THE 2022 APPROVED PROJECT

This Addendum provides an analysis of the environmental impacts evaluated in the 2022 EIR to determine whether a Subsequent EIR is required pursuant to CEQA Guidelines Section 15162, in the event that the proposed changes to the Focus Area Plan are approved by the City. As noted above, CEQA Guidelines Section 15164(a) states that the lead agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred. This document assesses the SCP project's proposed changes to the previously approved 2022 Focus Area Plan to determine whether such changes would result in new significant impacts or substantially more severe impacts under CEQA Guidelines Section 15162.

This Addendum addresses the potential effects resulting from construction and operation of the proposed SCP project. Each of the resource areas and potential impacts from the SCP project are discussed below.

4.1 AESTHETICS

4.1.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR.

The Santa Clara Park (SCP) project site is located entirely within Santa Clara, in an area in the northwestern part of the city with major hospitality and amusement uses and several business office centers. The Focus Area Plan Area in which the project site is located is bordered by San Tomas Aquino Creek to the east, U.S. 101 to the south, Great America Parkway to the west, and California's Great America amusement park to the north. The Focus Area Plan Area is essentially built out with uses such as biotech and electronics, business offices, hotels, and various support services (such as car rental, UPS store, medical/dental, and restaurants). The Plan Area is generally flat with surface elevations ranging from 20 to 30 feet above mean sea level (MSL). Existing, limited vistas within the Plan Area, including the project site, include views of distant hills, but because Santa Clara is generally flat and urbanized, vistas are often blocked by buildings, trees, power poles, and walls.

The project site is enclosed within Freedom Circle and Mission College Boulevard, developed with 12 two-story buildings, adjoining parking lots, landscaping, and trees within the business park and along the perimeter. The project site is bordered by four three-story office buildings to the north across Mission College Boulevard, the 13-story Marriott Hotel to the west/northwest at Hichborn Drive, the 12-story Mission Towers to the west at Hichborn Drive, the 11-story Santa Clara Towers and two-story Pedro's Restaurant and Cantina to the south, and the vacant Greystar project site to the east and southeast.

Views from inside the business park are limited, though some taller buildings are more easily seen in the west. Views from the eastern part of the business park include the Greystar project site and the office buildings east of San Tomas Aquino Creek, beyond the Focus Area Plan Area.

4.1.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result less-than-significant impacts on scenic vistas and light and glare issues, and a potentially significant impact on existing visual character and quality resulting from potential conflicts with General Plan policies governing scenic quality. The 2022 EIR's conclusion regarding the potentially significant impact on existing visual character and quality is summarized below.

Impacts on Existing Visual Character and Quality

Per the 2022 EIR, as stated in the General Plan, a comprehensive planning study is required for future focus areas, which would include, among other items, "…appropriate design guidelines for private development, public facilities, streetscapes and transitions to adjacent land uses" (Prerequisite Policy 5.1.1-P8). The 2022 EIR concluded that, although the Focus Area Plan includes goals and policies intended to provide direction for minimizing visual impacts from future development, these general goals and policies lack the detail and enforceability that would be included in the comprehensive planning study, and therefore present potential conflicts with applicable General Plan policies governing scenic quality, which represents a potentially significant impact.

The following mitigation measure would be applicable to the SCP project.

2022 EIR Mitigation Measure:

Mitigation 4-3. As required by the City of Santa Clara General Plan, the City shall prepare a future comprehensive planning study for the Freedom Circle Focus Area Plan (whether a specific plan or another type of plan) and it shall include the following performance and design standards and guidelines that apply to all future individual development proposals in the Plan Area to minimize visual impacts by: (a) those enhancing form and design in the Plan Area; (b) those incorporating land use densities and associated changes in intensity consistent with the General Plan; (c) those encouraging street trees and landscaping along corridors to beautify the streetscape; (d) those coordinating signage color, shape, and graphic styles with the City's signage system; (e) those including standards to ensure compatibility of new development with nearby existing and planned development; (f) those establishing standards related to building form, mass, and scale that enhance the pedestrian realm and provide transitions to adjacent lower-density development and public spaces; (g) those including guidelines and standards for pedestrian amenities; and (h) those fostering site design so that building height and massing would not overshadow new parks and plazas and/or interfere with solar collectors. Incorporation of such performance and design

standards and guidelines in the required comprehensive planning study for the Plan Area would minimize conflicts with General Plan policies pertaining to visual character. Therefore, implementation of this mitigation would reduce this impact to a ***less-than-significant level.***

4.1.3 Impact Analysis

Effects on Scenic Vistas

The 2022 EIR concluded that because the Plan Area does not afford expansive or high-quality scenic views, and the proposed development that may be facilitated by the Freedom Circle Focus Area Plan would neither exacerbate nor improve that condition, Plan impacts on scenic vistas would be less than significant.

Similar to the Plan Area, the SCP project site does not afford expansive or high-quality scenic views. The SCP project site is generally flat and already built out. The SCP project site is located near the center of the Plan Area and generally surrounded by tall buildings that block views of distant hills, and currently affords limited public access. These facts, in combination with the lack of significant scenic vistas in the vicinity, would ensure the SCP project will have a less-than-significant impact on scenic vistas and will not cause a new or more substantial impacts on scenic vistas than those identified in the 2022 EIR.

Impacts on Existing Visual Character and Quality

According to the 2022 EIR, new development throughout the Plan Area could include a combination of residential, retail, office, and open space uses, and new uses could include combinations of residential, retail, restaurant, and office uses in single or mixed-use buildings, which could potentially conflict with various City policies intended to promote the enhancement of the form and design of development with the Plan Area; encourage street trees and landscapes along street corridors to beautify the streetscape; coordinate signage color, shape and graphic styles with City's signage system; ensure the compatibility of new development with nearby existing and planned development; establish standards related to building form, mass, scale, pedestrian amenities; and foster sight design so that building height and mass would not overshadow new parks and plazas. To ensure that future Plan Area development proceeds in a manner consistent with these City policies, and thereby avoid a significant impact on existing visual character and quality, 2022 EIR Mitigation Measure 4-3 requires the City to adopt regulatory plans that establish appropriate design standards applicable to future individual development proposals within the Plan Area to minimize visual impacts, as described above.

The SCP project's proposed GPA text and PD Plan would satisfy the requirements of 2022 EIR Mitigation Measure 4-3 because such planning documents establish development and design standards applicable to the SCP project for the purpose of reducing the project's potential visual impacts to less-than-significant levels. To implement Mitigation Measure 4-3, the SCP project

includes proposed development standards for the following development features, as shown in Table 3.2 of section 3.0 (Project Description):

- On-Site Parcel Area: minimums required for each newly created parcel
- Structural Coverage (maximum percentage)
- Setbacks (minimum) – setback lines are measured from sidewalk
- Height (maximum) - measured in front
- Number of Stories (maximum)
- Gross Residential Density (minimum to maximum) shown in number of dwelling units per acre
- Recreation Space for Multi-Family Dwellings (minimum) measured in square feet per dwelling unit.

Site design features included in the project plans would also constitute the project's performance and design standards and guidelines. Architectural styles proposed for the five residential buildings would include Modern Palazzo and Italian for Buildings 1, 2, and 3; Building 4 would be designed in the Palladian style; and Building 5 would be designed in the Formal Spanish style. The building designs would incorporate variations in heights and interior courtyard areas. Awnings and sunshades, balconies and railings, and varying window treatments would provide visual highlights. The PD contains provisions for the project's building design standards, pedestrian amenities, landscaping, and signage, in an effort to provide a comprehensive planning approach. The PD takes into account continuity with new construction on neighboring properties to ensure a cohesive design approach for this property. Each individual project in the Freedom Circle Future Focus Area is subject to review and approval through the City's architectural review process.

The development standards and design features included in the final SCP project plan set at the time of project approval, and the required City review of the project's development standards and design features for consistency with General Plan requirements, would fulfill the requirements of EIR Mitigation Measure 4-3.

Project Shade and Shadow Effects

As explained in certified 2022 EIR (p. 4-20):

The issue of shade and shadow as it pertains to the [Focus Area Plan] involves the potential blockage of direct sunlight by proposed structures, and associated effects on adjacent properties. The effects of shading by one structure upon another element (structure, space, etc.) can be either positive or negative depending upon the site-specific circumstances. Potential beneficial effects of shading for adjacent elements may be perceived as a desired cooling effect during warm weather. Possible adverse effects of shading may include the loss of desirable natural light, including natural light for passive or active solar energy applications, or the loss of desired warming influences during cool weather. Factors influencing the effects of shadow are site-specific and can include building placement, the height, bulk and setback of structures, the time of year, the duration of

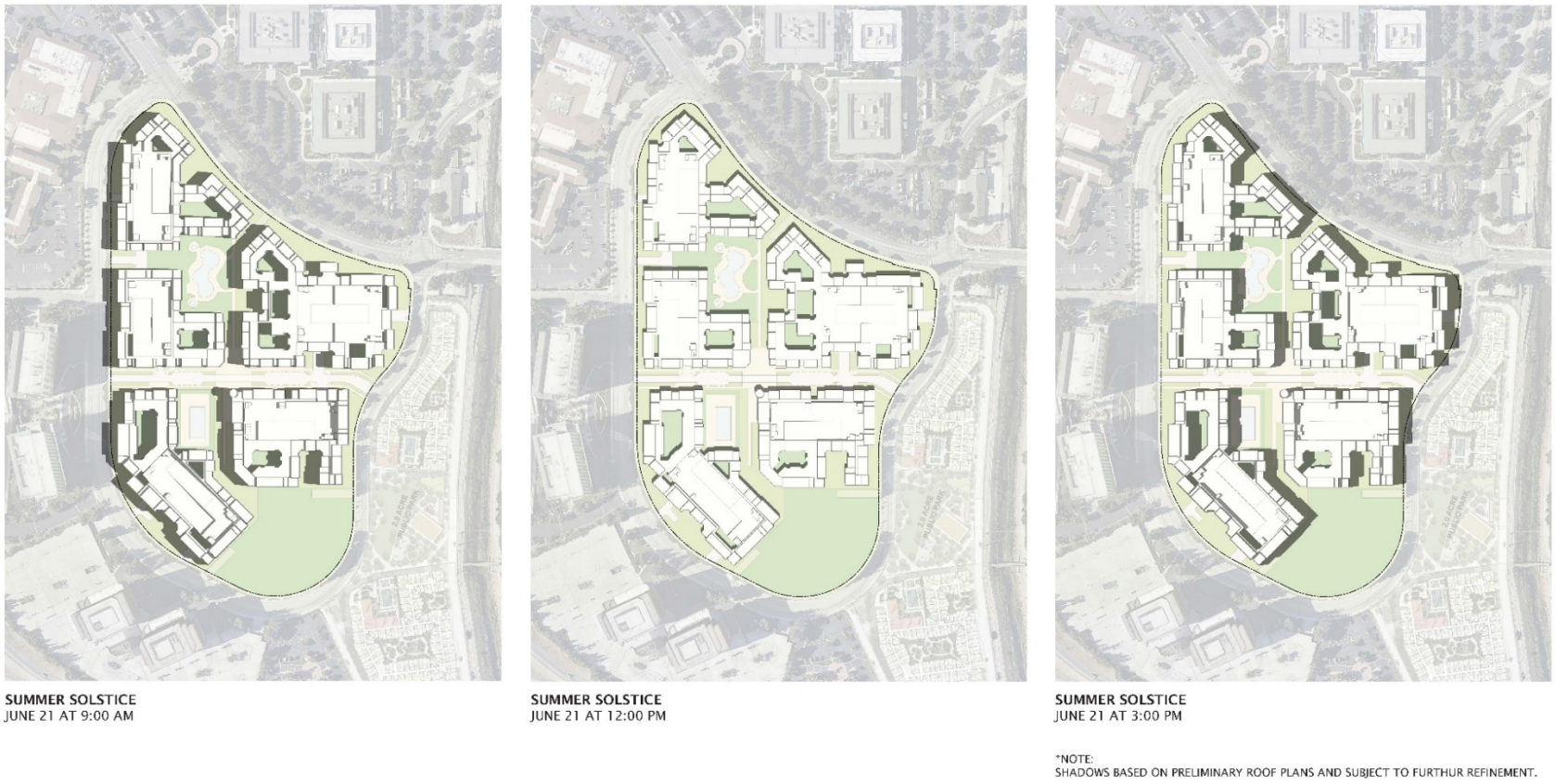
shading in a day, weather, landscaping, and the sensitivity of adjacent land uses to loss of sunlight. Land uses are generally considered shadow-sensitive when sunlight is important to function, physical comfort, or the conduct of commerce. Facilities and operations identified as potentially sensitive to the loss of sunlight may include public parks, plazas, and open space areas; routinely usable outdoor areas of residential properties; commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor eating areas; and existing solar energy collectors.

Shadow-sensitive land uses within and adjacent to the SCP project site include portions of the adjacent Pedro's Restaurant parcel, portions of the Santa Clara Towers parcel, portions of the Mission Towers parcel, portions of the Santa Clara Marriott hotel parcel, portions of the Greystar parcel, the future on-site public park, and the open spaces within the project site (i.e., pedestrian pathways, patios, courtyards).

Project-related maximum shadow pattern diagrams are depicted on Figures 4.1-1A through 4.1-1C for the longest and shortest shadow periods during the four seasons (summer solstice, spring and fall equinoxes, and winter solstice).

The SCP project would cast shadows on several project features and adjacent properties over the course of the seasons, varying with the time of day (e.g., angle of the sun). Throughout the seasons, the areas that would have the most consistent temporary shadow effects would be the adjacent to the Freedom Circle right-of-way (ROW) and the project's own courtyards, pedestrian pathways, new private street, and landscaped areas on the project site (not including the new public park). ROWs are not considered sensitive to loss of sunlight, and the on-site features that would be affected most by shadows cast by project buildings would not experience shadow effects all year round and, when shadows are cast, they would vary daily with the movement of the sun. Shadow effects on adjacent properties would likewise be limited by the season and time of day, primarily in the mornings or late afternoons, and shadows would affect mostly parking lots and sidewalks along Mission College Boulevard and Freedom Circle.

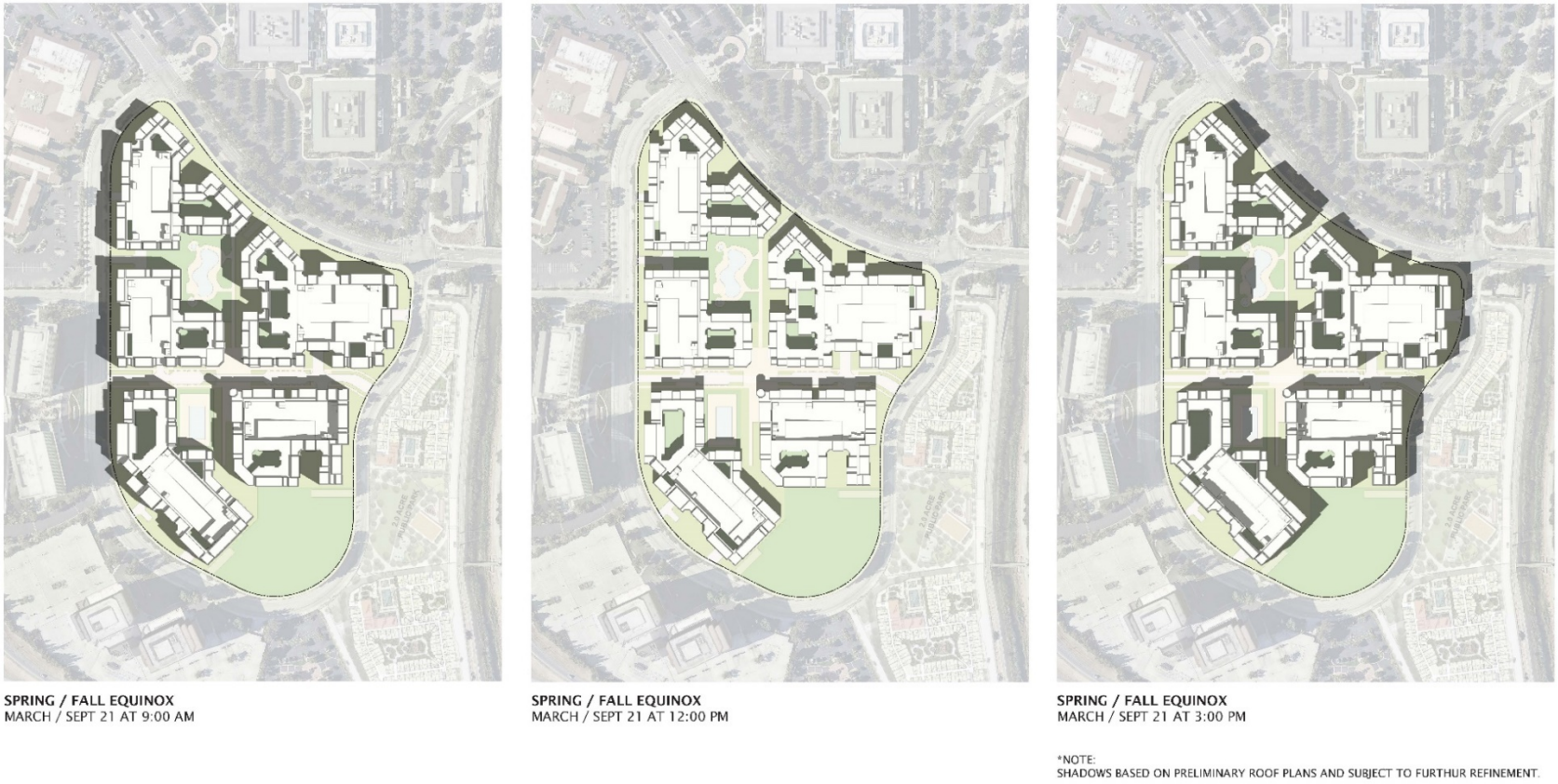
Because the SCP project's proposed site design features and development standards would constitute the comprehensive rezoning plan to be filed with the project, thereby implementing Mitigation Measure 4-3 of the 2022 EIR, and the project's shadow effects would not be considered significant due to their limited duration and variability, the project would not conflict with applicable zoning or other regulations governing scenic quality and would not cause a new or more substantial impacts than those identified in the 2022 EIR.



SOURCE: Irvine Company Apartment Development

FIGURE **4.1-1A**

Shadow Study



SOURCE: Irvine Company Apartment Development

FIGURE **4.1-1B**

Shadow Study

SOURCE: Irvine Company Apartment Development

FIGURE **4.1-1C**

MIG

Shadow Study

Project Light and Glare Effects

The 2022 EIR noted development facilitated by the Focus Area Plan would be subject to light and glare requirements described in section 4.2 (Regulatory Setting) of the EIR (e.g., Santa Clara City Code, Title 24 Outdoor Lighting Zones). The 2022 EIR concluded that future lighting characteristics in the Plan Area would not be expected to represent a source of substantial new light or glare because (1) the Plan Area and vicinity are already developed with urban uses that are sources of daytime and nighttime light and glare, and (2) current and future uses in the Plan Area and vicinity would not contain uses that are especially sensitive to light or glare. Application of the City's standard light and glare regulations would result in a less-than-significant impact.

The SCP project site, like the balance of the Focus Area Plan Area, is fully built out and already contains land uses that produce daytime and nighttime light and glare, plus the proposed project would not contain uses that are especially sensitive to light and glare. The SCP project would be subject to the requirements of the City Code and Title 24 Outdoor Lighting Zones. Title 24 specifies outdoor lighting requirements for residential and non-residential development to improve the quality of outdoor lighting and help reduce the impacts of light pollution, light trespass, and glare. The standards regulate lighting characteristics, such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. City Code Title 18 has provisions related to building height, exterior lighting, glare, and signs.

The SCP project would be expected to generate an overall increase in nighttime lighting over existing conditions, but the project's lighting characteristics would not be expected to represent a source of substantial new light or glare which would adversely affect views and vision. The project would also not be expected to significantly increase daytime or nighttime light or glare in a way that would adversely affect daytime or nighttime views in the area. For this reason and due to the application of State and City of Santa Clara standard regulations, the SCP project would have a less-than-significant light and glare impact and will not cause new or more substantial light and glare impacts than those identified in the 2022 EIR.

Finding: The potential impacts of the SCP project related to aesthetics would be similar to those analyzed in the 2022 EIR. Similar to the Focus Area Plan, the SCP project would still have a potentially significant impact on existing visual character and quality which would be less than significant with mitigation incorporated. EIR Mitigation Measure 4-3 from the 2022 EIR would apply. No new significant or substantially more severe significant aesthetics impacts would result from the SCP project beyond those analyzed in the 2022 EIR.

4.2 AIR QUALITY

To organize the project-specific air quality quantitative information, this section is formatted differently from the others in this CEQA Addendum.

4.2.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR, with subsequent updates since the EIR was certified, none of which affect the impact conclusions or mitigation measures in the EIR.

Regulated Air Pollutants

The U.S. EPA has established National Ambient Air Quality Standards (NAAQS) for six common air pollutants: ozone (O_3), particulate matter (PM), which consists of "inhalable coarse" PM (particles with an aerodynamic diameter between 2.5 and 10 microns in diameter, or PM_{10}) and "fine" PM (particles with an aerodynamic diameter smaller than 2.5 microns, or $PM_{2.5}$), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead. The U.S. EPA refers to these six common pollutants as "criteria" pollutants because the agency regulates the pollutants on the basis of human health and/or environmentally based criteria. The California Air Resources Board (CARB) has established California Ambient Air Quality Standards (CAAQS) for the six common air pollutants regulated by the federal Clean Air Act plus the following additional air pollutants: hydrogen sulfide (H_2S), sulfates (SO_X), vinyl chloride, and visibility reducing particles. Both the NAAQS and CAAQS are set at levels that are protective of human health. In addition to criteria air pollutants, CARB considered particulate emissions from diesel-fueled engines, known as diesel particulate matter or DPM, to be a toxic air contaminant (TAC). Regionally, the Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for maintaining air quality and regulating emissions of air pollutants within the San Francisco Bay Area Air Basin (SFBAAB).

San Francisco Bay Area Air Basin Topography, Meteorology, and Attainment Status

The Freedom Circle Focus Area Plan Area, including the Santa Clara Park (SCP) project site, is in the southern portion of the SFBAAB. The topography and meteorology of the SFBAAB are characterized by the coast mountain ranges and the seasonal migration of the Pacific high-pressure cell. Regionally, basin airflow is affected by the coast mountain ranges, which create complex terrains consisting of higher elevations, valleys, and bays. The SFBAAB is most susceptible to air pollution during the summer when cool marine air flowing through the Golden Gate can become trapped under a layer of warmer air (known as an inversion) and prevented from escaping the valleys and bays created by the Coast Ranges. Air pollution potential is generally highest in the southern part of the SFBAAB because this area is most protected from the high winds and fog of the marine layer, the emission density is relatively high, and pollutant transport from upwind sites is possible. Meteorological data collected at Moffett Airfield (2.9 miles west of the project site) and San Jose International Airport (2.5 miles southwest of the project site) indicates prevailing winds at the project site are likely from the north/northwest. The SFBAAB is currently unclassified or designated attainment for all NAAQS and CAAQS except federal ozone, state ozone, state PM_{10}, federal $PM_{2.5}$, and state $PM_{2.5}$ standards.

Sensitive Receptors

The BAAQMD defines sensitive receptors as "facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly and people with illnesses" (BAAQMD 2023). The existing sensitive air quality receptors within 1,000 feet of the Focus Area Plan Area include:

- Individuals recreating along the San Thomas Aquino Creek Trail, which is located immediately east of and adjacent to the Plan Area; and
- Residential receptors at the Santa Clara Square Apartments, approximately 770 feet southwest of the southern portion of the Plan Area, across U.S 101.

There are no existing sensitive residential receptors within the boundaries of the Focus Area Plan Area.

Existing Air Quality Conditions in the Focus Area Plan Area and SCP Project Site

The existing non-residential land uses in the Focus Area Plan Area, including the SCP project site, which consists of 12 two-story structures, surface parking, and landscaping, involve activities and sources of emissions (e.g., landscaping equipment, vehicle trips) that contribute to local and regional air quality conditions. Both the Plan Area and the SCP project site are exposed to these emissions, including TAC emissions from U.S. 101 that may pose adverse health risks to certain sensitive receptors in the vicinity.

4.2.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded implementation of the Freedom Circle Focus Area Plan would not conflict with the BAAQMD's 2017 Clean Air Plan (Impact 5-1, pp. 5-27 to 5-34), would not expose sensitive receptors to substantial operational-related pollutant concentrations (Impact 5-6, pp. 5-50 to 5-54), and would not generate other significant emissions such as odors that could affect a substantial number of people (Impact 5-8, p. 5-57).

The certified 2022 EIR also concluded implementation of the Focus Area Plan would result in two potentially significant impacts: a cumulatively considerable net increase in non-attainment criteria pollutants (Impact 5-3, pp. 5-36 to 5-43) and construction-related TAC emissions that could expose sensitive receptors to substantial pollutant concentrations (Impact 5-5, pp. 5-49 and 5-50). The 2022 EIR's conclusions regarding increase in non-attainment pollutants and construction-related TAC emissions are summarized below.

Cumulatively Considerable Net Increase in Criteria Pollutants for which the Region is Non-Attainment

The 2022 EIR concluded the implementation of the Focus Area Plan could result in construction and operational activities that would emit criteria air pollutants at levels that exceed BAAQMD-recommended thresholds of significance, a potentially significant impact.

For construction activities, the 2022 EIR identified fugitive dust and O_3 precursor pollutants[1] as the pollutants of greatest concern. To reduce potentially significant construction emission levels, the 2022 EIR incorporated **Mitigation Measure 5-3A** (Implement BAAQMD Basic Construction Mitigation Measures) and **Mitigation Measure 5-3B** (Require a Project-level Construction Assessment for New Development Proposed Under Implementation of the Freedom Circle Focus Area Plan) into the Focus Area Plan.

For operational activities, the 2022 EIR identified O_3 precursors from area and mobile source operations as the pollutants of greatest concern. To reduce potentially significant operational emissions levels, the 2022 EIR included **Mitigation Measure 5-3C** (Use Low and Super-Compliant VOC Architectural Coatings During Operational Activities) and Mitigation Measure 5-3D (Implement TDM Program) into the Focus Area Plan.

The 2022 EIR concluded that, even with the incorporation of **Mitigation Measures 5-3A to 5-3D**, the implementation of the Focus Area Plan could still result in construction and operational emissions in excess of BAAQMD significance thresholds, which would be a significant and unavoidable air quality impact.

Toxic Air Contaminant Emissions that Expose Sensitive Receptors to Substantial Pollutant Concentrations During Construction

The 2022 EIR concluded implementation of the Focus Area Plan could result in construction activities that would generate DPM concentrations at sensitive receptor locations at levels that would lead to adverse health risks in excess of BAAQMD-recommended significance thresholds, a potentially significant impact. To reduce potentially significant DPM concentrations at sensitive receptors, the 2022 EIR incorporated **Mitigation Measure 5-5** (Require a Project-level Construction Assessment for New Development Proposed Under Implementation of the Freedom Circle Focus Area Plan) into the Focus Area Plan. The 2022 EIR concluded that, even with the incorporation of **Mitigation Measure 5-5**, the implementation of the Focus Area Plan could still result in construction-related DPM concentrations that lead to adverse health risks in excess of

[1] O_3 precursor pollutants include volatile organic compounds, or VOCs, and oxides of nitrogen, or NO_X. VOC is a U.S. EPA term that is similar to reactive organic gases, or ROG, which is a CARB term. Both terms generally refer to carbon compounds that are photochemically reactive, although ROG captures a greater degree of compounds. This Addendum uses the term VOC when referring to carbon-based O_3 precursor pollutants.

BAAQMD significance thresholds, which would be a significant and unavoidable air quality impact.

2022 Certified EIR Mitigation Measures

The following mitigation measures would be applicable to the SCP project.

Mitigation Measure 5-3A: Implement BAAQMD Basic Construction Mitigation Measures. The City shall require new development projects occurring under implementation of the Freedom Circle Focus Area Plan to implement the BAAQMD's Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 5-3B: **Require a Project-level Construction Assessment for New Development Proposed Under Implementation of the Freedom Circle Focus Area Plan.** The City shall require applicants to submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis for future development proposed under implementation of the Freedom Circle Focus Area Plan. The estimated construction criteria air pollutant and toxic air contaminant emissions shall be compared against the thresholds of significance maintained by the Bay Area Air Quality Management District (BAAQMD) and, if emissions are shown to be above BAAQMD thresholds, the City shall require the implementation

of mitigation to reduce emissions below BAAQMD thresholds or to the maximum extent feasible. Mitigation measures to reduce emissions could include, but are not limited to:

- Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime);
- Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter);
- Minimizing the idling time of diesel-powered construction equipment to two minutes;
- Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM;
- Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines; and
- Application of Low-VOC paints to interior and/or exterior surfaces (e.g., paints that meet SCAQMD Rule 1113 "Low-VOC" or "Super-Compliant" requirements).

Mitigation Measure 5-3C: Use Low- and Super Compliant VOC Architectural Coatings During Operational Activities. The City shall require the use of Low- and Super-Compliant VOC Architectural Coatings in maintaining buildings in Freedom Circle Focus Area Plan through Covenants Conditions and Restrictions (CC&Rs) and Ground Lease. Developed parcels shall require within their CC&Rs and/or ground leases requirements for all future interior and exterior spaces to be repainted with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits of South Coast Air Quality Management District AQMD Rule 1113. "Super-Compliant" refers to paints that have been reformulated to levels well below the "Low-VOC" limits.

Mitigation Measure 5-3D: Implement TDM Program. Proposed residential and office land uses within the Freedom Circle Focus Area Plan shall prepare and implement Transportation Demand Management (TDM) programs that achieve a minimum reduction in vehicle miles traveled (VMT) of 20 percent compared to baseline conditions (i.e., without internal or external reductions accounted for, such as geographic location, land use interconnectivity, etc.), with at least 10 percent of the reduction coming through project-specific TDM measures (e.g., transit subsidies, telecommuting options, etc.).

Mitigation Measure 5-5: See Mitigation Measure 5-3B.

4.2.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 EIR air quality impact and mitigation conclusions is described below.

Conflict with BAAQMD Clean Air Plan

The SCP project would be consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan. Specifically, the number of dwelling units (1,792), population growth (4,068 residents and up to 8 employees)[2], and vehicle trips (9,183 daily trips with trip reduction credits; see section 4.14) associated with the SCP project is less than the Focus Area Plan's total dwelling units (3,600), service population (28,602 residents and employees) and vehicle trips (70,250 total daily vehicle trips) evaluated in the 2022 EIR. The project's trip generation and population characteristics would, therefore, be consistent with what was analyzed in the Focus Area Plan (these two parameters are primarily used to demonstrate a plan's consistency with 2017 Clean Air Plan).[3] The proposed SCP project also would not conflict with or obstruct implementation of the BAAQMD 2017 Clean Air Plan. Table 4.2-1 summarizes the SCP project's consistency with potentially applicable control strategies from the 2017 Clean Air Plan.

Table 4.2-1
SCP Project Consistency with the 2017 BAAQMD Clean Air Plan

Applicable 2017 Clean Air Plan Control Measures	Consistency
Transportation Control Measures	
TR1: Clean Air Teleworking Initiative	Consistent. The SCP project would comply with the requirements outlined in the City of Santa Clara's Climate Action Plan and General Plan. The project is in the City's Transportation Management District 1 (North of Caltrain) and is required to achieve a minimum VMT reduction of 20 percent, including 10 percent through TDM measures (i.e., measures specifically implemented by the project, and not inherent trip reductions due to project location, such as proximity to transit). The project has prepared a TDM Plan to comply with City TDM requirements (see Addendum section 4.14, Transportation).

[2] Consistent with the certified 2022 EIR, the Focus Area Plan and SCP project are assumed to support 2.27 persons per household and approximately 1 employee per every 500 square feet of retail space.

[3] The certified 2022 EIR analyzed the development of up to 3,600 dwelling units within the Future Focus Area Plan Area. The approved but not yet constructed Greystar project (1,075 dwelling units) combined with the proposed SCP project (1,792 dwelling units) yields a total of approximately 2,867 dwelling units within the plan area, which is 733 units less than the total evaluated in the 2022 EIR. Similarly, the Greystar project's service population (2,444 residents and employees) combined with the proposed SCP project's service population (4,076 residents and employees) yields a total service of approximately 6,520 residents and employees, which is 22,082 less residents and employees than evaluated in the 2022 EIR. Finally, the Greystar project's total trip generation estimate (5,722 vehicle trips) combined with the proposed SCP project's trip generation estimate (9,183 vehicle trips) yields 14,905 total daily vehicle trips, which is 55,345 daily vehicle trips less than the total evaluated in the 2022 EIR.

Table 4.2-1
SCP Project Consistency with the 2017 BAAQMD Clean Air Plan

Applicable 2017 Clean Air Plan Control Measures	Consistency
TR2: Trip Reduction Programs	Consistent. The SCP project would be required to comply with the City of Santa Clara's Climate Action Plan and General Plan, which require the development and implementation of TDM measures. The project has prepared a TDM Plan to comply with City TMD requirements (see section 4.14).
TR9: Bicycle and Pedestrian Access and Facilities	Consistent. The SCP project would provide up to one secure private bicycle parking space per unit located in the five parking garages (1,792 total bicycle parking spaces), 120 short-term, public Class II bike racks within public park space, do-it-yourself bicycle repair facilities (e.g., air pump and basic tools) so cyclists can conduct repairs as needed, and e-bike charging stations. The project would also include approximately 6.5 acres of public open space that would connect to other existing and future trail connections. In addition, the project includes a Class II shared-use path as part of its two-way private street, a Class II bike lane around the project site perimeter, and a Class IV bike lane proposed for Mission College Boulevard.
Building Control Measures	
BL1: Green Buildings	Consistent. The SCP project would be designed to CalGreen Code standards. The project would also feature many green elements such as high efficiency heat pump, solar roofs, and EV charging facilities.
BL2: Decarbonize Buildings	Consistent. The SCP project has been designed to the latest CalGreen Code standards, which establish statewide standards for sustainable building practices and the decarbonization of buildings.
BL4: Urban Heat Island Mitigation	Consistent. The SCP project would be subject to the latest Title 24 Building Energy Efficiency Standards (currently 2022), which would require the proposed buildings to have roofs that meet the aged solar reflectance and thermal emittance requirements specified in CalGreen Code Section 140.3(a)(1)(A)(ii). Different requirements exist for low-sloped roofs than steep-sloped roofs. These requirements include measures to reduce unwanted energy transfer into buildings, such as that can occur through the urban heat island effect.

Table 4.2-1 SCP Project Consistency with the 2017 BAAQMD Clean Air Plan	
Applicable 2017 Clean Air Plan Control Measures	**Consistency**
Waste Management Control Measures	
WA4: Recycling and Waste Reduction	Consistent. The SCP project would divert construction waste, consistent with CalGreen Code requirements. Furthermore, the project would use recycled or sustainable products during construction which would preserve natural resources.

The SCP project would not have the potential to result in growth that exceeds that evaluated in the 2022 EIR. In addition, as shown in Table 4.2-1, the SCP project would be consistent with applicable control measures contained in the 2017 Clean Air Plan. For these reasons, the SCP project impact related to potential conflict with the Clean Air Plan would remain less than significant, and the SCP project would not result in a new significant or substantially more severe significant impact than those identified in the 2022 EIR.

Cumulatively Considerable Net Increases in Criteria Pollutants

Construction Emissions: As described in section 4.2.2, the SCP project is subject to, and would comply with, the applicable mitigation measures from the certified 2022 EIR that reduce construction-related criteria air pollutant emissions, including Mitigation Measure 5-3A (Implement BAAQMD Basic Construction Mitigation Measures), Mitigation Measure 5-3B (Require a Project-level Construction Assessment for New Development Proposed Under Implementation of the Freedom Circle Focus Area Plan), and Mitigation Measure 5-5 (see Mitigation Measure 5-3B).

Pursuant to Mitigation Measure 5-3B, MIG, Inc. has prepared an SCP project-specific construction emissions assessment using the California Emissions Estimator Model (CalEEMod), version 2022.1. The construction emissions assessment incorporates project-specific assumptions regarding construction phasing, equipment, and vehicle trips and incorporates fugitive dust control measures (e.g., site watering) pursuant to Mitigation Measure 5-3A. The results of the construction emissions assessment are summarized in Table 4.2-2. Refer to Appendix A-1 for the complete CalEEMod project file.

Table 4.2-2
SCP Project Construction Emissions Assessment

Year	Average Daily Emissions (lbs / day)						
	VOC[A]	NOx	CO	PM_{10}		$PM_{2.5}$	
				Dust	Exhaust	Dust	Exhaust
2026	3.2	20.2	34.6	6.2	0.5	1.6	0.5
2027	6.6	29.8	68.9	13.8	0.6	3.3	0.6
2028	6.4	28.0	66.2	13.8	0.6	3.3	0.5
2029	6.2	26.2	63.2	13.8	0.5	3.3	0.5
2030	76.0	17.8	43.8	9.8	0.3	2.4	0.3
BAAQMD CEQA Threshold	54	54	None	BMPs[B]	82	BMPs[B]	54
Threshold Exceeded?	Yes	No	N/A	No	No	No	No

Source: MIG, 2024 (see Appendix A-1)
(A) The VOC emissions presented in this table are based on CalEEMod ROG emissions estimates.
(B) The BAAQMD's best management practices (BMPs) for controlling fugitive dust are shown in certified EIR Mitigation Measure 5-3A above.

As shown in Table 4.2-2, the SCP project's potential construction emissions would be below the BAAQMD's recommended CEQA significance thresholds during each year of construction for all criteria pollutants except for ROG emissions during architectural coating activities in 2030. Accordingly, as already required by 2022 EIR Mitigation Measure 5-3B, the City shall require the SCP project to use "low VOC" architectural coatings. A Condition of Approval (COA) to implement Mitigation Measure 5-3B will be required as follows:

> **Santa Clara Park (SCP) Project Mitigation Measure 5-3B Implementation:** The City shall require the SCP Project to use interior coatings that have a volatile organic compound (VOC) content of 50 grams per liter or less. This requirement shall be listed on all bid, contract, and engineering and building plan documents.

The SCP project's construction emissions after the incorporation of emission reduction measures required pursuant to 2022 EIR Mitigation Measure 5-3B are summarized in Table 4.2-3.

As shown in Table 4.2-3, the incorporation of emission reduction measures required pursuant to 2022 EIR Program Mitigation Measure 5-3B would reduce the SCP project's ROG emissions in 2030 (52.2 average pounds per day) to a level below the BAAQMD's recommended CEQA significance threshold (54 average pounds per day). For this reason, the SCP project would slightly reduce the severity of the construction-related criteria air pollutant emissions impact identified in 2022 EIR Impact 5-3. No new significant or substantially more severe significant construction emissions impact would occur.

Table 4.2-3
SCP Project Construction Emissions with 2022 EIR Mitigation

Year	Average Daily Emissions (lbs / day)						
	VOC(A)	NOx	CO	PM_{10}		$PM_{2.5}$	
				Dust	Exhaust	Dust	Exhaust
2026	3.2	20.2	34.6	6.2	0.5	1.6	0.5
2027	6.6	29.8	68.9	13.8	0.6	3.3	0.6
2028	6.4	28.0	66.2	13.8	0.6	3.3	0.5
2029	6.2	26.2	63.2	13.8	0.5	3.3	0.5
2030	52.2	17.8	43.8	9.8	0.3	2.4	0.3
BAAQMD CEQA Threshold	54	54	None	BMPs(B)	82	BMPs(B)	54
Threshold Exceeded?	No	No	N/A	No	No	No	No

Source: MIG, 2024 (see Appendix A-1)
(A) The VOC emissions presented in this table are based on CalEEMod ROG emissions estimates.
(B) The BAAQMD's best management practices (BMPs) for controlling fugitive dust are shown in certified EIR Mitigation Measure 5-3A above.

Operational Emissions: As described under the "Conflict with the BAAQMD Clean Air Plan" analysis above, the SCP project would be consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan and would not conflict with or obstruct implementation of the BAAQMD 2017 Clean Air Plan. Per BAAQMD methodology, consistency with the 2017 Clean Air Plan at a plan level addresses operational criteria air pollutant emissions from the subsequent development of individual land uses in that plan area. The SCP project also does not include any operational activities or emissions sources that were not evaluated in the certified 2022 EIR. Since the SCP project would be consistent with the growth assumptions and emissions sources associated with the Freedom Circle Focus Area Plan, it would not have the potential to result in a new significant or substantially more severe significant operational emissions impact than that identified in the certified 2022 EIR.

Furthermore, as described in section 4.2.2, the SCP project is subject to, and would comply with, the applicable mitigation measures from the certified 2022 EIR that reduce operations-related criteria air pollutant emissions, including Mitigation Measure 5-3C (Use Low and Super-Compliance VOC Architectural Coatings During Operational Activities) and Mitigation Measure 5-3D (Implement TDM Program). For these reasons, the SCP project impact related to cumulatively considerable net increases in criteria pollutants would not be substantially more severe than identified in the 2022 EIR.

Expose Sensitive Receptors to Substantial Pollutant Concentrations

Construction Emissions: As described in section 4.2.2, the SCP project is subject to, and would comply with, the applicable mitigation from the certified 2022 EIR that reduce construction-related TAC emissions, including Mitigation Measure 5-5 (Require a Project-level Construction

Assessment for New Development Proposed Under Implementation of the Freedom Circle Focus Area Plan).

Pursuant to Mitigation Measure 5-5, MIG, Inc. prepared a project-specific construction emissions assessment and corresponding health risk assessment (HRA) for the SCP project. As described under the "Cumulatively Considerable Net Increase in Criteria Pollutants" analysis above, the construction emissions assessment was conducted using CalEEMod, and the resulting DPM emissions estimates were evaluated for potential adverse health risks at existing sensitive receptor locations near the SCP project site. MIG used the U.S. EPA's AERMOD dispersion model to predict construction-related ground level DPM concentrations at sensitive receptor locations. The AERMOD dispersion model is an U.S. EPA-approved and BAAQMD-recommended model for simulating the dispersion of pollutant emissions and estimating concentrations of pollutants at specified receptor locations. AERMOD requires the user to input information on the source(s) of pollutants being modeled, the receptors where pollutant concentrations are modeled, and the meteorology, terrain, and other factors that affect the potential dispersion of pollutants. Cancer risk and non-cancer health risks to sensitive receptors were estimated using assumptions consistent with the recommendations contained in the BAAQMD's Health Risks Assessment Modeling Protocol, as well as the OEHHA Air Toxics Hot Spots Program Guidance Manual (BAAQMD 2020; OEHHA 2015). The results of the construction HRA are summarized in Table 4.2-4. Refer to Appendix A-2 for the AERMOD output file and health risk calculations.

Table 4.2-4
SCP Project Construction Health Risk Assessment

Receptor Age at Start of Project Construction	Total Incremental Excess Cancer Risk (per Million Population) at Maximum Exposed Individual Receptor (A)(B)
Residential Infant Receptor (3rd Trimester)	3.1
Residential Child Receptor (1-2 Years of Age)	1.8
Residential Child Receptor (2-16 Years of Age)	0.7
Residential Adult Receptor (16 to 30 Years of Age)	0.1
Residential Adult Receptor (30 to 70 Years of Age)	0.1
BAAQMD Significance Threshold	10
Threshold Exceeded?	**No**

Source: MIG, 2024 (see Appendix A-2)
(A) The maximum exposed individual receptor is located at 591126.17 meters easting and 4137742.66 meters northing.
(B) Risks presented are representative of receptor's age and life stages over the project's five-year construction period. For example, "Residential Infant Receptor (3rd Trimester)" accounts for risks associated with exposure from 3rd Trimester (Year 1) through age 5 (Year 5); "Residential Child Receptor (1-2)" accounts for risks associated with exposure from age 1 (Year 1) through age 6 (Year 5); and so on.

As shown in Table 4.2-4, the SCP project would not generate concentrations of DPM at sensitive receptor locations that would exceed the BAAQMD's carcinogenic health risk threshold of 10 excess cancers per million population. For this reason, the SCP project would reduce the severity of the construction-related criteria air pollutant emissions impact identified in 2022 EIR Impact 5-

3. No new significant or substantially more severe significant construction TAC emissions impact would occur.

Operational Emissions: The SCP project would be consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan, and would not include any operational activities or TAC emissions sources that were not evaluated in the certified 2022 EIR. Since the SCP project would be consistent with the growth assumptions and emissions sources associated with the Freedom Circle Focus Area Plan, it would not have the potential to result in a new significant or substantially more severe significant operational TAC emissions impact than that identified in the certified 2022 EIR.

Odors

The SCP project would be consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan, and would not include any activities or sources of odors that were not evaluated in the certified 2022 EIR. Since the SCP project would be consistent with the growth assumptions and emissions sources associated with Freedom Circle Focus Area Plan, it would not have the potential to result in a new significant or substantially more severe significant odor impact than that identified in the certified 2022 EIR.

4.2.3 References

Bay Area Air Quality Management District (BAAQMD). 2020. *BAAQMD Health Risk Modeling Protocol*. December 2020.

BAAQMD 2023. *CEQA Thresholds and Guidelines Update*. April 2023.

Office of Environmental Health Hazard Assessment (OEHHA) 2015. *Air Toxics Hot Spots Program Guidance Manual*. Sacramento, CA. February 2015.

4.3 BIOLOGICAL RESOURCES

4.3.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR and the Biological Resources Report (titled "Freedom Circle Residential Project Biological Resources Report," prepared by MIG, Inc., dated July 2024) prepared for the project.

Existing Vegetation and Common Wildlife

Trees and shrubs in the Focus Area Plan Area are primarily urban landscaping and nonnative vegetation, do not include special-status plant species, and only provide minor value to wildlife. Disturbed or ruderal lands often lack habitat characteristics suitable for special-status species. Small lawn areas and planting strips (non-native grassland) make up most of the larger vegetated

areas in the Plan Area, but they are fragmented and of a small scale, resulting in low-quality habitat to wildlife. There is no riparian habitat in the Plan Area.

According to the project Biological Resources Report, there is one biotic habitat/landcover type present on the SCP project site: developed/landscaped. Most of the site is developed with existing buildings, parking lots, and paved pathways. Other areas of the site are composed of landscaped areas with a variety of ornamental trees, shrubs, and herbaceous/flowering species. Dominant tree species include coast redwood; however, this species was planted as part of the site's landscaping and is not native to the Santa Clara Valley. Other non-native tree species present include London plane tree, sweet gum, Japanese maple, and Chinese pistache. Dominant shrub and herbaceous species include English lavender, boxwood shrub, rock rose, bird of paradise, horsetail, English ivy, Sprenger's asparagus fern, and trailing bellflower. Several artificial ponds are present within the office park. They are filled from the existing office park plumbing system, are surrounded by ornamental plantings and do not support emergent vegetation.

The developed/landscaped habitat on the project site is of relatively low value to wildlife but provides nesting and foraging opportunities for some urban-adapted species of birds. Native bird species that were observed during the April 23, 2024 site visit conducted by MIG biologists include the American crow, Anna's hummingbird, lesser goldfinch, dark-eyed junco, mourning dove, and California towhee. Each of these species may use the trees or landscape vegetation on the site for nesting. Several old and currently active bird nests were observed on the buildings and in trees on the site. The artificial ponds have limited value for wildlife as they are likely regularly maintained but may occasionally provide resting and drinking opportunities for avian species such as mallard ducks.

No nests of raptors (e.g., hawks, owls, and falcons) were observed on the project site or in immediately adjacent areas during the April 23, 2024 survey. However, many large trees, especially redwood trees, present on the site provide potential nesting sites for common raptors such as red-tailed hawks and Cooper's hawks.

Potential roost cavity habitat is present on some of the buildings under the eaves but no signs of the presence of roosting bats were observed on the existing buildings. No roosting habitat (crevices or cavities) was observed on any of the trees on the site.

Common urban-adapted mammal species that may occur on the project site include the native raccoon and nonnative house mouse, Norway rat, black rat, and eastern gray squirrel. The western fence lizard, a common native reptile, may also occur within landscaped areas of the project site.

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan was adopted to protect biological resources and enhance ecological diversity and function in the greater portion of Santa Clara County, while allowing appropriate and compatible growth and development. The City of Santa Clara is not a Habitat Plan

participant. The Santa Clara Park (SCP) project site is approximately 1.3 miles to the west (outside) of the Habitat Plan permit area at its nearest point.

The project site includes artificial ponds constructed as part of the existing development. These ponds have a clay bottom and are chemically treated with chlorine products. See the "Jurisdictional Waters" discussion below under 4.3.3 (Impact Analysis).

4.3.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in less-than-significant impacts to special-status animal species, riparian habitat, sensitive natural communities, wetlands, and protected trees, plants, and shrubs, with potentially significant impacts to threatened and endangered species habitat, special-status plants, nesting birds, and roosting bats. The 2022 EIR's conclusions regarding potentially significant impacts to threatened and endangered species habitat, special-status plants, nesting birds, and roosting bats are summarized below.

Threatened and Endangered Species Habitat

The 2022 EIR concluded that, if an individual development project in the Future Focus Area Plan Area disregards City evaluation of the need for further biological resource surveys for a specific development site, this would violate City policy, namely Policy 5.10.1-P1 of the Santa Clara General Plan, resulting in a potentially significant impact to threatened and endangered species habitat (EIR, p. 6-10). The 2022 EIR included Mitigation Measure 6-2 to reduce impacts on threatened and endangered species habitat from future development projects within the Plan Area to less than significant.

Special-Status Plants

The 2022 EIR concluded that, without a proactive mitigation procedure in place, Focus Area Plan implementation and any future projects within the Plan Area could inadvertently result in the removal of special-status plants, including Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*; California Rare Plant Rank 1B.2) and arcuate bush mallow (*Malacothamnus arcuatus*; California Rare Plant Rank 1B.2). The removal of these special-status plants is considered a potentially significant impact. The 2022 EIR included Mitigation Measure 6-3 to reduce potentially significant impacts on Congdon's tarplant and arcuate bush mallow to less than significant.

Nesting Birds and Roosting Bats

The 2022 EIR concluded that, without a proactive mitigation procedure in place, Plan implementation could inadvertently result in the removal of existing trees and/or buildings containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, or roosting bats, which would be considered unlawful take under the MBTA and the CFGC. Unlawful

take of migratory birds, raptors, or bird species during the nesting season, or roosting bats, is considered a potentially significant impact. The 2022 EIR included Mitigation Measure 6-4 to reduce potentially significant impacts on migratory birds, raptors, bird species during the nesting season, and roosting bats, to less than significant.

The following mitigation measures would be applicable to the Santa Clara Park (SCP) project.

2022 EIR Mitigation Measures:

Mitigation 6-2. Upon receiving applications for projects within the project area, the City shall evaluate the need for a specific biological resource survey of the project area and adjacent area that may be indirectly impacted by project work. If no biological resources are determined to be at risk for an individual project (i.e., potential for bird and bat species, within and directly adjacent to the project area, to occur and/or be affected by project activities is negligible), no further survey shall be required. However, if the City determines that biological resources within the proposed project area require further analysis, the project proponent shall be required to conduct a biological resource survey of the habitat and special-status species that may be impacted by project activities, either directly or indirectly. A report shall be provided to the City detailing survey methods, results, performance standards, and avoidance and minimization measures required to protect any special-status species with potential to be impacted, consistent with the regulatory agency protocols. Implementation of this measure would reduce the impact to a ***less-than-significant level***.

Mitigation 6-3. Before any project work within the project area, including the Greystar project site, a qualified botanist shall conduct site-specific, focused surveys according to CDFW [California Department of Fish and Wildlife] guidelines to determine presence or absence of special-status plant species on the individual project site and any adjacent potential area of disturbance. A comprehensive, site-wide survey should be conducted within May to September before project work begins, to encompass the Congdon's tarplant and arcuate bush mallow's blooming periods. Following the completion of the surveys, a survey results report shall be prepared and provided to the City. This report should include, but should not be limited to, the following: (1) a description of the survey methodology; (2) a discussion of the survey results; and (3) a map showing the survey area and the location of any special-status plants encountered. If no rare plants are found, then no further mitigation would be required.

If rare plants are found during the survey, the number of individuals present shall be documented, and the limits of population shall be marked with flagging. The flagged border of the population shall be avoided by construction personnel for the duration of the project. If the species cannot be avoided or may be indirectly impacted, the applicant shall notify CDFW to discuss avoidance, minimization, and other measures as appropriate for each species population, including measures to be taken and protocols to be followed if special-status plants are inadvertently disturbed during construction activities.

CDFW may require the preparation and implementation of a mitigation plan that details avoidance, preservation, and/or compensation for the loss of individual special-status plant species. Mitigation may include the purchase of mitigation bank credits, preserving and enhancing existing on-site populations, creation of off-site populations through seed collection and/or transplantation and monitoring these populations to ensure their successful establishment, and/or preserving occupied habitat off-site in perpetuity. Specific amount and method of mitigation and/or credits shall be determined in formal consultation with CDFW and/or USFWS [United States Fish and Wildlife Service].

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

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

If an active nest is discovered in the areas to be directly physically disturbed, or in other habitats within the vicinity of construction boundaries and may be disturbed by construction activities (as determined by the qualified biologist), clearing and construction shall be postponed within a species-specific no-work buffer (to be determined by the qualified biologist and based on the species life history and regulatory requirements) until the biologist has determined that the young have fledged (left the nest), the nest fails, or the nest is otherwise determined to be inactive by the biologist (i.e., predation).

To avoid impacts to roosting bats that may rarely utilize the project area vegetation, roof tiles, and/or vacant buildings for day roosting, the project applicant shall retain a qualified wildlife biologist to conduct a survey for roosting bats no sooner than 14 days prior to the start of demolition of any vacant buildings left with entry and egress points accessible to bats or removal of suitable bat roosting vegetation. If demolition of buildings or vegetation removal efforts do not begin within the 14 days following the roosting bat survey, another survey shall be required. If roosting bats are detected, the biologist shall enact a minimum of a 150-foot no-work buffer and confer with CDFW to determine potential roost protection or roost eviction practices. After conferring with CDFW, the protective buffer may be adjusted based on specific roost needs. Once

bats have been suitably protected by a buffer and/or safely evicted from roosting sites (as approved by CDFW, avoiding take as defined by CESA [California Endangered Species Act] and the CFGC), construction may resume outside the buffered area.

A nesting bird and roosting bat survey report of the methods and results of the pre-project survey will be submitted to the City for review and approval prior to commencement of construction activities for individual projects. Any additional construction monitoring, as determined through any necessary coordination/discretionary approvals with the resource agencies, will be documented per requirements set forth in an approved mitigation monitoring and reporting program for the entirety of the project.

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

4.3.3 Impact Analysis

As stated above, MIG prepared a Biological Resources Report for the proposed Santa Clara Park (SCP) project, dated July 2024. HortScience/Bartlett Consulting prepared a Preliminary Arborist Report for the SCP project, titled "Preliminary Arborist Report Santa Clara Park Santa Clara, CA" and dated September 8, 2023, revised January 2024 (henceforth referred to as the "Preliminary Arborist Report").

In accordance with The Freedom Circle Focus Area Plan/Greystar General Plan Amendment EIR Mitigation Measure 6-2, the Biological Resources Report was prepared to identify potential sensitive biological resources on and adjacent to the SCP project site with the potential to be impacted by the project and which required measures to avoid significant impacts under the California Environmental Quality Act (CEQA).

<u>Impacts on Special-Status Species, Riparian Habitat, Sensitive Natural Communities, and Wetlands</u>

Riparian Habitat

According to the Biological Resources Report, western pond turtles are known to occur in San Tomas Aquino Creek, less than 300 feet to the east of the SCP project site. Although no suitable aquatic or upland nesting habitat is present on the project site, the site is close enough to the San Tomas Aquino Creek that it is possible for a dispersing individual turtle to wander onto the site. The Biological Resources Report therefore concluded it is possible that project construction could result in the injury or mortality of individual turtles due to worker foot traffic, equipment use, or vehicle traffic (MIG, p. 22). The Biological Resources report also noted that increases in human presence and activity in the vicinity of pond turtle habitat during construction may result in an increase in native and non-native predators, including raccoons, American crows, and common ravens, which would be attracted to trash left at the work site and may prey opportunistically on western pond turtles.

The Biological Resources Report was prepared consistent with the requirements of Mitigation Measure 6-2 of the 2022 EIR. To implement the mitigation measure, the Biological Resources Report details survey methods, results, performance standards, and avoidance and minimization measures required to protect special-status species with potential to be impacted, consistent with the regulatory agency protocols. The Biological Resources Report contains project-specific protocols to implement the certified 2022 EIR mitigation measures described above. Specifically, to implement EIR Mitigation Measure 6-2, the Biological Resources Report in its site-specific analysis includes protection protocols for the western pond turtle (pp. 22-23). The following protocols clarify and refine the program mitigation actions included in EIR Mitigation Measure 6-2. There would be no new impact. Implementation of the project-specific protocols below would avoid impacts on the western pond turtle, resulting in a less-than-significant impact. The protocols have been added to 2022 EIR adopted Mitigation Measure 6-2.

Mitigation Measure 6-2a: Conduct Pre-construction Survey for Western Pond Turtle. No more than 48 hours prior to initial ground disturbance, a preconstruction survey for the western pond turtle will be conducted by a qualified biologist. The survey will consist of walking along the existing artificial ponds and looking for turtles within and along these features. If an adult or juvenile western pond turtle is found, project activities near the turtle will cease until the individual has been captured and relocated to suitable habitat outside of the activity area by a qualified biologist.

A qualified biologist is an individual who shall have a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for each special-status species that may be present within the project area. During or following academic training, the qualified biologist shall have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements. Additionally, the qualified biologist must be permitted or authorized to handle and relocate western pond turtles, as necessary.

Mitigation Measure 6-2b: Worker Environmental Awareness Program. All construction personnel will participate in a worker environmental awareness program. These personnel will be informed about the possible presence of all special-status species and their habitats in the project site, and that unlawful take of the animal or destruction of its habitat is a violation of law. Prior to construction activities, a qualified biologist will instruct all construction personnel about (1) the description and status of the species; (2) the importance of their associated habitats; (3) a list of measures being taken to reduce impacts on these species during project construction and implementation; and (4) measures to be followed if special-status species are encountered during construction activities. A fact sheet conveying this information will be prepared for distribution to the construction crew and anyone else who enters the project site.

Sensitive Communities

According to the Biological Resources Report, no riparian habitats or other sensitive natural communities are present on or immediately adjacent to the project site (MIG, p. 24). Therefore, the SCP project would not impact any sensitive communities.

Jurisdictional Waters

The SCP project proposes to remove the existing artificial ponds on site. According to the Biological Resources Report, the existing on-site ponds may be considered "waters of the state" and therefore may be subject to jurisdiction by the Regional Water Quality Control Board (RWQCB) and CDFW (MIG, p. 24). As a standard jurisdictional protocol, the SCP project proponent must submit permit applications to the RWQCB and CDFW before the RWQCB and CDFW will issue determinations on jurisdiction and any need for avoidance and protection measures.

Compliance with state requirements to control the discharge of stormwater pollutants during construction under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and the Regional Water Quality Control Board (RWQCP)-required Stormwater Pollution Prevention Plan (SWPPP) would reduce the project's potential impacts; the Biological Resource Report describes project-specific protection protocols pursuant to existing jurisdictional regulations to reduce potential impacts, as described below.

The Biological Resources Report was prepared consistent with the requirements of Mitigation Measure 6-2 of the 2022 EIR. To implement Mitigation Measure 6-2, the Biological Resources Report in its site-specific analysis included protection protocols for potential jurisdictional waters (MIG, p. 25). The following protocols clarify and refine the program mitigation actions included in EIR Mitigation Measure 6-2. Implementation of the project-specific protocols below will determine if the on-site ponds are subject to RWQCB and/or CDFW jurisdiction and, if so, will avoid potentially significant impacts on potential jurisdictional waters, resulting in a less-than-significant impact. The project-specific protocols have been added to the 2022 EIR adopted Mitigation Measure 6-2.

> **Mitigation Measure 6-2c: Determine if the Ponds are Subject to Jurisdiction by the Regulatory Agencies.** Prior to site preparation and grading activities, the project applicant will file a Notification of Lake and Streambed Alteration with CDFW and submit a Notice of Applicability (NOA) for enrollment under a General Waste Discharge Requirement Order (WDR) from the RWQCB. The agencies will review the notifications and if the agencies determine that the ponds are not jurisdictional (i.e., waters of the state), then permits will not be required, and no further action is required.
>
> If the agencies assume jurisdiction over the ponds, the agencies will require permits prior to the start of site preparation and grading activities. The permits may require additional

conservation and mitigation measures, including compensatory mitigation for the loss of waters of the state. Compensatory mitigation for impacts to waters of the state may be achieved through creation, restoration, and/or enhancement of aquatic habitat either on-site or in a suitable off-site location. The extent of mitigation would be determined based on the extent of the impact and the quality of the impacted habitat relative to the mitigation activity; mitigation ratios (i.e., the ratio of mitigation lands to impact areas, expressed in terms of acreage) typically vary from 1:1 to 3:1.

Potential Impacts on Threatened and Endangered Species Habitat

As described above, the 2022 EIR concluded the Freedom Circle Focus Area Plan would have potentially significant impacts on threatened and endangered species habitat and included Mitigation Measure 6-2 to reduce impacts to less than significant. As required by Mitigation Measure 6-2, following a determination by the City that biological resources within the SCP project site required further analysis, the project proponent commissioned a biological resource survey of the habitat and special-status species that may be impacted by project activities, either directly or indirectly.

The Biological Resources Report determined the SCP project would have no impact on habitat fragmentation because the entirety of the project site is developed and landscaped, with the site surrounded almost fully by existing developed landcover to the north, west, and south. Redevelopment of the site would therefore not result in changes to or fragmentation of natural habitats (MIG, p. 27).

Without project-specific protection measures, the SCP project could have a significant impact on native wildlife nursery sites because project construction during the avian breeding season could disturb native bird species that nest on the project site. The SCP project's implementation of "Mitigation Measure BIO-4" included in the Biological Resources Report (see "Jurisdictional Waters," above), would reduce potentially significant impacts on native wildlife nursery sites to less than significant.

The Biological Resources Report noted that if the project's proposed multi-story buildings incorporate large glass facades, there is potential for avian collisions with the new buildings because birds do not perceive glass as an obstruction the same way humans do; therefore, glass windows and facades have the potential to cause injury or mortality to birds (MIG, p 28). In addition, landscaping and artificial night lighting can increase the risks of building collisions because these features can attract nighttime migratory birds to developed areas. The potential injury or mortality of birds that may result from the project's buildings, landscaping, and artificial lighting constitutes a potentially significant impact.

To implement Mitigation Measure 6-2, the Biological Resources Report in its site-specific analysis included bird-safe building and landscape design recommendations to protect against avian

collisions with proposed project buildings (MIG, pp. 27-28). The following protocols clarify and refine the program mitigation actions included in EIR Mitigation Measure 6-2. Implementation of the project-specific protocols below would ensure impacts related to avian collisions with project buildings would be less than significant. The project-specific protocols have been added to 2022 EIR adopted Mitigation Measure 6-2.

Mitigation Measure 6-2d: Bird-Safe Design Assessment and Implementation of Bird-Safe Design.

Prepare a bird-safe building assessment for the proposed development design that reviews the development, landscaping, and lighting design features of the project. The assessment should be prepared by a qualified ecologist with experience and knowledge of avian ecology and behavior. The assessment shall include an analysis of the preliminary design plans to determine if the design presents avian collision risks. If the ecologist determines that no avian collision risks would result from the project design, no additional measures are required. If avian collision risks from the proposed design may result from the project design, the assessment will include recommendations to avoid and minimize the impacts. Recommendations may include, but not be limited to, reducing the amount of glass facades on new buildings; applying glass and façade treatments such as fritted and frosted glass, and addition of louvers and awnings in front of the glass; minimization of landscaped plantings near glass facades; avoidance, minimization, and treatment of glass railings and walkways near potential flight corridors; avoidance of uplighting and light spillage; and use of motion sensing lights. The project design team shall incorporate all recommended measures to reduce potential collision risk impacts.

Potential Impacts on Special-Status Plants

As described above, the 2022 EIR determined the Freedom Circle Focus Area Plan would have potentially significant impacts on special-status plants species and included Mitigation Measure 6-3 to reduce impacts to less than significant. Mitigation Measure 6-3 requires that prior to any project work within the Plan Area, a qualified botanist shall conduct within the months of May to September site-specific, focused surveys according to CDFW guidelines to determine presence or absence of special-status plant species on the individual project site and any adjacent potential area of disturbance.

The Biological Resources Report implements Mitigation Measure 6-3 of the 2022 EIR. Preparation of the Biological Resources Report included a comprehensive, site-wide survey conducted in late April to encompass the Congdon's tarplant and arcuate bush mallow's blooming periods. (Based on biological resource conditions at the time and the professional judgement of the biologist team who conducted the survey, it was determined that the "late April" survey date was consistent with the "May to September" window identified in EIR Mitigation Measure 6-3.) The Biological Resources Report serves as the survey results report provided to the City. The Biological Resources

Report provides: (1) a description of the survey methodology; (2) a discussion of the survey results; and (3) a map showing the survey area and the location of any special-status plants encountered. According to the Biological Resources Report, the field survey did not encounter any special-status plant species on the SCP project site and adjacent area. The SCP project site and adjacent area do not contain suitable habitat for special-status plant species and, therefore, the SCP project would have no impact on special-status plants (MIG, p. 2). Per Mitigation Measure 6-3 of the 2022 EIR, no further mitigation is required.

Potential Impacts on Nesting Birds and Roosting Bats

Nesting Birds

All migratory bird species and their nests are protected under the MBTA and CFGC. According to the Biological Resources Report, tree removal and building demolition during the avian breeding season (February 1 through September 15 for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests (MIG, p. 23).

As described above, the Biological Resources Report was prepared consistent with the requirements of Mitigation Measure 6-2 of the 2022 EIR. To implement Mitigation Measure 6-2, the Biological Resources Report in its site-specific analysis included protection protocols for migratory bird species and their nests (MIG, pp. 23-24), including requiring a qualified wildlife biologist to conduct a survey for nesting birds at most 14 days prior to the start of removal of trees, shrubs, grassland vegetation, or buildings, including prior to grading or other construction activity if these activities would occur during the nesting period. The following protocols clarify and refine the program mitigation actions included in EIR Mitigation Measures 6-2 and 6-4. Implementation of the project-specific protocols below would avoid potentially significant impacts on active nests of birds protected by the MBTA or the CFGC, resulting in a less-than-significant impact. The project-specific protocols have been added to 2022 EIR adopted Mitigation Measure 6-4.

Mitigation Measure 6-4a: Pre-Construction Survey for Nesting Birds.

Avoidance. Construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place inside the nesting season, all impacts to nesting birds protected under the MBTA and CFGC shall be avoided through implementation of the protections described in this mitigation measure. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

Pre-Construction Surveys. If it is not possible to schedule construction activities between September 16 and January 31 – as determined between the City and the project proponent - then preconstruction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project construction. These surveys will be conducted no more than 7 days prior to the initiation of any site disturbance activities and

equipment mobilization, including tree, shrub, or vegetation removal, fence installation, grading, and similar activities. If project activities are delayed by more than 7 days, an additional nesting bird survey must be performed. During this survey, the biologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, culverts) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If an active nest is found sufficiently close to work areas to be disturbed by construction activities, the biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 1,000 feet for raptors and up to 250 feet for non-raptor species), to ensure that no nests of species protected by the MBTA and CFGC will be disturbed during project construction. Within the buffer zone, no site disturbance or mobilization of heavy equipment - including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading - will be permitted until the chicks have fledged. Monitoring by a professional biologist will be required to ensure compliance with MBTA and CFGC requirements. Monitoring dates and findings shall be documented.

Roosting Bats

According to the Biological Resources Report, building demolition and tree removal could result in the disturbance of active bat maternity colonies or day roosts of common bat species that are protected by the CFGC. This impact is significant under CEQA.

As described above, the Biological Resources Report was prepared consistent with the requirements of Mitigation Measure 6-2 of the 2022 EIR. To implement Mitigation Measure 6-2, the Biological Resources Report in its site-specific analysis included protection protocols for roosting bats (MIG, p. 24). In addition, the Biological Resource Report's recommendations for avoiding and minimizing impacts on roosting bats addresses the requirements of Mitigation Measure 6-4 of the 2022 EIR, which requires a qualified wildlife biologist to conduct a survey for roosting bats no sooner than 14 days prior to the start of demolition of any vacant buildings left with entry and egress points accessible to bats or the removal of suitable bat roosting vegetation. The following protocols clarify and refine the program mitigation actions included in EIR Mitigation Measures 6-2 and 6-4. Implementation of the project-specific protocols below would avoid potentially significant impacts on roosting bats, resulting in a less-than-significant impact. The project-specific protocols have been added to 2022 EIR adopted Mitigation Measure 6-4.

Mitigation Measure 6-4b: Pre-Construction Survey for Roosting Bats. No more than 30 days prior to building demolition, a qualified biologist will conduct a focused survey for roosting bats. The focused survey shall include a daytime inspection of potential roost habitat (e.g., buildings and trees). If the biologist is unable to determine if bats are present, an evening

survey shall be conducted to watch for bats that exit the roost, if present. If any bats are found, but they do not represent an active maternity roost, they shall be excluded from the building through installation of one-way doors or other similar exclusion methods. A qualified bat biologist will consult on the exact methods used to exclude bats.

If a maternity colony is determined to be present, then no demolition or modification of the roost, and any points of ingress or egress, will occur during the period April 1 to August 31 (or until young are demonstrated to be flying well). After August 31 (or after the young are flying), bat exclusion (i.e., installation of one-way doors) can proceed. No exclusion during demolition will occur during rainy or cold conditions (i.e., less than 50°F).

Potential Impacts on Protected Trees, Plants, and Shrubs

City of Santa Clara Tree Protection Ordinance

The City of Santa Clara Tree Protection Ordinance (City Code Chapter 12.35) and the General Plan (Conservation Policies 5.10.1-P3 and P4, and Appendix 8.10) detail protections for street trees and preservation of all City-designated heritage trees. General Plan Policy 5.3.1-P10 also requires new development to provide street trees as well as a minimum 2:1 on- or off-site replacement for trees removed.

According to the Preliminary Arborist Report, four hundred and seventeen (417) trees were assessed, representing 15 species (HortScience/Bartlett Consulting, pp. 2-5). All species were relatively common ornamentals in the South Bay area. The dominant tree (61%) in the existing 12-building business park is coast redwood, with 256 trees. Coast redwood is native to California but is not indigenous to Santa Clara. The SCP project proposes to remove two hundred and forty-nine (249) of the existing on-site trees. Of the 249 removals, 182 trees have protected status and would require a permit for removal. According to the Arborist Report, one hundred and sixty-eight (168) trees can be preserved. The project proposes to box and relocate 34 of the existing coast redwood trees elsewhere on the project site. Replacement trees are required at a 2:1 ratio at a box size of 24 inches or larger per the City's tree replacement standards. The project would provide replacement trees consistent with the City's tree replacement standards.

The proposed tree preservation strategy is preliminary and will be finalized based on arborist review, a final survey, and a site walk with City staff and applicant representatives. The final strategy may include additional trees. Fire Department aerial access standards may require removal of some additional trees, which would be determined during the Fire Department's final project design review; the project would also replace these trees at a minimum 2:1 ratio.

Although the City's preference is to preserve existing trees to the extent feasible, the SCP project's removal of existing coast redwood trees, and other trees with a protected status, to accommodate the proposed project would represent a direct conflict with the Santa Clara City Code and Santa Clara General Plan *only* if the project does not secure a tree removal permit prior to any tree

removal and does not replace the trees at the appropriate ratio. Existing trees that would be retained on site may potentially experience injury or mortality from root damage caused by construction and other ground disturbance, excessive pruning, or damage to trunks from equipment.

As described above, the 2022 EIR concluded the Freedom Circle Future Focus Area Plan Area would have a less-than-significant impact on protected trees, plants, and shrubs through individual project compliance with the uniformly applicable development regulations established in the City's Tree Protection Ordinance and General Plan Policy 5.3.1-P10 to avoid or reduce impacts on trees, plants, and shrubs along City streets and within public spaces. The Biological Resources Report in its site-specific analysis identifies adopted, applicable development regulations to ensure that the SCP project complies with the City requirements for tree removal, including securing a tree removal permit prior to any tree removal and implementing protection protocols for existing trees tree to remain (MIG, p. 29). The following protocols will extend the uniformly applicable development regulations to the project site.

Uniformly Applicable Development Regulation BIO-1: Obtain Tree Removal Permit and Provide Tree Replacement.

The project applicant will comply with City tree protection policies and shall apply for a permit for the removal of any trees covered by the ordinance. Any street trees or heritage trees to be removed may require replacement according to the discretion of the City Director of Planning, and the City may require on-site or off-site replacement of trees at a minimum 2:1 ratio per General Plan Policy 5.3.1-P10 (see section 3.3.2 above). The replacement trees will be planted on site unless otherwise authorized by the City, and the project proponent will comply with all other tree removal requirements imposed by the City.

Uniformly Applicable Development Regulation BIO-2: Prepare a Tree Protection Plan

The project applicant will implement precautionary measures during site construction to limit adverse effects on ordinance-protected trees that are to be retained. The project applicant shall prepare a tree protection plan based on the arborist report prepared in January 2024 and consistent with Chapter 12.35 Trees and Shrubs of the Santa Clara City Code. The tree protection plan will further refine the details to avoid and minimize impacts on trees. The tree protection plan is subject to approval by the City of Santa Clara.

Conservation Plans

According to the Biological Resources Report, the SCP project site is not located within an area covered by a Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) (MIG, p. 29). Therefore, the project would not conflict with any conservation plans.

Finding: The potential impacts of the SCP project related to biological resources would be similar to those analyzed in the certified 2022 EIR. Like the Freedom Circle Focus Area Plan, the SCP

project would have less-than-significant impacts on plants, shrubs, and protected trees (with implementation of uniformly applicable development regulations). Like the Focus Area Plan, the SCP project would still have potentially significant impacts on threatened and endangered species habitat, special-status plant species, special-status animal species, jurisdictional waters, and movement of native wildlife, all of which impacts would be less than significant with implementation of the 2022 EIR program mitigation measures, including clarifications and refinements to those mitigation measures as identified in this Addendum section. EIR Mitigation Measures 6-2, 6-3, and 6-4 from the 2022 EIR apply. No new significant or substantially more severe significant biological resources impacts would result from the SPC project beyond those analyzed in the 2022 EIR.

4.4 CULTURAL AND HISTORICAL RESOURCES

4.4.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR.

Historic Resources

The Future Focus Area Plan Area, including the project site, was some of the last land in Santa Clara to be developed. Aerial photography and USGS maps show that the Future Focus Area Plan Area remained agricultural until at least 1975 and had not reached the modern extent of development until the mid-1980's, with the City's need for additional business districts.

Under CEQA Guidelines section 15064.5 (Determining the Significance of Impacts to Archaeological and Historical Resources), buildings, structures, and objects that are listed or eligible for listing on the California Register of Historical Resources (CRHR) or on a local register of historic resources are presumed to be historically or culturally significant. A 50-year age "threshold," which originally resulted from 36 Code of Federal Regulations 60.4 and pertains to the National Register of Historic Places (NRHP), is used by some jurisdictions as a guide for determining whether or not a resource may warrant evaluation.

Regionally, the Northwest Information Center (NWIC) keeps records of historic resources that have been documented in Santa Clara County. Locally, the City adopted Criteria for Local Significance in 2004 that established a Historic Resources Inventory. To date, no building or structure in the Future Focus Area Plan Area, including the project site, is on a local or State historic resource inventory nor the National Register.

Archaeological Resources and Tribal Cultural Resources

The Ohlone Native Americans inhabited what is now known as the San Francisco Bay area prior to invasion by the Spanish in 1769 and were named Costanoans by the Spanish. Costanoan-speaking tribal groups occupied the area from the Pacific Coast to the Diablo Range and from San Francisco to Point Sur. The language of the local tribe was the Tamyan linguistic group.

Prehistoric archaeological sites are commonly found near historical water courses. Prehistoric archaeological resources found at such sites often include middens and bedrock milling stations, as well as chert or obsidian flakes, projectile points, mortars and pestles, and dark friable soil containing shell and bone, dietary debris, heat-affected rock, or human burials.

Though the Future Focus Area Plan Area, including the project site, is developed, with some small areas of managed vegetation, there is a possibility that as-yet unrecorded prehistoric cultural resources could exist beneath the surface of the project site.

4.4.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in potentially significant impacts to historic resources, buried archaeological resources, including human remains, and tribal cultural resources. The 2022 EIR's conclusions regarding impacts to potentially significant historic resources and archaeological and tribal cultural resources are summarized below.

Historic Resources

The 2022 EIR concluded that implementation of the Focus Area Plan may ultimately cause substantial adverse changes in the significance of one or more potentially historic resources if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of a historic resource's significance under CEQA (EIR, p. 7-11). The 2022 EIR concluded such adverse changes in the significance of a CEQA-defined historic resource would be a significant impact. The 2022 EIR included **Mitigation Measure 7-1** to reduce impacts on historic resources from implementation of a comprehensive planning study (such as a specific plan) adopted by the City to guide Future Focus Area Plan Area development.

Archaeological Resources and Tribal Cultural Resources

The 2022 EIR concluded that implementation of the Focus Area Plan could disturb unrecorded sensitive archaeological resources, including human remains, and tribal cultural resources in the Future Focus Area Plan Area (EIR, p. 7-15). The 2022 EIR concluded this possibility represents a potentially significant impact. The 2022 EIR included **Mitigation Measure 7-3** to reduce impacts on archaeological and tribal cultural resources from future discretionary public improvement and private development projects under the subsequent comprehensive planning study.

The following mitigation measures would be applicable to the Santa Clara Park (SCP) project.

2022 EIR Mitigation Measures:

Mitigation 7-1. For any individual discretionary project under the subsequent comprehensive planning study (such as a specific plan) adopted by the City to guide Plan Area development that the City determines may involve a property that contains a potentially significant historic resource, the resource shall be assessed by a professional who meets the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historic resource and whether or not the project may have a potentially significant adverse effect on the historic resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures:

(a) Adhere to at least one of the following Secretary of the Interior's Standards:

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a ***less-than-significant level*** (CEQA Guidelines section 15064.5).

(b) If the City determines that measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historic resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that a substantial adverse change in the significance of the historic resource is avoided. Implementation of measure (b) would reduce the impact to a ***less-than-significant level.***

If the City determines that neither measure (a) nor measure (b) is feasible, to the extent required by CEQA, additional analysis shall be conducted in accordance with CEQA Guidelines Section 15064.5 and 15162, particularly in order for specific project alternatives to be designed and evaluated. If the City determines that neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:

(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's *Standards*

for Architectural and Engineering Documentation. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies.

(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction.

(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance.

(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Plan Area.

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

Mitigation 7-3. During the City's standard project-specific review process for all future, discretionary, public improvement and private development projects under the subsequent comprehensive planning study (such as a specific plan) adopted by the City to guide development in the Plan Area, the City shall determine the possible presence of, and the potential for new or substantially more severe impacts of the action on, archaeological resources and tribal cultural resources. The City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area – i.e., on or adjoining an identified archaeological site – shall proceed only after the project applicant contracts with an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards, to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures, as described directly below.

In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection, in collaboration with a Tamien Nation Tribal Representative, to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection

may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

In addition, the City shall continue to notify the Native American tribes traditionally and culturally affiliated with the Plan Area of the discretionary, public improvement and private development projects if those proposed improvements or projects are subject to a CEQA Negative Declaration (including Mitigated Negative Declaration) or Environmental Impact Report (EIR), in accordance with California Assembly Bill 52, and if a Native American tribe requests consultation, conduct a good faith consultation.

Following field inspection and completion of all necessary phases of study as determined by the archaeologist, the Tamien Nation Tribal representative, and the City, damage to any identified archaeological resources shall be avoided or mitigated to the maximum extent possible. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by:

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

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

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

A data recovery plan and data recovery for a historic resource shall not be required if the City in collaboration with Tamien Nation determines that testing or studies already completed have

adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]).

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

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

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

4.4.3 Impact Analysis

Basin Research Associates prepared a Cultural Resources Assessment Report for the proposed Santa Clara Park (SCP) project, titled "Cultural Resources Review – In Support of Future Environmental Clearance for Irvine Company 3900 Freedom Circle Development (APN 104-40-019) City of Santa Clara, Santa Clara County," and dated January 31, 2024, revised May 2, 2024 (henceforth referred to as the "Basin report").

Historic Resources

The SCP project site is located within the Freedom Circle Future Focus Area Plan Area. The site consists of an existing 12-building, moderate-intensity, low-rise office park with associated surface parking, constructed in 1980 (Basin Research Associates 2024, p. 1). The 12 on-site buildings are less than 50 years in age, of typical modern construction for both the business park and surrounding commercial development, and not considered significant due to their recent and typical construction. To implement Mitigation Measure 7-1 from the 2022 EIR, the Basin report included an assessment of the subject property to determine whether the property is a significant historic resource and whether the project may have a potentially significant adverse effect on the historic resource. The Basin report was prepared by a professional who meets the Secretary of the Interior's Professional Qualifications Standards.

The Basin report concluded there are no standing historic buildings and/or structures present within the bounds of the project site due to the previous development of the site in 1980 (Basin Research

Associates 2024, p. 5). Therefore, the requirements of Mitigation Measure 7-1 for projects that may have a potentially significant effect on a historic resource do not apply to the SCP project.

Archaeological Resources and Tribal Cultural Resources

The Basin report included a CHRIS/NWIC archival records search, a historic maps review, a review of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF), and communication with the NAHC and local Native Americans individuals/groups listed by the NAHC. A systematic field inventory of the project was not undertaken due to the lack of native soil available for inspection resulting from prior development including building footprints, hardscape and introduced landscaping.

According to the Basin report, while prehistoric sites are often found within 0.25 miles of flowing water in the northern Santa Clara Valley, and the project site is located in proximity to the historic channels of both Saratoga and San Tomas Aquino creeks, the site has a low to low-moderate sensitivity for subsurface prehistoric resources due to the lack of any reported cultural materials exposed during subsurface disturbance over the past 50 years for development projects, flood control, and trail construction (p. 16).

The Basin report was prepared consistent with the requirements of Mitigation Measure 7-3 of the 2022 EIR. The Basin report included contact with the CHRIS and a determination by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards regarding any potential cultural values remaining on the site and any warranted site-specific protection protocols. As stated above, Basin Research Associates did not conduct a field inspection due to the lack of on-site native soil available for inspection resulting from prior development including building footprints, hardscape, and introduced landscaping.

To implement Mitigation Measure 7-3, the Basin report in its site-specific analysis included protection protocols (pp. 18-19). The following protocols refine the mitigation actions included in Mitigation Measure 7-3 for site-specific impacts and shall be added as a condition of approval for the SCP project.

(a) The project applicant shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American burials.

(b) Prior to the start of ground disturbing construction, the project applicant shall implement a Worker Awareness Training (WAT) program for cultural resources. Training shall be required for all construction personnel participating in ground disturbing construction to alert them to the archaeological sensitivity of the project site and to provide protocols to follow in the event of a discovery of archaeological materials. The training shall be provided by a Registered Professional Archaeologist (RPA). In addition, the RPA shall develop and distribute for job site posting an "ALERT SHEET" summarizing potential

archaeological finds that could be exposed and the protocols to be followed, as well as points of contact to alert in the event of a discovery.

(c) The project applicant shall retain a Professional Archaeologist on an "on-call" basis during ground disturbing construction to review, identify, and evaluate any potential cultural resources that may be exposed during construction. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under the California Environmental Quality Act (CEQA).

(d) If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, they shall notify the City and other appropriate parties of the evaluation and recommend protection protocols in accordance with CEQA Guidelines section 15064.5 (Determining the Significance of Impacts to Archaeological and Historical Resources). Protocols may include avoidance, preservation in-place, recordation, additional archaeological testing, and data recovery, among other options. The completion of a formal *Archaeological Monitoring Plan* (AMP) and/or *Archaeological Treatment Plan* (ATP) that may include data recovery may be recommended by the Professional Archaeologist if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the City of Santa Clara in consultation with the Professional Archaeologist and relevant jurisdictional agencies.

(e) State law shall be followed regarding Native American burials (Chapter 1492, Section 7050.5 of the Health and Safety Code; Sections 5097.94, 5097.98, and 5097.99 of the Public Resources Code). This shall include immediate notification of the County Coroner/Medical Examiner and the City of Santa Clara.

Also, City of Santa Clara staff notified tribes in the area of the SCP project, received comments, and communicated directly with tribal representatives. The 2022 EIR mitigation plus the Basin report protocols above are consistent with those comments and communications.

Finding: The potential impacts of the SCP project related to historic, archaeological, and tribal cultural resources would be similar to or less significant than those analyzed in the certified 2022 EIR. The SCP project would not have potentially significant impacts related to the impact of future development on historic resources because the project site does not contain potentially historic resources. The SCP project's potential impacts on historic resources would be less significant than those of the overall Freedom Circle Focus Area Plan, which the 2022 EIR concluded would be significant and unavoidable. Similar to the Focus Area Plan, the SCP project would still have potentially significant impacts on archaeological and tribal cultural resources which would be less than significant with mitigation incorporated; Mitigation Measures 7-1 and 7-3 from the 2022 EIR apply. Implementation of the SCP project would not result in new significant impacts or a

substantial increase in the severity of previously identified significant impacts. No new mitigation is required.

4.5 GEOLOGY AND SOILS

4.5.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR, with some updates.

Seismicity/Groundshaking: The City of Santa Clara is located in the northern region of the Santa Clara Valley, which is within the seismically active San Francisco Bay Region of the Coast Ranges geomorphic province. There are no active earthquake faults and no Alquist-Priolo Special Study Zones in the city. Faults located within 10 miles of the Santa Clara Park (SCP) project site include the Hayward fault, the Calaveras fault, the Monte Vista-Shannon fault, and the Sargent fault. The San Andreas fault is located approximately 11 miles from the project site.

Soil Erosion/Loss of Topsoil: As discussed in the Project Description (section 3), the project site is currently developed with 12 two-story structures, surface parking, and landscaping, all of which would require demolition and removal prior to construction of the proposed SCP project. Project site clearing would temporarily disturb existing site conditions and could leave soils exposed to wind and water erosion during the construction period. Eroded soils carried into stormwater runoff could be discharged to surface waters, thereby reducing the water quality of receiving waters.

Ground Instability (Topography and Surface Soils): The Freedom Circle Future Focus Area Plan Area is generally flat, with surface elevations ranging from 17 to 50 feet "above sea level." The SCP project site is currently developed and essentially flat, with surface elevations varying from 22 to 25 feet.[4] Soils in the Plan Area are comprised of (1) very deep, poorly drained alluvial soils derived from mixed rock sources, with moderate clay content and (2) subsurface silty clay loam and deep clay that is naturally moderately well drained. Soils with clay content may pose risk from expansion ("shrink-swell potential") because variations in moisture content result in volume changes, as discussed in the certified 2022 EIR.

The 2022 EIR determined that no impacts related to fault rupture, landslides, or septic/alternative wastewater systems would result due to project construction, and these issues were not discussed further in the 2022 EIR.

The 2022 EIR noted that while no creeks pass through the Plan Area, historical maps indicate that a portion of Saratoga Creek once crossed through the southwest portion of the Plan Area and the

[4] Project site plans (Plan Sheets C1.0, C2.0, C2.1, C4.0, and C4.1) note that elevations are based on North American Vertical Datum 88 (NAVD 88), which has replaced the older "above sea level" designation to correct distortions in surveyed elevations in sea level measurements and provide a common, consistent method for establishing elevations based on satellite systems.

southwest portion of the project site. During the 1970s/1980s, Saratoga Creek was rerouted upstream to connect with San Thomas Aquinas Creek. According to the 2022 EIR, the creek channel on the site appears to have been filled in.

Paleontological Resources: The project site is located in an area where surficial geologic units include Holocene alluvial and Bay mud deposits, plus Pleistocene alluvial deposits with the underlying Santa Clara Formation. The Holocene unit is not typically considered paleontologically sensitive because remains found in this unit usually are not older than about 10,000 years and would be too young to be fossilized. Deposits may contain remains that are lifted from older deposits due to movement of the geologic units.

4.5.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that future development facilitated by the Freedom Circle Focus Area Plan would result in significant impacts related to potential ground instability (topography and surface soils) and paleontological resources.

Ground Instability (Topography and Surface Soils):

The 2022 EIR concluded that potential for ground instability depends on specific, highly localized underlying soil conditions. Determination of differential settlement, liquefaction, lateral spreading, and subsidence potential would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions would need to be properly engineered or could result in associated significant damage to project buildings, other improvements, and adjacent property, with direct or indirect risks to life or property.

Any potential for earthquake-induced differential settlement, liquefaction, lateral spreading, and subsidence, and associated damage to proposed buildings or other improvements, would be generally restricted to the area where the building foundation or other improvement would be constructed. The 2022 EIR identified **Mitigation Measure 8-5** to mitigate potential ground instability impacts by requiring future projects to implement the geotechnical mitigation recommendations included in the City-required individual project, site-specific geotechnical investigations and engineering studies for future development proposals, subject to City review and approval.

The 2022 EIR concluded that these geotechnical mitigation requirements, which would include soil testing and soil treatments; recommendations for building foundation, structural strengthening, and subsurface design; and associated construction methods, among other protocols, rely on methods developed and refined by the California Building Standards Commission (through the California Building Code) and the California Geological Survey (especially Special Publication 117A, "Guidelines for Evaluating and Mitigating Seismic Hazards in California 2008"). These geotechnical requirements, along with continued academic and professional environmental and

engineering geologists' research, would reduce seismic hazards to structures and persons to a less than significant level.

These requirements and related City inspection and verification procedures would provide reasonable, professional assurances that projects would incorporate the design and engineering refinements necessary to reduce the degree of impacts to less-than-significant levels. In addition, City grading permit and building permit provisions, requirements, and regulations already in place would ensure that an individual development project would not be given final approval without project compliance with geotechnical/geologic requirements.

Paleontological Resources:

The 2022 EIR concluded that the potential for disturbance of paleontological resources could result in a significant impact because development facilitated by the Focus Area Plan could result in disturbance of unrecorded paleontological resources during ground-disturbing activities. The 2022 EIR identified **Mitigation Measure 8-7** to mitigate potential disturbance of paleontological resources by requiring future development projects to include (1) an education program with resource identification training procedures for construction personnel; (2) spot-checks and monitoring by a qualified paleontologist of all excavations deeper than seven feet below ground surface; and (3) procedures for reporting discoveries and their geologic context. The education program would be conducted by a paleontologist who meets the Secretary of the Interior's Professional Qualifications Standards. In addition, for resources that are encountered, additional measures would require (1) halting excavation within a buffer area; (2) paleontologist evaluation of the resource and its stratigraphic context; (3) other procedures related to monitoring, sample collecting, and cataloging/curating material; and (4) preparation and submittal of a report to the City documenting the results of the monitoring and salvage activities.

The following mitigation measures would be applicable to the proposed SCP project.

2022 EIR Mitigation Measures:

Seismicity/Groundshaking:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) standard geotechnical requirements mandated by the City and performed by professional engineers, including preparation of a final geotechnical report based on detailed geotechnical investigation and laboratory testing of subsurface soils; (2) compliance with the current California Building Code; (3) construction monitoring to observe foundation installation, ground improvement, and fill placement; and (4) City inspection and verification of project compliance with geotechnical/geologic requirements before project occupancy would reduce the risk of property loss or hazards to occupants due to seismicity/groundshaking to a less-than-significant level.

Soil Erosion/Loss of Topsoil:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) standard grading- and construction-period erosion control techniques required by the City for individual projects in addition to regional water quality requirements would ensure this potential impact would be less than significant by reducing surface water runoff over exposed soil and grading; and (2) construction activities would be anticipated to result only in minor erosion or the minor loss of some topsoil.

Ground Instability (Topography and Surface Soils):

Mitigation 8-5. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required individual project and site-specific geotechnical investigations and engineering studies for site-specific proposals, in coordination with City grading permit and building permit performance standards. Such recommendations could address design- and construction-level details regarding the type of building foundation, the extent of subsurface excavation, the details of retaining structures, any need for subsurface water extraction, and other engineering issues and solutions. Incorporation of this mitigation requirement would reduce this impact to a ***less-than-significant level***.

Paleontological Resources:

Mitigation 8-7. For all public improvement and private development projects in the Freedom Circle Future Focus Area Plan Area, the following measures shall be implemented:

(1) Education Program. Project applicants shall implement a program that includes the following elements:

- Resource identification training procedures for construction personnel, conducted by a paleontologist who meets the Secretary of the Interior's Professional Qualifications Standards;
- Spot-checks and monitoring by a qualified paleontologist of all excavations deeper than seven feet below ground surface; and
- Procedures for reporting discoveries and their geologic context.

(2) Procedures for Resources Encountered. If subsurface paleontological resources are encountered, excavation shall halt within a buffer area of at least 50 feet around the find, where construction activities will not be allowed to continue until the project paleontologist evaluates the resource and its stratigraphic context. Work shall be allowed to continue outside the buffer area; however, the paleontologist shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils

are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage.

Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources.

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

4.5.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 Focus Area Plan EIR geology and soils impact and mitigation conclusions is described below.

Seismicity/Ground shaking:

The proposed SCP project would not be expected to exacerbate the existing risk of strong seismic ground shaking nor result in the risk of property loss or hazards to occupants because the project would be required to comply with the seismic design provisions of the latest California Building Standards Code (CBSC), as adopted by the City with City amendments. A preliminary geotechnical feasibility study was prepared for the proposed project by Langan Treadwell Rollo (January 5, 2015) and updated (April 22, 2024), collectively referred to here as the "Geotechnical Study."

The Geotechnical Study was based on review of previous studies in the site vicinity and data from those investigations; the Geotechnical Study did not perform any site-specific soil sampling or laboratory testing. Based on the data from the previous studies, the Geotechnical Study evaluated the following geological conditions and hazards, and made preliminary recommendations, as discussed further in "Ground Instability (Topography and Surface Soils)," below:

- subsurface soils and soil conditions;
- groundwater levels; and
- geotechnical issues related to adequate foundation support, settlement behavior, and geologic hazards, including expansive soils, soil liquefaction, lateral spreading, and cyclic soil densification.

The Geotechnical Study (p. 10) concluded: "A detailed geotechnical investigation for any proposed development should be performed to confirm the existing subsurface data prior to development of final plans." This condition under "final plans" will ensure that the most accurate and precise details of project design are considered in the quantitative analysis.

Because standard geotechnical requirements would (1) be mandated by the City and performed by professional engineers, including preparation of a final geotechnical report based on site-specific geotechnical investigation and laboratory testing of subsurface soils; (2) include monitoring during construction, particularly to observe foundation installation, ground improvement, and fill placement; (3) be required to comply with current State building codes, as adopted and amended by the City; and (4) be inspected and verified by the City to ensure project compliance with these geotechnical/geologic requirements prior to project occupancy, the risk of property loss or hazards to occupants due to seismicity and groundshaking would be less than significant.

The SCP project's impacts related to seismicity/ground shaking would remain less than significant as identified in the 2022 EIR.

Soil Erosion/Loss of Topsoil:

The proposed SCP project would not be expected to result in substantial soil erosion or loss of topsoil because project construction activities would be required to comply with (1) City grading and stormwater standards; (2) the State General Permit for Discharges of Storm Water Associated with Construction Activity requirements, including preparation of a Storm Water Pollution Prevention Plan (SWPPP); (3) other stormwater runoff quality requirements for construction-period and post-construction activities, as specified in the National Pollutant Discharge Elimination System (NPDES) program ("C.3" requirements); and (4) Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMPs) to eliminate or reduce the discharge of pollutants from construction-related activities. (See chapter 11, Hydrology and Water Quality, of the 2022 EIR for further discussion.) These City and regional water quality requirements would reduce this potential impact to a less-than-significant level.

The SCP project's impacts related to soil erosion/loss of topsoil would remain less than significant as identified in the 2022 EIR.

Ground Instability (Topography and Surface Soils):

As described above, the Geotechnical Study made recommendations to apply to final project design regarding the following:

- subsurface soils and soil conditions;
- groundwater levels; and
- geotechnical issues related to adequate foundation and settlement, and geologic hazards, including expansive soils, soil liquefaction, lateral spreading, and cyclic soil densification.

Subsurface Soils and Soil Conditions (Geotechnical Study, p. 2)*:* Subsurface soil conditions vary, with upper soils of generally stiff, very highly expansive clay, which is over-consolidated, and near-surface clay that is moderately corrosive. Under the near-surface clay are alluvial deposits of

medium stiff to hard, moderately expansive clay and silt with layers of medium dense to very dense sand and silty sand interbedded within.[5]

Groundwater Levels (Geotechnical Study, p. 2)*:* The design groundwater level at the project site is estimated at eight feet below ground surface.

Foundation and Settlement (Geotechnical Study, p. 7)*:* Light-weight at-grade structures such as wood-framed buildings may be supported on shallow footings, with footings near the bottom of the severe moisture change zone or with post-tensioned (P-T) slabs over select fill. Heavier structures such as parking garages may need more support on deep foundations, such as piles or on ground improvement elements like compacted aggregate piers. Consolidation settlements are estimated to be about ½ to 1 inch, based on structures in the vicinity of similar height, loading, and construction type.

Because the proposed building site is susceptible to consolidation of underlying alluvial deposits under the weight of new building loads or new fill and liquefaction-induced settlement, the Geotechnical Study concluded: "The structural engineer should evaluate the impact of liquefaction-induced settlement to structures supported on shallow foundations. If the total and differential settlements are not tolerable, then a stiffer foundation system, such as an interconnected grid system or mat should be used. If PT [post-tensioned] slabs are proposed, then design recommendations may be provided during final design. If higher bearing capacities are needed for heavy structures like the concrete parking garage, static settlements will be greater."

In addition, the Geotechnical Study recommended that soil used to fill Saratoga Creek should be evaluated during the design-level geotechnical investigation.

Geologic Hazards (Geotechnical Study, pp. 5-6)*:*

- Expansive Soils. To reduce effects of expansive soils under foundations, slabs, and concrete flatwork, soils should be moisture conditioned and a layer of select, non-expansive fill provided below the zone of severe moisture change; an alternative would be to import select fill and/or use lime treatment of near-surface soil.
- Soil Liquefaction. Site soils may include layers of loose to medium dense saturated sand, silty sand and silt, with varying thickness from approximately 2 to 4½ feet below the groundwater level, and could potentially liquefy and/or result in liquefaction-induced settlement during a major earthquake. Up to 1½-inch of liquefaction-induced settlements may occur with differential settlement between columns up to one-inch during a major earthquake, in addition to the predicted static induced consolidation settlement. The Geotechnical Study concluded:

[5] These soils and conditions are common in developed portions of the Bay Area.

"Additional field exploration should be performed during a design-level geotechnical investigation to further evaluate the density of the soil, the depth to groundwater, and the potential for liquefaction."

- Lateral Spreading. Due to the relatively flat topography of the project site and the noncontiguous nature of potentially liquefiable soils, lateral spreading is not likely to affect the site.
- Cyclic Densification. Nearby soil sample borings and cone penetration tests indicate soils above the water table are predominantly stiff to hard clayey soils, and seismic densification would be unlikely.

The 2022 EIR concluded that implementation of EIR Mitigation Measure 8-5, calling for City review and approval of the required individual site-specific geotechnical investigations and engineering studies, and implementation of the recommendations identified in the studies, in coordination with City grading permit and building permit performance standards, would reduce ground instability impacts to a less-than-significant level.

As a condition of project approval, the City shall require the applicant to prepare a final geotechnical report, by a geotechnical engineer, for City review and approval. The final geotechnical report shall address the geotechnical issues identified in the preliminary and updated Geotechnical Study referenced above and shall incorporate on-site soil testing/cone penetration testing to confirm the findings included in the updated project Geotechnical Study, along with recommendations to be incorporated into the final project design.

The SCP project's impacts related to ground instability would remain less than significant with mitigation, and the SCP project would not result in new or more severe ground instability impacts than those identified in the 2022 EIR.

Paleontological Resources:

The 2022 EIR determined that impacts related to paleontological resources would be less than significant with mitigation. The proposed project includes no changes or new conditions that would alter this conclusion, based on the following information: (1) project construction activities, especially related to grading and excavation, were evaluated in the 2022 EIR with respect to potentials for disturbing unrecorded paleontological resources; and (2) the proposed project grading and excavation activities would be expected to be similar to those evaluated in the 2022 EIR.

The 2022 EIR concluded that Pleistocene alluvial deposits and the Santa Clara Formation have high paleontological sensitivity and could be discovered during ground-disturbing activities; EIR Mitigation Measure 8-7 would be required to ensure that project activities would not significantly impact paleontological resources. Mitigation Measures 8-7 would require worker training related

to paleontological resource identification and work stoppage in case of a discovery of paleontological materials, followed by assessment and treatment of the deposits by a qualified, professional paleontologist, in compliance with federal criteria and Santa Clara General Plan policies.

Project compliance with Mitigation Measure 8-7 would ensure project impacts on paleontological resources would be less than significant.

The SCP project's impacts related to paleontological resources would remain less than significant with mitigation, and the SCP project would not result in new or more severe paleontological resources impacts than those identified in the 2022 EIR.

Finding: The potential impacts of the SCP project related to geology and soils (including paleontological resources) are similar to those analyzed for the 2022 Focus Area Plan. For reasons stated above, construction and operation of the SCP project would not result in new significant impacts related to geology and soils (including paleontological resources) or a substantial increase in the severity of previously identified significant geology and soils (including paleontological resources) impacts. No new mitigation is required.

4.6 GREENHOUSE GAS EMISSIONS AND ENERGY

4.6.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR.

Climate Change

Climate change is the distinct change in measures of climate for a long period of time. Climate change can result from natural processes and from human activities. Natural changes in the climate can be caused by indirect processes such as changes in the Earth's orbit around the Sun or direct changes within the climate system itself (e.g., changes in ocean circulation). Human activities can affect the atmosphere through emissions of gases and changes to the planet's surface. The term "climate change" is preferred over the term "global warming" because "climate change" conveys the fact that other changes can occur beyond just average increase in temperatures near the Earth's surface, such as changes in precipitation patterns and acidification of the ocean.

Greenhouse Gases

Climate change is intimately tied to the Earth's greenhouse effect. The greenhouse effect is a natural occurrence that helps regulate the temperature of the planet, and without it, life as we know it on Earth would not exist. Human activities since the beginning of the industrial revolution (approximately 150 years ago) have been adding to the natural greenhouse effect by increasing the gases in the atmosphere that "trap" energy. Gases that absorb and emit infrared thermal radiation (heat) in the atmosphere and affect regulation of the Earth's temperature are known as greenhouse

gases (GHGs). Many chemical compounds in the Earth's atmosphere exhibit the GHG property. GHGs allow sunlight to enter the atmosphere freely. When the sunlight strikes the Earth's surface, it is either absorbed or reflected back toward space. Earth, or materials near the Earth's surface, that have absorbed energy from sunlight warm up during the daytime and emit infrared radiation back toward space during both the daytime and nighttime hours. GHGs absorb this long-wave, infrared radiation and help keep the energy in the Earth's atmosphere. The 1997 United Nations' Kyoto Protocol international treaty set targets for reductions in emissions of four specific GHGs—carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and sulfur hexafluoride (SF_6)—and two groups of gases—hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs). These GHGs are the primary GHGs emitted into the atmosphere by human activities.

GHGs can remain in the atmosphere long after they are emitted. The potential for a particular GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO_2, which is assigned a baseline GWP of one. By comparison, CH_4 has a GWP of 25, which means that one molecule of CH_4 has 25 times the effect on global warming as one molecule of CO_2. Multiplying the estimated emissions for non-CO_2 GHGs by their GWP determines their CO_2 equivalent (CO_2e), which enables a project's combined GWP to be expressed in terms of mass CO_2 emissions.

Energy

The burning of fossil fuels for energy releases air pollutants and GHGs. Energy is primarily categorized into three areas: electricity, natural gas, and fuels used for transportation. California has one of the lowest per capita energy consumption levels in the U.S. This is a result of California's mild climate, extensive efforts to increase energy efficiency, and implementation of alternative technologies. Electric and natural gas utility providers for the Future Focus Area Plan Area and the SCP project site are Silicon Valley Power (SVP) and Pacific Gas and Electric (PG&E). As of January 2018, SVP provides carbon-free power to all residential customers.

Existing GHG Emissions and Energy Use in the Future Focus Area Plan Area and SCP Project Site

The existing non-residential land uses in the Future Focus Area Plan Area, including the SCP project site, which consists of 12 two-story structures, surface parking, and landscaping, involve activities and operations that consume energy and emit GHGs (e.g., building energy use for space and water heating, vehicle trips). The existing uses in the Plan Area and at the SCP project site contribute to regional energy consumption levels and global climate change. Emissions of GHGs that contribute to climate change are a different type of pollutant than criteria or hazardous air pollutants because climate regulation is global in scale, both in terms of causes and effects.

4.6.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded implementation of the Freedom Circle Focus Area Plan would not result in the wasteful, inefficient, or unnecessary consumption of energy resources (Impact 9-3, pp. 9-40 to 9-43) or conflict with or obstruct a state or local plan for renewable energy or energy efficiency (Impact 9-5, p. 9-45). The certified 2022 EIR also concluded implementation of the Focus Area Plan would result in one potentially significant impact from emissions of GHGs that could have a significant climate change effect and/or conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing GHG emissions (Impact 9-1, pp. 9-28 to 9-35). The 2022 EIR's conclusion regarding emissions of GHGs is summarized below.

GHG Emissions and Plan Consistency

The certified 2022 EIR concluded the implementation of the Focus Area Plan could result in construction and operational activities that would emit GHG emissions, in terms of metric tons of CO_2e per service population, at a level that exceeds an interpolated efficiency metric derived from BAAQMD-recommended thresholds of significance; the result would be a potentially significant impact. Although the Focus Area Plan's GHG efficiency would be above the significance threshold applied in the 2022 EIR, the EIR concluded the Plan would be consistent with all plans and policies adopted for the purposes of reducing GHG emissions and applicable at the time the 2022 EIR was certified, including the City's 2013 Climate Action Plan.

The 2022 EIR identified energy and mobile sources as the primary contributors to the emissions of GHGs that would occur with implementation of the Focus Area Plan. To reduce potentially significant emissions of GHGs, the 2022 EIR incorporated **Mitigation Measure 9-1A** (Implement TDM Program) and **Mitigation Measure 9-1B** (Utilize GHG-Free Electricity) into the Focus Area Plan. The 2022 EIR concluded these measures would reduce GHG emissions below the efficiency metric applied in the EIR's analysis, thereby rendering the Focus Area Plan's GHG emission levels a less-than-significant impact with mitigation.

2022 Certified EIR Mitigation Measures

The following mitigation measures would be applicable to the SCP project.

Mitigation Measure 9-1A: See Mitigation Measure 5-3D (Implement TDM Program).

Mitigation Measure 9-1B: Utilize GHG-Free Electricity. The City shall require new development projects occurring under implementation of the Freedom Circle Focus Area Plan to source 100% of their electricity from GHG-free sources. GHG-free electricity may come from on-site renewable electricity generation (e.g., photovoltaic systems), enrollment in a GHG-free electricity program (e.g., Silicon Valley Power's Santa Clara Green Power program), or any combination of measures that ensure electricity consumed by projects subject to discretionary approval come entirely from GHG-free sources, as determined by the City.

4.6.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 EIR GHG emissions and energy impact and mitigation conclusions is described below.

GHG Emissions and Plan Consistency

As described in section 4.3.3 (Air Quality), the proposed SCP project is consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan. The project would not result in more dwelling units, population, or vehicle trips than were evaluated in the 2022 EIR, and it does not include any construction activities or area, energy, stationary, or mobile source operations that were not evaluated in the 2022 EIR. Furthermore, as described in section 4.6.2 above, the SCP project is subject to, and would comply with, the applicable mitigation measures from the certified 2022 EIR that reduce emissions of GHGs, including Mitigation Measure 9-1A (Implement TDM Program) and Mitigation Measure 9-1B (Utilize GHG-Free Electricity). TDM measures incorporated into the project include, but are not limited to, unbundled parking, carshare and rideshare services and programs, and transit fare incentives. Refer to section 4.14 (Transportation) for more detailed information about the TDM measures incorporated into the SCP project. In addition, the project would achieve GHG-free electricity use from a combination of on-site solar PV electricity generation, which would supply more than enough energy to power the proposed 3,600 square foot market, and being a residential customer of Silicon Valley Power, which as noted above, has been providing carbon-free power to its residential customers since 2018. Finally, in 2022, the City adopted an updated its Climate Action Plan (CAP) which outlines the actions the City will take to achieve its proportional share of the State's 2030 GHG emissions reduction target (GHG emission that are 40 percent below 1990 levels). The SCP project has completed the City's Climate Action Plan Compliance checklist and is incorporating the City's latest GHG emissions reduction actions into the project, as well as other sustainable design features, including:

- Reuse of salvageable building materials and use of carbon-smart building materials
- Integration of natural stormwater systems at the site to reduce runoff and filter potential stormwater pollutants
- Use of recycled water for irrigation purposes
- Use of landscaping, green infrastructure, and natural stormwater systems to lower surface temperatures and reduce heat gain
- Compliance with CalGreen Tier 1 energy efficiency requirements
- Use of solar photovoltaic panels on garage and residential rooftops, electric vehicle charging stations (50% electric vehicle stall capacity), and all-electric building construction (excepting hot water systems and BBQ/fire pits)

- Achievement of LEED Gold equivalent sustainable design
- Development of a TDM Program that reduces VMT by 20%, including 10% from TDM measures and 10% from physical design features (see section 4.14)
- Public and private bicycle parking facilities, including electric outlets for e-bikes
- Compliance with State solid waste laws that reduce organic waste by 75 percent
- Planting of 997 new trees

The incorporation of GHG emissions reduction actions consistent with the City's CAP would reduce the Focus Area Plan's potential GHG emissions impact and ensure continued Focus Area Plan and SCP project consistency with applicable plans, policies, and regulations adopted for the purposes of reducing GHG emissions. The SCP project, therefore, would not have the potential to result in a new significant or substantially more severe significant GHG emissions impact than that identified in the certified 2022 EIR.

Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources

As described under the "GHG Emissions" analysis above, the SCP project is consistent with the growth assumptions, energy consumption sources, and mitigation requirements in the 2022 EIR. Also, incorporation of actions consistent with the City's CAP would reduce the Focus Area Plan's potential electricity, natural gas, and transportation fuel consumption impact and ensure continued Focus Area Plan and SCP project consistency with state and local plans for renewable energy and energy efficiency. The SCP project, therefore, would not have the potential to result in a new significant or substantially more severe energy resource impact than that identified in the 2022 EIR.

4.7 HAZARDS AND HAZARDOUS MATERIALS

4.7.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR.

Hazardous Materials: The Santa Clara Park (SCP) project site is located in the Plan Area evaluated in the 2022 EIR, which determined that the Plan Area may contain hazardous materials as identified on State, Federal, and local data resources, including the State Department of Toxic Substance's (DTSC) EnviroStor database (Hazardous Waste and Substances Site List), the State Water Resources Control Board (State Water Board) GeoTracker database (Leaking Underground Storage Tank Site List), the U.S. EPA Comprehensive Environmental Response and Liability Act (CERCLA) information system, and information from the Santa Clara Fire Department (SCFD) Hazardous Materials Division.

Airport Hazards: The Norman Y. Mineta San Jose International Airport (San Jose International Airport or "SJC") is located about 1.5 miles to the southeast of the Plan Area. The Santa Clara County Airport Land Use Commission's (ALUC) Comprehensive Land Use Plan (CLUP) for the San Jose International Airport establishes an Airport Influence Area (AIA) within which all actions, regulations, and permits must be evaluated by local agencies to determine how the Airport LUP policies may impact the proposed development. The portion of the Plan Area between Mission College Boulevard and California's Great America amusement park, and bounded by Great American Parkway on the west and the San Tomas Aquino Creek Trail on the east, is in the San Jose International Airport AIA. The rest of the Plan Area, south of Mission College Boulevard, is not. However, the CLUP also establishes development standards related to noise, structure height, and safety that are applicable to development in areas surrounding the airport and maps these areas to help evaluate land use compatibility in the vicinity of the airport. The Plan Area is located in the CLUP Height Restriction Area, which uses the Federal Aviation Administration's (FAA) Federal Aviation Regulations (FAR) Part 77 imaginary surfaces to delineate the area within which structures above a maximum structure height may constitute a safety hazard. As noted in the 2022 EIR regarding building heights: *"For the parts of the Plan Area that require review for structure height, the maximum structure height allowable under the CLUP varies from approximately 90-95 feet above ground at the southeast corner of the Plan Area to an approximate elevation of 145-150 feet at the northwest corner of the Plan Area…".*

Emergency Response: The 2022 EIR determined that because future development would be required to comply with the plans and policies identified in the City's Hazard Mitigation Plan/Emergency Operations Plan, the Focus Area Plan and future development facilitated by the Focus Area Plan would not interfere with the Hazard Mitigation/Emergency Operations Plan. Potential impacts on emergency response would be less than significant, and this issue was not discussed further in the 2022 EIR.

Wildfire Hazards: The 2022 EIR determined that because the City of Santa Clara is in a Local Responsibility Area (LRA) for wildland fire protection and is not mapped by CAL FIRE in a Very High Fire Hazard Severity Zone (VHFHSZ), no impact related to wildfire hazards would result, and this issue was not discussed further in the 2022 EIR.

4.7.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that future development facilitated by the Freedom Circle Focus Area Plan would result in no significant impacts, as discussed below.

2022 EIR Mitigation Measures:

Hazardous Materials:

No significant impact was identified in the certified 2022 EIR because implementation of adopted, standard procedures and regulations, including implementation of standard City-, County-,

regional-, and State-mandated procedures and requirements as part of the development review process, would reduce project impacts related to hazardous materials to a less-than-significant level.

Airport Hazards:

No significant impact was identified in the certified 2022 EIR because implementation of adopted, standard protocols under the San Jose International Airport Comprehensive Land Use Plan (CLUP) would reduce land use compatibility and safety impacts to a less-than-significant level.

4.7.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 Focus Area Plan EIR hazards and hazardous materials impact and mitigation conclusions is described below.

Hazardous Materials:

The proposed SCP project would not be expected to involve the routine transport, use, storage, or disposal of hazardous materials to the extent that a significant public or environmental hazard would occur. Project construction activities and operation would be expected to use materials (e.g., chemical agents, solvents, paints, fuel for equipment; cleaning and maintenance materials) that are common for residential land uses and would not be used in quantities that pose a significant hazard to the public or environment. Use and transport of such materials would be conducted in accordance with applicable regulations.

Regarding potential for exposure to existing hazardous materials contamination, an environmental site assessment (ESA) was conducted, as described below.

Phase I Environmental Site Assessment (Phase I ESA): The SCP project site was the subject of a Phase I ESA ("Phase I Environmental Site Assessment [Phase I ESA], Freedom Circle Site, 2518, 2520, 2540, and 2560 Mission College Boulevard and 3900, 3910, 3920, 3930, 3940, 3960, 3970, and 3990 Freedom Circle, Santa Clara, California, Assessor Parcel No.: 104-40-019," Roux Associates, Inc., February 28, 2024), conducted within the scope and limitations of the ASTM International's Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process E1527-21. Roux Associates, Inc. conducted a site reconnaissance, collected additional information through interviews and documents, and performed a records review that included regulatory agency and regulatory database records. The Phase I ESA evaluated information to identify Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), de minimis conditions, and Business Environmental Risks (BERs).[6] RECs, CRECs, HRECs, de

[6] As used in the Phase I ESA, per ASTM Standard E 1527-13, the term "recognized environmental conditions (RECs)" means "(1) the presence of hazardous substances or petroleum products, in, on, or at the subject property due a release

minimis conditions, and BERs are defined in the ASTM standards. The information below is taken directly from the Phase I ESA.

Phase I ESA Conclusions. The Phase I ESA (pp. 37-38) made the following conclusions:

- *Recognized Environmental Conditions (RECs):* One REC was identified on the project site due to "agricultural uses, primarily orchards, from at least the 1930s until it was developed into the current office park in the late 1970s. While there is no soil sampling data from the Subject Site [e.g., the current SCP project site] previous environmental investigations at the adjacent site (Intel Freedom Circle) to the east and south and adjacent to the Subject Property identified the presence of pesticide impacted shallow soil which was consistent with the reported past agricultural uses. The pesticide impacts at the adjacent site include arsenic, lead and organochlorine pesticides, including dichlorodiphenyltrichloroethane ("DDT"), dichlorodiphenyldichloroethane ("DDD"), dichlorodiphenyldichloroethylene ("DDE"), and dieldrin. An engineered cap and deed restriction were implemented at this site as a result. Due to the shared historical agricultural use for both the site and the Subject Property, it is likely that the soil at the Subject Property is impacted with metals and pesticides. However, given that the majority of the Subject Property is [currently] paved, there is low potential for exposure of metals and pesticides to [current] occupants."
- *Controlled Recognized Environmental Conditions (CRECs):* No CRECs were identified on the project site.
- *Historical Recognized Environmental Conditions (HRECs):* No HRECs were identified on the project site.
- *De minimis conditions:* The following de minimis conditions were identified related to staining, based on previous site investigations and the site reconnaissance conducted for the Phase I ESA: "[S]taining in the elevator mechanical room at Building 3920 was observed, …

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to the environment; (2) the likely presence of hazardous substances or petroleum products in, or at the subject property due to a release of likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment." The term "controlled recognized environmental conditions (CECs)" means "Recognized environmental condition affecting the Subject Property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations)." The term "historical recognized environmental conditions (HRECs)" means "A previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the Subject Property to any controls (for example, activity and use limitations or other property use limitations). A historical recognized environmental condition is not a recognized environmental condition." The term "de minimis conditions" means "A condition related to a release that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be a de minimis condition is not a recognized environmental condition nor a controlled recognized environmental condition." And the term "business environmental risk (BERs)" means "A risk which can have a material environmental or environmentally driven impact on the business associated with the current or planned use of commercial real estate, not necessarily related to those environmental issues required to be investigated in this practice." (Phase I ESA, pp. 3-4)

it is unlikely the soil has been impacted as a result based on the general good condition of concrete"; and "Staining was observed in the janitorial closet drains in Building 3940 and 3960 and on the exposed concrete flooring of the janitorial closet in Building 3970 … likely due to the use of general household cleaning chemicals and are not associated with hazardous materials use, [so] therefore do not pose a significant potential to releasing to the environment."

- *Business Environmental Risks (BERs):* Three BERs were identified on the SCP project site: (1) potential for asbestos- and lead- containing materials as well as polychlorinated biphenyls (PCBs) in caulking and electrical equipment due to the age of the buildings; (2) documented limited chemical use and hazardous waste handling on-site, which is considered a BER even absent any documentation of an actual chemical release; and (3) identification of an unknown conduit during landscaping renovations, which although there is identified documentation of historical hazardous waste handling, there were no indications of a hazardous material release associated with this excavation."

Regarding the REC related to previous agricultural activities identified on the SCP project site, additional environmental site assessment was conducted, as discussed below.

Phase II Environmental Site Assessment (Phase II ESA): A Phase II ESA was prepared for the Santa Clara Park project ("Subsurface Soil and Soil Vapor Investigation Report, [Phase II ESA], Freedom Circle, Santa Clara, California," Roux Associates, Inc., June 14, 2024). The purpose of the Phase II ESA was to evaluate subsurface soil and soil vapor conditions on the project site in connection with the proposed SCP residential project (Phase II ESA, p. 2); the Phase II was "designed to achieve the following objectives:

- Identify the presence and potential extent of arsenic, lead and chlorinated pesticides in soil at the [SCP project] [s]ite from past agricultural uses;
- Assess soil vapor concentrations at the periphery of the [SCP project] [s]ite and near buildings with historic chemical use to help evaluate if future development may need vapor mitigation;
- Evaluate sampling results in the context of a potential mixed-use development, including residential, private recreation, parks, and retail uses."

The information below is taken directly from the Phase II ESA.

Soil Sampling Findings: The Phase II ESA collected samples from 14 soil borings onsite (Phase II ESA, p. 3). Six of the borings were conducted on landscaped areas or berms ("berms and landscaping areas"); six of the borings were conducted in paved parking and driveway areas of the site ("samples below pavement"); and two of the borings were conducted under existing buildings ("samples below building slabs"). The Phase II ESA (Phase II ESA, pp. 3-4 and 10) relied on the following criteria for determining risk levels associated with the samples: (1) remediation goals for background arsenic approved by the California Department of Toxic Substance Control (DTSC) for the nearby Santa Clara Square (SCS) residential development site; (2) DTSC screening

levels for lead; and (3) U.S. EPA regional screening levels for chemical contaminants at superfund sites for organochlorine pesticides. The following summarizes the analysis of the samples:

- the six berms and landscaping area samples all "had concentrations of arsenic, lead, and pesticides above screening levels, hazardous waste concentrations (if the soil is to be excavated for disposal), and/or site specific background arsenic levels within the berms";
- five of the six samples below pavement "had arsenic, lead, and chlorinated pesticide impacts above the screening or natural background"; and
- the two samples below building slabs of existing buildings ranged significantly between the two buildings, with one location measuring above screening or background levels to a depth of 92 inches whereas the other location measured above screening or background levels to a depth of only 8 inches below the slab.

The Phase II ESA also discussed average depth and concentration of contaminations at varying depths; variations between depth of contaminants in the northern part of the SCP project site compared to the southern part of the site; and possible hazardous waste characterization of the contaminated soils based on the screening levels applied in testing.

Soil Vapor Sampling Findings: The Phase II ESA conducted 14 soil vapor samples at 12 locations plus two duplicate locations. Due to concerns regarding the quality assurance/quality control (QA/QC) analysis, the Phase II ESA (pp. 4-5) determined that "…the validity of the soil vapor data should be considered questionable and qualitative in nature" and therefore recommended that "additional soil vapor investigation be conducted to accurately characterize soil vapor conditions."

Phase II ESA Conclusions. The Phase II ESA (pp. 5-6) concluded that the results of the sampling analysis would not "preclude future residential, private recreation, parks or retail uses at the [SCP project] [s]ite" with appropriate measures that are commonly implemented at nearby sites and oversight by an appropriate agency of jurisdiction, such as the DTSC, to ensure site assessment, evaluation, and remediation would be conducted according to jurisdictional protocols.

As discussed in the 2022 EIR under "Impact 10-3: Potential Exposure to Existing Hazardous Materials Contamination," projects in the Plan Area "would be required to comply with all applicable, existing City-, County-, regional-, and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination," as described in EIR "Regulatory Setting" section (2022 EIR section 10.2). These established requirements would prevent exacerbation of existing contamination or accidental release, and ensure that possible health and safety impacts would be less than significant.

The 2022 EIR identifies standard procedures that would typically be involved, which are consistent with standard procedures required as part of City-, County-, regional-, and State-mandated requirements. As noted in the 2022 EIR, "The steps are not considered additional mitigations required by this EIR because the steps are existing development standards applied uniformly to all

applicable projects." The 2022 EIR separates the steps for soil contamination from the steps for surface or groundwater contamination. The SCP project is following the steps for soil contamination.

The first step calls for investigation of the site to determine whether it has a record of hazardous material discharge into soils, and if so, to characterize the site according to the nature and extent of soil contamination that is present before development activities proceed at that site. This step has been completed with the Phase I ESA discussed previously.

The second step calls for determining the need for further investigation and/or remediation of the soil conditions on the contaminated site, based on the proposed activities associated with the proposed project. This step has been completed with the Phase II ESA discussed previously. In addition, as part of this second step, if the proposed development activity would involve human contact with soils, such as may be the case with residential use, then the third step would be necessary.

Step 3 (in the 2022 EIR) explains: "If it is determined that extensive soil contact would accompany the intended use of the site, undertake a Phase II Environmental Assessment investigation, involving soil sampling at a minimum, at the expense of the project applicant, property owner, or responsible party. Should further investigation reveal high levels of hazardous materials in the site soils, mitigate health and safety risks according to City of Santa Clara and regulatory agency requirements. This would include site-specific health and safety plans prepared prior to undertaking any building or utility construction. Also, if buildings are situated over soils that are significantly contaminated, undertake measures to either remove the chemicals or prevent contaminants from entering and collecting within the building. If remediation of contaminated soil is infeasible, a deed restriction would be necessary to limit site use and eliminate unacceptable risks to health or the environment."

The Phase II ESA (p. 8) indicated areas of soil impacted by historical agricultural use but noted that "that potential contaminants can be effectively remediated and/or mitigated to minimize potential exposure by future Site residents or workers." The SCP project environmental hazards consultant is currently under contract to work with DTSC to receive "no further action" status and will conduct further testing as needed to refine the remediation work plan. According to the applicant,[7] the Phase II conducted at the Site indicates that there are areas of soil impacted by historical agricultural use. The Phase II also indicates that this soil can be effectively managed on-site through a combination of consolidation and deed restrictions without significant export of impacted soil. The existing Phase II has not confirmed the presence of volatile organic compounds in soil gas that would require vapor mitigation for new buildings, however, should further investigation be required by regulatory agencies and it identifies the presence of volatile organic

[7] Comments received from applicant representative (R. Hajost), 9/18/24.

compounds in soil gas that could impact indoor air quality, vapor mitigation systems, similar to those already implemented at nearby residential sites would be implemented at new buildings.

When the SCP project completes this Step 3, and the City confirms project compliance with any further requirements from the reviewing agency (presumably DTSC), then Step 3 would be deemed complete, and impacts related to potential exposure to existing onsite soil contamination would be less than significant.

As discussed in the 2022 EIR, project construction and other activities that could result in exposure to asbestos and PCBs would be regulated by compliance with the Bay Area Air Quality Management District (BAAQMD) protocols. Similarly, if lead paint is present in existing buildings to be demolished, the project applicant would be required to notify the City's Building and Fire Safety Division prior to starting work and would need to follow CalOSHA protocols. With the proposed SCP project, this impact would remain less than significant as identified in the 2022 EIR.

As discussed in the 2022 EIR, there are no schools in the Plan Area, but Mission Community College is within .25 miles of the Plan Area; however, the College is more than .25 miles from the SCP project site. With the proposed project, this impact would remain less than significant as identified in the 2022 EIR.

As discussed in the 2022 EIR, the Plan Area contains two sites identified in the Cortese List data resources. The SCP project site, however, is not identified as a Cortese site in those data resources. With the proposed project, this impact would remain less than significant as identified in the 2022 EIR.

Airport Hazards:

The 2022 EIR determined that because "the maximum structure height allowable under the CLUP varies from approximately 90-95 feet above ground at the southeast corner of the Plan Area to an approximate elevation of 145-150 feet at the northwest corner of the Plan Area," building heights that could exceed those maximums would require notification to the FAA for review to ensure that the proposed structure would not be a hazard to air navigation.

Proposed building heights would be up to approximately 75 feet (Plan Sheet A7-1.0). Because the building would be in the southeast area of the Plan Area, and building heights would not exceed 90-95 feet, this impact would remain less than significant as identified in the 2022 EIR.

Finding: The potential impacts of the SCP project related to hazards and hazardous materials are similar to those analyzed for the 2022 Focus Area Plan. For reasons stated above, implementation of the SCP project would not result in new significant impacts related to hazards and hazardous materials or a substantial increase in the severity of previously identified significant hazards and hazardous materials impacts. No new mitigation is required.

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR.

Hydrologic Setting

The City of Santa Clara (City) is located in the San Francisco Bay Hydrologic Region. More specifically, the City is in Santa Clara Subbasin (Subbasin) of the larger Santa Clara Valley Groundwater Basin. The principal hydrogeologic features of the Santa Clara Plain management area include Quaternary alluvial deposits of unconsolidated gravel, sand, silt, and clay that eroded from the Santa Cruz Mountains and the Diablo Range; Holocene (younger than 10,000 years-old) deposits from streams and Bay Mud along the San Francisco Bay overlay older Pleistocene (10,000 to 1.8 million years-old) deposits. Impermeable bedrock underlies the alluvial sediments at varying depths. Groundwater supplies in the Subbasin are supplied both by natural recharge and through percolation ponds and stream beds

The Future Focus Area Plan Area in which the SCP project site is located is in the confined area of the Santa Clara Plain management area. Groundwater supplies in the confined area are laterally extensive, but vertically restricted by geologic units with low permeability; therefore, the confined area is not considered a groundwater recharge area.

No creeks pass through the Future Focus Area Plan Area or the project site. San Tomas Aquino Creek, located about 65 feet east of the Future Focus Area Plan Area, is separated from the Future Focus Area Plan Area by a levee and the San Tomas Aquino/Saratoga Creek Trail. The creek flows seasonally south-north in an earthen channel generally parallel to the Future Focus Area Plan Area.

Groundwater Conditions

Groundwater levels in the Subbasin have fluctuated over time but have largely increased since the mid-1960s following the implementation of an artificial recharge program and overall decreases in pumping. Prolonged drought conditions in the early 2010s resulted in lower groundwater levels, but groundwater levels recovered in 2015 and 2016 due to reduced community water use, retailer shifts to treated surface water, and increased managed recharge.

Valley Water manages groundwater in Santa Clara County and is the Groundwater Sustainability Agency (GSA) for both the Santa Clara and the Llagas Subbasins under the Sustainable Groundwater Management Act (SGMA). The Santa Clara Subbasin has been designated a High Priority Groundwater Basin by the California Department of Water Resources. Under the SGMA, preparation of a Groundwater Sustainability Plan (GSP) is required for medium and high priority groundwater basins. As an alternative to a GSP, SCVWD developed the 2016 Groundwater Management Plan for the Santa Clara and Llagas Subbasins (GWMP). The GWMP establishes qualitative groundwater sustainability goals and strategies for managing water supply reliability,

minimizing land subsidence, and protecting against saltwater intrusion. The Plan also incorporates quantitative outcome measures to gauge progress.

Water Quality

During periods of rain, water can flush sediment and pollutants from urbanized areas into the storm drain system, where they are discharged directly to surface waters. This urban runoff can contribute significant quantities of total suspended solids, heavy metals, petroleum hydrocarbons, and other pollutants to surface waters. The City of Santa Clara storm drain system includes curb inlets and pipelines underneath city streets. Curb inlets collect surface runoff water and convey it to underground pipelines, then to the City's channelized creeks, including Calabazas Creek and San Tomas Aquino Creek, where the runoff is ultimately discharged into San Francisco Bay.

In the Future Focus Area Plan Area, a series of storm drain pipes conveys stormwater to San Tomas Aquino Creek via outfalls: at the southern boundary near U.S. 101 and San Tomas Aquino Creek; near the intersection of Mission College Boulevard and San Tomas Aquino Creek at the Freedom Circle Storm Drain Pump Station; and near the intersection of Agnew Road and San Tomas Aquino Creek. Other smaller pipes collect stormwater from other parts of the Future Focus Area Plan Area (the northwestern portion of Freedom Circle and Mission College Boulevard, the eastern side of Great America Parkway, and the Patrick Henry Drive cul-de-sac) and convey this stormwater north along Great America Parkway to the Westside Storm Drain Pump Station on Old Mountain View-Alviso Road, and from there to the outfall at San Tomas Aquino Creek.

Flooding

Flooding in Santa Clara has historically occurred in areas adjacent to the streams and creeks, following extensive storm events. Valley Water is the local agency responsible for flood protection in Santa Clara County and has conducted bank stabilization and sediment reduction activities in San Tomas Aquino Creek to increase flood protection. A levee is between the Future Focus Area Plan Area and the creek.

The Federal Emergency Management Agency (FEMA) develops Flood Insurance Rate Maps (FIRMs) that determine flood risks in communities. According to According to FEMA, most of the Plan Area is located in Zone X ("Area with Reduced Flood Risk Due to Levee" – i.e., not in the 1% annual flood hazard zone). The SCP project site is mostly located in Zone X ("Area with Reduced Flood Risk Due to Levee" – i.e., not in the 1% annual flood hazard zone). However, some parts of the project site are located in a SFHA, including the AH and AO zones.

Flooding in Zone AO usually occurs as sheet flow on sloping terrain. A Zone AO extends into the SCP project site at the intersection of Mission College Boulevard and Freedom Circle. In the event of a 1% annual flood, flowing flood waters may reach an average depth of 1 foot.

Flooding in Zone AH results in the formation of ponds. An area extending from the Mission Towers property and about halfway into the interior of the SCP project site's existing 12-building business park is designated as Zone AH (elevation 25 feet above mean sea level (ASL), which is the base flood elevation for these areas). Two other portions of Santa Clara Park are designated Zone AH: one portion near Mission College Boulevard and the eastern side of Freedom Circle, and the other portion farther south and near Freedom Circle (a "heart-shaped" area). In the event of a 1% annual flood, flood waters may pond in these areas to an elevation of 1 to 3 feet above the base flood elevation.

Seiches and Tsunamis

There are no bodies of water within the project site, Future Focus Area Plan Area, or in the vicinity that pose a hazard for seiche. According to the California Emergency Management Agency, the California Geological Survey, and the University of Southern California, neither the project site nor the Future Focus Area Plan Area is located in a tsunami inundation area.

4.8.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in less-than-significant hydrology and water quality impacts.

Construction Period and Post-Construction Water Quality Impacts

Potential construction-period and post-construction water quality impacts would be less than significant because Regional Water Quality Control Board (RWQCB) and City of Santa Clara water quality protection requirements and conditions applicable to implementation of the Focus Area Plan and the future, required comprehensive planning study (e.g., specific plan) would reduce potentially significant impact to less than significant.

Long-Term Water Quality Impacts from Project Operation

Potential long-term water quality impacts from Focus Area Plan implementation would be less than significant because future development facilitated by the Focus Area Plan and the future, required comprehensive planning study (e.g., specific plan) would be required to comply with RWQCB- and City-mandated post-construction, non-point source pollution control measures (uniformly applied development standards; also known as facilities and maintenance practices).

Effects on Groundwater Recharge and Groundwater Management

Potential effects on groundwater recharge and groundwater management would be less than significant because the Focus Area Plan and the required comprehensive planning study would comply with established programs for controlling pollution (including stormwater management plans, Total Maximum Daily Load implementation plans, and construction site stormwater runoff and erosion and sediment controls), thereby avoiding conflict with the San Francisco Bay Water

Quality Control Plan (Basin Plan). In addition, the Plan Area would not conflict with or obstruct implementation of the 2016 Santa Clara Valley Water District Groundwater Management Plan because the Plan Area is not an area designated by Valley Water for groundwater recharge.

Drainage Patterns and Risk of Flooding

Potential impacts related to drainage patterns and risk of flooding would be less than significant because development under the Focus Area Plan and the future, required comprehensive planning study (e.g., specific plan) would not significantly alter the total volume or rate of stormwater runoff into the existing municipal storm drain system or substantially alter drainage patterns, particularly because implementation of stormwater control measures would slow down the rate and reduce the volume of stormwater runoff, especially when compared to existing hardscape areas. In addition, the Focus Area Plan proposes public parkland (which would typically include additional landscaped, open space, and park areas with pervious surfaces) and also proposes to minimize surface parking by requiring below-grade or structured parking facilities. The City requires development applications to include a utility plan addressing, among other infrastructure components, the storm drain system and the incorporation of practices that include controlling the amount and timing of runoff from development sites and raising the elevation of buildings or other flood protective measures. Lastly, development under the Focus Area Plan and future, required comprehensive planning study (e.g., specific plan) would be required to prevent increases in runoff flows from new development and redevelopment projects (e.g., comply with NPDES C.3 requirements).

The 2022 EIR did not identify any potentially significant hydrology and water quality impacts, and no mitigation was required.

4.8.3 Impact Analysis

Construction Period and Post-Construction Water Quality Impacts

The 2022 EIR concluded Regional Water Quality Control Board (RWQCB) and City of Santa Clara water quality protection requirements and conditions applicable to implementation of the Focus Area Plan and the future, required comprehensive planning study (e.g., specific plan) would reduce potentially significant construction period and post-construction water quality impacts to less than significant.

The SCP project would be required to comply with site-specific, mandated measures (uniformly applied development standards) to protect water quality, including but not limited to those measures required under the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and the City's standards for minimizing erosion from grading activities during construction. Per the 2022 EIR, the SCP project is required to prepare a site-specific erosion and sediment control plan subject to City review and approval as part of the City's standards processes for issuing grading permit(s). The erosion and sediment control plan would show the types and

locations of proposed Best Management Practices (BMPs) to prevent residual silt runoff to storm drains or waterways. Typical erosion and sediment control BMPs include erosion control blankets, fiber rolls, silt fences, straw wattles, storm drain inlet protection, and stabilized construction exits.

The SCP project would require a Notice of Intent (NOI) and a National Pollution Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board (RWQCB, Region 2 for Santa Clara) because the project proposes grading activities involving disturbance of more than one acre. The NOI would be submitted to the RWQCB to be covered by the General Construction Permit prior to the beginning of project construction. The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Because the SCP project would involve disturbance of more than one acre, the SWPPP must be prepared before construction begins and must include specifications for BMPs that would be implemented during project construction to control contamination of surface flows and the potential discharge of pollutants from commencement to completion of construction.

Per the 2022 EIR, the use of heavy equipment and hazardous materials, such as diesel fuel, during the construction periods for individual development projects could introduce materials that might be spilled in the Plan Area and subsequently washed into water bodies. Implementation of standard required NPDES, SCVURPPP, and City construction period measures to reduce the risk of construction period pollutants would reduce this risk to a less-than-significant level. The SCP project is required to implement standard NPDES, SCVURPPP, and City construction period measures to prevent adverse effects on water quality in water bodies.

Lastly, the 2022 EIR noted road resurfacing and sidewalk repair and/or replacement proposed outside the footprint of existing impervious area on a site would be required to treat and detain stormwater runoff per NPDES C.3 Permit requirements. The SCP project proposes a new public street that would roughly bisect the project site in the east-west direction and involve work in pervious areas. The SCP project would be required to implement NPDES C.3 requirements to treat and detain runoff during the construction of the new street.

For these reasons, construction period water quality impacts resulting from construction of the SCP project would be less than significant.

Long-Term Water Quality Impacts from Project Operation

The 2022 EIR concluded that future development facilitated by the Focus Area Plan and the future, required comprehensive planning study (e.g., specific plan) would be required to comply with RWQCB- and City-mandated post-construction, non-point source pollution control measures (uniformly applied development standards; also known as facilities and maintenance practices). These requirements would ensure the effects of contaminated site runoff on water quality in the local (municipal) storm drainage system would be less than significant.

The SCP project is required to comply with RWQCB- and City-mandated uniformly applied development standards intended to reduce long-term water quality impacts from the construction of individual development projects. The Municipal Regional Stormwater NPDES Permit (MRP) requires development projects to implement post-construction measures to prevent or control pollutants in runoff and identify a plan to inspect and maintain these measures. The SCP project proposes site design measures in the form of minimum impact parking lot design (i.e., parking within the new buildings); disconnected downspouts that direct runoff from roofs, sidewalks, and patios to landscaped areas; self-treating and self-retaining landscaped areas; and preserved open space (i.e., the new park), as described further below. The SCP project proposes source control measures in the form of a covered dumpster area that drains to the sanitary sewer, sanitary sewer connections/accessible cleanouts for water features (e.g., swimming pools, spas, and fountains), beneficial landscaping (e.g., minimizes irrigation, runoff, pesticides and fertilizers; promotes treatment), regular maintenance activities (e.g., pavement sweeping, catch basin cleaning, "good housekeeping"), and storm drain labeling.

Permanent post-construction BMPs are required for all new projects that create or replace between 2,500 and 10,000 square feet ("small projects") or more ("large projects") of roofs or pavement, including new development, redevelopment, and commercial and industrial sites. The project site's existing 12-building business park contains approximately 917,642 square feet (SF) of impervious surface area, including roofs and pavements. The SCP project proposes to replace 761,174 SF of the existing on-site impervious surface area. The SCP project, therefore, qualifies as a "large project" that must implement permanent post-construction BMPs.

As part of the standard City development process, future project applicants are required to submit, for City review and approval, a Santa Clara "C.3" data form, which is used to determine whether C.3 requirements apply (i.e., projects meeting or exceeding the size threshold for impervious surfaces) and to identify which site design measures, pollutant source controls, and/or stormwater treatment measures are proposed to prevent runoff pollution. The SCP project exceeds the size threshold for impervious surface areas and has prepared a Santa Clara C.3 form per City requirements.

Per the project's Stormwater Management Plan (SWMP) (dated 8/30/2024) and C.3 form, the SCP project would increase the amount of pervious surface area on site by approximately 101,405 SF compared to existing conditions through (1) the construction of bioretention basins, including bioretention basins within Silva cells (i.e., a modular suspended pavement system), and (2) self-retaining landscape areas, including the 3.35-acre park to be dedicated to the City. The SCP project would convey all stormwater collected on site to on-site C.3 treatment areas. Roof drains on the new buildings would direct water through internal plumbing to treatment basins. Storm drain inlets located through the site would collect runoff and direct the runoff to storm drain pipes, leading runoff to the bioretention basins. The site would be graded to ensure sheet flow runoff in the site's open areas would be directed into treatment basins. From the treatment basins, runoff would be

conveyed into the City's storm drain system through storm drain pipes for treated stormwater at existing manholes and catch basins where possible, or new manholes where needed.

The SCP project as designed would comply with RWQCB- and City-mandated uniformly applied development standards intended to transmit runoff directly to subsurface soils and thereby prevent pollutants from entering the waterways, resulting in less-than-significant long-term, operational water quality impacts.

Effects on Groundwater Recharge and Groundwater Management

The 2022 EIR concluded that while it is possible that the Focus Area Plan could result in a net increase in overall impervious surface area because the details of future development projects were not known at the time, because the Focus Area Plan and the required comprehensive planning study would comply with established programs for controlling pollution (including stormwater management plans, Total Maximum Daily Load implementation plans, and construction site stormwater runoff and erosion and sediment controls), there would be no conflict with the San Francisco Bay Water Quality Control Plan (Basin Plan). The 2022 EIR also concluded also concluded the Plan Area would not conflict with or obstruct implementation of the 2016 Santa Clara Valley Water District Groundwater Management Plan because the Plan Area is not an area designated by Valley Water for groundwater recharge.

The SCP project, as described above, would comply with established programs for controlling pollution through its proposed site design, stormwater management plan and associated BMPs, and construction period erosion and sediment controls, consistent with RWQCB- and City-required uniformly applied development standards. The SCP project would decrease the amount of impervious surface area on site compared to existing conditions and would increase permeable area by approximately 101,405 SF. The project's proposed bioretention basins and self-retaining landscape areas, including the new 3.35-acre park, also would increase groundwater infiltration compared to existing conditions.

For these reasons, the SCP project would have a less-than-significant impact on groundwater recharge and management.

Drainage Patterns and Risk of Flooding

The 2022 EIR concluded that, because the Focus Plan Area is already almost completely developed with structures, paved surface parking, and introduced landscaping, development under the Focus Area Plan and the future, required comprehensive planning study (e.g., specific plan) would not significantly alter the total volume or rate of stormwater runoff into the existing municipal storm drain system or substantially alter drainage patterns, particularly because implementation of stormwater control measures would slow down the rate and reduce the volume of stormwater runoff, especially when compared to the existing hardscape areas. In addition, the Focus Area Plan

proposes public parkland and proposes to minimize surface parking by requiring below-grade or structured parking facilities.

The City applies uniformly applicable stormwater management regulations to avoid or reduce the potential for flood flow or drainage impacts of development, and future development projects are required to prevent increases in runoff flows from new development and redevelopment projects through compliance with NPDES C.3 requirements. The City's Flood Damage Prevention Code (City Code Chapter 15.45) requires development in Special Flood Hazard Areas to meet City standards related to anchoring of structures, construction methods and materials, elevation of structures, and floodproofing (as applicable to reduce or eliminate flood damage). City erosion and sediment control plan requirements would reduce the potential for erosion and/or sedimentation resulting from any changes in drainage patterns. The City also requires of individual developments a utility plan addressing, among other infrastructure components, the storm drain system. Implementation of these development standards would be required as a condition of individual development project approval, prior to issuance of grading or building permits.

As described above, the SCP project would comply with the City's stormwater management regulations and C.3 requirements by reducing the amount of impervious surface area on site compared to existing conditions, implementing stormwater control measures as required by the City and the RWQCB, minimizing surface parking by creating parking facilities within new buildings, and constructing new landscaped stormwater treatment areas and open space, including a 3.35-acre park. These stormwater management BMPs and site design features are detailed in the project's SWMP and C.3 form, both of which have been submitted to the City for review and approval.

The SCP project site is mostly located in Zone X ("Area with Reduced Flood Risk Due to Levee" – i.e., not in the 1% annual flood hazard zone). However, some parts of the project site are located in an SFHA, specifically the AO zone and the AH zone with a base flood elevation of 25 feet ASL. Portions of the new multi-story buildings would be located within the AH zone. No structures would be constructed in the AO zone. The SCP project is required to comply with applicable provisions of the City's Flood Damage Prevention Code (City Code Chapter 15.45) to reduce or eliminate flood damage where proposed development would be located in Special Flood Hazard Areas. Per the project's Preliminary Grading and Drainage Plan (Drawing No. C4.0 and C4.1, dated 8/30/2024), all buildings on site have been designed to have a finished floor that is a minimum of 24 inches above the base flood elevation.

As described above, the SCP project would comply with the City's erosion and sediment control plan requirements. The SCP project is required to prepare an erosion and sediment control plan that would be implemented during the project construction period. As a standard requirement, the SCP project is also required to secure a General Construction Permit from the RWQCB and prepare

and submit a Storm Water Pollution Prevention Plan (SWPPP) in the process of obtaining that permit.

Lastly, the SCP project would prepare a utility plan addressing the storm drain system per City requirements. Currently, the SCP project applicant has prepared a Preliminary Utility Plan (Plan Set Drawing No. C5.0 and C5.1, dated 8/30/2024) and Preliminary Stormwater Control Plan (Plan Set Drawing No. C6.0, C6.1, and C6.2, dated 8/30/2024) as part of the project's development application. This Preliminary Utility Plan and Preliminary Stormwater Control Plan include details about the project's proposed storm drain infrastructure, including Low Impact Development (LID) features that would control runoff quantities as well as improve water quality, as described above.

For these reasons, the SCP project impacts related to drainage patterns and potential flooding would be less than significant.

Finding: The potential impacts of the SCP project related to hydrology and water quality would be similar to those analyzed in the 2022 EIR. Similar to the Freedom Circle Focus Area Plan, the SCP project would still have less-than-significant hydrology and water quality impacts that do not require mitigation. Implementation of the SCP project would not result in new significant impacts on hydrology and water quality or a substantial increase in the severity of previously identified impacts in the 2022 EIR. No mitigation specific to hydrology and water quality is required.

4.9 LAND USE AND PLANNING

4.9.1 Existing Setting

The following environmental setting information is partly summarized from the certified 2022 EIR. This section also describes changes to Freedom Circle Future Focus Area land use policy adopted following certification of the 2022 EIR.

Existing Land Uses

The Santa Clara Park (SCP) project site is located within the approximately 108-acre Freedom Circle Future Focus Area Plan Area, as designated by the General Plan, in the northwestern part of the city and generally bounded by Great America Parkway to the west, California's Great America amusement park to the north, San Tomas Aquino Creek to the east, and U.S. 101 to the south. Except for the currently vacant Greystar project site located in the southeast portion of the Future Focus Area Plan Area, the Plan Area is essentially built out and is in an area of the city with land use designations in the General Plan as Very High Intensity Office/R&D, High Intensity Office/R&D, Very High Density residential with some Regional Commercial and Public/Quasi Public, with uses such as biotech and electronics, business offices, hotels, and various support services (such as car rental, UPS store, medical/dental, and restaurants). The SCP project site has a land use designation of Very High Density Residential.

The Freedom Circle Future Focus Area was added as a Phase III Future Focus Area to the General Plan in 2022. The Freedom Circle Focus Area Plan designates the SCP project site as Very High Density Residential (51-100 dwelling units per acre). Per the General Plan and Freedom Circle Focus Area Plan, any change in land use designation or rezoning of land within the Freedom Circle area is subject to the requirements of the Future Focus Area Goals and Policies of the General Plan. The SCP project will accomplish this via its proposed General Plan Text Amendment and rezoning.

Buildings cover about 23 percent of the Future Focus Area Plan Area. The Plan Area has a "superblock street layout" with ample surface parking that supports dependence on cars. The buildings are spaced relatively far apart, with surface parking lots in between. Pedestrian linkages are limited.

Surrounding Land Uses

Land uses in the vicinity of the Future Focus Area Plan Area include California's Great America amusement park (and parking lots) and the Towers @ Great America (office/research & development campus, with parking structure) to the north; commercial, office, religious, and other uses (e.g., hotel, restaurants) to the west along Great America Parkway, including research and development (R&D), light industrial (electronics and computer software development), and other uses around Patrick Henry Drive; office, residential, and retail uses to the south of U.S. 101 (Santa Clara Square); and office and R&D uses to the east past San Tomas Aquino Creek.

Airport Compatibility

The Norman Y. Mineta San Jose International Airport (San Jose International Airport or "SJC") is located about 1.5 miles to the southeast of the Future Focus Area Plan Area. The Santa Clara County Airport Land Use Commission's (ALUC) Comprehensive Land Use Plan (CLUP) for the San Jose International Airport establishes an Airport Influence Area (AIA), which is a boundary around the airport within which Airport Comprehensive Land Use Plan (CLUP) policies may apply to proposed development. The portion of the Future Focus Area Plan Area south of Mission College Boulevard, including the SCP project site, is not located within the AIA.

The CLUP establishes development standards related to noise, structure height, and safety that are applicable to development in areas surrounding the airport and provides maps of these areas to help evaluate land use compatibility in the vicinity of the airport. While the Future Focus Area Plan Area is not located in a mapped safety or noise area, it is within the CLUP Height Restriction Area, which uses the Federal Aviation Administration's (FAA) Federal Aviation Regulations (FAR) Part 77 imaginary surfaces to delineate the area within which structures above a maximum structure height may constitute a safety hazard. In these cases, the FAA must be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at

least 200 feet in height above ground. The proposed SCP project would not include any structures over 200 feet high.

4.9.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in less-than-significant impacts related to physical arrangement of the community and consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects because (1) the Focus Area Plan commits to land use principles and policies characteristic of the Association of Bay Area Governments (ABAG) Plan Bay Area; (2) the Focus Area Plan's vision is to create a dynamic, mixed-use district of residential developments and community amenities with a diverse range of employment uses to complement other North Santa Clara neighborhoods and provide pedestrian, bicycle, and roadway connections to employment centers, transit stops, trails, and other destinations; and (3) the Focus Area Plan includes goals and policies to support this vision consistent with the General Plan.

Per the 2022 EIR, future development activity under the Freedom Circle Focus Area Plan would not disrupt or divide the physical arrangement of the community because current development is generally an internally focused collection of large, self-contained parcels while Plan-facilitated development would integrate physical and functional connections between Plan Area parcels and with the adjacent community. The 2022 EIR concluded that because the Freedom Circle Focus Area Plan would establish land use provisions and development standards and guidelines through a comprehensive planning study to encourage substantial beneficial land use effects in (1) revitalizing the Plan Area; (2) facilitating development where services and infrastructure can be most efficiently provided by promoting higher residential densities within or near existing employment and public transportation areas; and (3) promoting compact, transit-accessible, pedestrian-oriented development patterns and land use, the Focus Area Plan would have a beneficial land use and planning effects. No mitigation was required.

4.9.3 Impact Analysis

<u>Project Effects on the Physical Arrangement of the Community</u>

The existing 12-building business park is a self-contained site located near the center of the Future Focus Area Plan Area. As described in section 3.0 (Project Description), the SCP project proposes a new private street that would roughly bisect the existing site in the east-west direction and provide new connections from Freedom Circle to the interior of the project site. The project's proposed pedestrian and bicycle infrastructure includes pedestrian sidewalks on both sides of the new private street and public pedestrian/bike paths throughout the site. The project site would provide pedestrian, bicycle, and vehicular connections between the project site and the surrounding area.

While there is currently no comprehensive planning study in place for the Freedom Circle Future Focus Area, the proposed General Plan Amendment (GPA) text, the development standards (see section 3.0 [Project Description]), and the plans submitted for the SCP project would constitute the comprehensive rezoning plan to be filed with this project, consistent with the Freedom Circle Focus Area Plan and City of Santa Clara General Plan. The General Plan Text Amendment, and Planned Development (PD) Rezoning would include the following:

(1) A General Plan Text Amendment to add a new policy to the Freedom Circle Focus Area to allow the PD Rezoning Document for the SCP Project to constitute the necessary "comprehensive plan" for the project site and deferring a Specific Plan for the balance of the Future Focus Area.

(2) PD Rezoning: Per City Code, an application for a Planned Development zoning district shall include and be accompanied by a development plan which, if approved by the City Council, shall become a part of the City's zoning map as provided for by Santa Clara City Code 18.20.030.C. See Table 3.2, Development Standards for Planned Development (PD) Rezoning.

The SCP project's proposed land use provisions and development standards, consistent with the vision of the Focus Area Plan, (1) encourage land use patterns intended to revitalize the Plan Area; (2) facilitate development where services and infrastructure can be most efficiently provided by promoting higher residential densities within or near existing employment and public transportation areas; and (3) promote compact, transit-accessible, pedestrian-oriented development patterns and land use. The SCP project would introduce high density housing in a compact development pattern in a location where services and infrastructure already exist, and where existing employment and public transportation opportunities are in the vicinity. The SCP project's proposed pedestrian and bicycle infrastructure would contribute to connectivity within the project site and between adjacent areas.

The SCP project's proposed land use provisions, development standards, and project plans (collectively, "the rezoning plan" described above) would not result in significant impacts on the physical arrangement of the community. This impact would remain less than significant, as identified in the 2022 EIR.

Project Consistency with Land Use Plans, Policies, and Regulations Adopted for the Purpose of Avoiding or Mitigating Environmental Effects

Per the 2022 EIR, the Freedom Circle Focus Area Plan is substantially consistent with adopted land use plans, policies, and regulations. The Focus Area Plan includes goals and policies, consistent with the General Plan, that would direct a required comprehensive planning study, which must be prepared before development would be allowed in the Plan Area (except for the Greystar project, which received its own entitlements under the Plan). The 2022 EIR noted

potential conflicts could remain related to aesthetics, air quality, noise, and utilities and service systems; however, implementation of the mitigation measures already identified in the environmental topic chapters of the 2022 EIR would ensure project consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects.

As stated above, the SCP project includes proposed General Plan Amendment (GPA) text, development standards, and project plans that would constitute the comprehensive rezoning plan (i.e., the required comprehensive planning) for the SCP project site. Although General Plan Policies 5.1.1-P8 and 5.4.7-P2 ordinarily require the preparation of a comprehensive plan for an entire future focus area prior to development, the proposal would add a new policy to the Freedom Circle Focus Area Plan to allow the project to proceed with the Planned Development zoning document serving as the comprehensive plan for the project site. As described in the other sections of this Addendum, the SCP project would be required to implement applicable mitigation measures from the 2022 EIR, potentially including mitigation measures pertaining to aesthetics, air quality, noise, and utilities and service systems. The SCP project's implementation of applicable 2022 EIR mitigation measures would ensure the SCP project is consistent with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects. This impact would remain less than significant, as identified in the 2022 EIR.

Finding: The potential environmental impacts and beneficial effects of the SCP project related to land use and planning would be similar to those analyzed in the 2022 EIR. Similar to the Freedom Circle Focus Area Plan, the SCP project would still have less-than-significant land use and planning impacts that do not require mitigation. Implementation of the SCP project would not result in new significant impacts related to land use and planning or a substantial increase in the severity of previously identified related significant impacts (i.e., in other land use related environmental topic areas). No mitigation specific to land use and planning is required.

4.10 NOISE

To organize the project-specific noise quantitative information, this section is formatted differently from the others in this CEQA Addendum. In addition, the reader should refer to certified 2022 EIR Chapter 13.1.1 for background information and context on environmental noise and impact analyses.

4.10.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR, with subsequent updates since the EIR was certified; none of the updates affect the impact conclusions or mitigation measures of the 2022 EIR.

The City of Santa Clara General Plan identifies transportation sources, including vehicular traffic and the San Jose Norman Y. Mineta International Airport, as the primary contributors to the city's

noise environment. The Freedom Circle Focus Area Plan, including the Santa Clara Park (SCP) project site, is near several major roadways, including Mission College Boulevard, Bowers Avenue/Great America Parkway, and U.S. 101, but is not within the 65 dBA Community Noise Exposure Level (CNEL) noise contour of San Jose International Airport.

2022 Certified EIR Ambient Noise Levels

The certified EIR presented the results of short-term (ST) and long-term (LT) noise monitoring conducted in the Freedom Circle Future Focus Area Plan area in September 2020 (see certified EIR pp. 13-5 to 13-9 and Appendix 25.5). One of the ST sites (ST-1) was not located near the proposed SCP project, but two of the ST sites (ST-2 and ST-3) were near the project site:

- Location ST-2 was adjacent to Freedom Circle, near the southwest boundary of the SCP project site. The ambient noise levels measured at ST-2 were representative of background daytime noise levels away from Mission College Boulevard and U.S. 101. The energy-averaged noise level at ST-2 ranged from 58.6 to 59.8 dBA L_{eq} over the measurement period (20 minutes).
- Location ST-3 was adjacent to Mission College Boulevard, near the northeast boundary of the SCP project site. The ambient noise levels measured at ST-1 were representative of background daytime noise levels along Mission College Boulevard. The energy-averaged noise level at ST-2 ranged from 65.4 to 67.4 dBA L_{eq} over the measurement period (20 minutes).

The long-term site (LT-1) was located adjacent to U.S. 101, approximately 520 feet south of the SCP project site. The calculated 24-hour CNEL at LT-1 was 78.6 dBA.

2024 Supplemental Ambient Noise Monitoring

MIG, Inc. conducted a supplemental noise survey to assess if ambient noise conditions in the plan area and at the SCP project site have changed since the 2022 EIR was certified. The survey was conducted from approximately 1:00 PM to 6:00 PM on Thursday, May 2, 2024. The ambient noise levels were digitally measured and stored using two Larson Davis SoundTrack LxT sound level meters that meet American National Standards Institute requirements for a Type 1 integrating sound level meter. The sound meters were calibrated immediately before and after the monitoring period using a reference one-kilohertz (1kHz) check frequency and 114 dB sound pressure level and found to be operating within normal parameters for sensitivity. Measurements were continuously collected over the sample periods in 1-minute intervals. This interval was selected to capture short-term noise events and increases in noise levels above typical background conditions. Weather conditions during the monitoring were generally clear. Temperatures were in the low to high 70s and winds were generally light.

The 2024 supplemental ambient noise monitoring locations are described below and shown on Figure 4.10-1. For continuity with the certified EIR, which included locations ST-1 to ST-3, the supplemental monitoring locations begin with ST-4.

- Location ST-4 was located south of the SCP project, approximately 120 feet north of the centerline of U.S. 101, in the same location as previous monitoring location LT-1 from the 2022 EIR.
- Locations ST-5, ST-6, and ST-7 were along the southern portion of the SCP project site, approximately 30 feet north of the centerline of Freedom Circle.
- Location ST-8 was at the northwest corner of the SCP project site, near the intersection of Mission College Boulevard and Freedom Circle, and approximately 45 feet from the centerline of Mission College Boulevard.
- Location ST-9 was in the center of the northern part of the SCP project site, approximately 43 feet from the centerline of Mission College Boulevard.

Based on observations made during the ambient noise monitoring, vehicle traffic on Freedom Circle, Mission College Boulevard, and U.S. 101 is the predominant noise source in the vicinity of the SCP project site. The results of the ambient noise monitoring are summarized in Table 4.10-1. In general, ambient noise levels in the plan area and at the SCP project site have not substantially changed since 2020. The measured noise levels at ST-5, ST-6, and ST-7 in 2024 were approximately 61 to 62 dBA L_{eq}, which are consistent with 2020 measured noise levels at ST-2 of approximately 60 dBA L_{eq} in 2020. Similarly, the measured 5-hour L_{eq} noise level at ST-4 was 74.1 dBA, which is consistent with measured 2020 daytime noise levels at LT-1 of 73.5 dBA L_{eq} to 75.8 dBA L_{eq}.

SOURCE: MIG, Inc.; Google Earth

FIGURE **4.10-1**

Ambient Noise Monitoring Locations

Existing and Future Baseline Modeled Traffic Noise Levels

The certified 2022 EIR modeled traffic noise levels for year 2019 (existing) and year 2030 (future baseline) in the vicinity of the Future Focus Area Plan area. The results of the modeling indicated traffic noise levels on Mission College Boulevard adjacent to the SCP project site were 70.0 dBA CNEL under existing 2019 baseline conditions, increasing to 70.6 dBA CNEL under future 2030 baseline conditions, at a distance of 100 feet from the road centerline. Modeled traffic noise levels on Freedom Circle East south of Mission College Boulevard were less than 64 dBA CNEL under existing 2019 and future 2030 baseline conditions.

Sensitive Receptors

The City's General Plan Noise Element identifies that residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, natural areas, parks and outdoor recreation areas are generally more sensitive to noise than commercial and industrial establishments. The existing noise sensitive receptors within 1,000 feet of the SCP project site include:

- The San Tomas Aquino Creek Trail, located between approximately 200 to 380 feet east of the SCP project site. The creek trail is adjacent to and within approximately 50 feet or less of the Future Focus Area Plan area's eastern boundary;
- The Santa Clara Marriott, located approximately 415 feet west of the SCP project site (as measured from the boundary of the project site to the closest outdoor amenity area – tennis courts – on the hotel property). This hotel is within the Future Focus Area Plan area; and
- Our Lady of Peace Church and Shrine, located approximately 915 west of the SCP project site. This institution is 170 feet west of the Focus Area Plan boundary, across Great America Parkway.

In addition to these existing land uses, there is one approved project – the Greystar residential project – located across Freedom Circle East from the SCP project site. Although approved, this project had not begun construction as of August 2024.

Table 4.10-1: Summary of Measured Short-Term Ambient Noise Levels								
Day/Site	Duration	Time Start	Measured Noise Levels (dBA)					
			$L_{eq}^{(A)}$	$L_{min}^{(B)}$	$L_{90}^{(C)}$	$L_{50}^{(C)}$	$L_{8.3}^{(C)}$	$L_{max}^{(B)}$
Thursday, May 2, 2024, 1:00 PM to 6:00 PM								
ST-4	30 minutes	1:08 PM	74.2	66.6	71.7	74.0	76.0	79.3
ST-5	30 minutes	1:08 PM	61.5	51.5	54.3	58.0	65.9	76.5
ST-4	30 minutes	1:45 PM	74.4	65.5	71.8	74.1	76.1	88.7
ST-6	30 minutes	1:45 PM	61.4	53.7	55.9	58.1	65.9	76.3
ST-4	30 minutes	2:24 PM	74.0	64.0	71.6	73.9	75.8	80.6
ST-7	30 minutes	2:24 PM	61.7	50.4	53.3	56.8	66.5	80.0
ST-4	30 minutes	3:08 PM	73.4	61.0	70.4	73.2	75.5	81.9
ST-8	30 minutes	3:08 PM	70.1	50.4	57.6	65.4	74.6	86.8
ST-4	30 minutes	4:35 PM	74.4	64.6	72.0	74.2	76.1	87.0
ST-9	30 minutes	4:35 PM	69.8	52.2	58.2	66.3	74.0	90.4
ST-4	5 hours	1:00 PM	74.1	61.0	71.6	73.9	76.0	88.7

Source: MIG (see Appendix B-1)

(A) The L_{eq} value represents the equivalent steady-state noise level that would contain the same amount of acoustical energy as the time-varying noise level during the listed period.

(B) The L_{min} and L_{max} represent the lowest and highest instantaneous noise levels measured during the listed period, respectively.

(C) Values represent the noise level exceed a certain percentage of the period, e.g., L_{90} is the noise level that was exceeded 90% of the time for the listed period.

4.10.2 Findings of Previous EIR

The certified 2022 EIR concluded implementation of the Freedom Circle Focus Area Plan would not generate permanent vibration levels that exceed the City's vibration perception threshold of 0.01 inches per second pear particle velocity (Impact 13-9, p. 13-54) and would not expose people living or working in the plan area to excessive airport-related noise (Impact 13-11, p. 13-55).

The certified 2022 EIR also concluded implementation of the Focus Area Plan would result in four potentially significant impacts: a substantial, temporary increase in noise levels (Impact 13-1, pp. 13-22 to 13-30); a substantial temporary increase in vibration levels (Impact 13-3, pp. 13-34 to 13-38); a substantial permanent increase non-transportation noise levels (Impact 13-5, pp. 13-41 to 13-44); and a substantial permanent increase in traffic noise levels (Impact 13-7, pp. 13-47 to 13-51). The 2022 EIR conclusions regarding increase in temporary noise and vibration levels and permanent non-transportation and traffic noise levels are summarized below.

Finally, the certified 2022 EIR discussed other disclosures and planning considerations that were not considered CEQA impacts, including how the existing noise environment in the plan area was

compatible and consistent with City goals, policies, and standards for the type of development that would be anticipated to occur with implementation of the plan (pp. 13-55 to 13-58).

Temporary Increases in Noise Levels

The certified 2022 EIR concluded implementation of the Freedom Circle Focus Area Plan would result in temporary construction noise that could exceed the City's significance thresholds at residential and commercial land uses within 400 feet and 200 feet of work areas, respectively, assuming the construction activity would last for more than one year. The use of pile driving equipment would increase the distance at which construction activities would exceed the City's significance thresholds at residential and commercial land uses to 500 and 400 feet, respectively.

To reduce potentially significant, temporary increases in noise levels associated with construction activities the 2022 EIR incorporated **Mitigation Measure 13-1** (Reduce Potential Freedom Circle Focus Area Plan Construction Noise Levels) into the Focus Area Plan. The 2022 EIR concluded this measure would reduce construction noise through a combination of notification/disclosure, permissible work times, equipment noise controls, and construction activity management measures designed to ensure residential and commercial construction noise thresholds are not exceeded, thereby rendering the Focus Area Plan's temporary increase in noise levels a less-than-significant impact with mitigation.

Temporary Increases in Vibration Levels

The certified 2022 EIR concluded implementation of the Freedom Circle Focus Area Plan would result in temporary construction-induced vibrations that could result in structural damage when impact hammers were used within 30 feet of a building and be excessively perceptible to human when vibratory rollers and impact hammers were used within 50 feet and 140 feet of an occupied building, respectively.

To reduce potentially significant, temporary vibration levels associated with construction activities the 2022 EIR incorporated **Mitigation Measure 13-3** (Reduce Potential Freedom Circle Focus Area Plan Construction Vibration Levels) into the Focus Area Plan. The 2022 EIR concluded this measure would ensure future construction activities in the plan area do not result in significant structural damage or other excessively annoying vibration levels through a combination of notification/disclosure, permissible work times, equipment vibration controls, and construction activity management measures designed to limit and reduce construction equipment vibration levels, thereby rendering the Focus Area Plan's temporary increase in noise levels a less-than-significant impact with mitigation.

Permanent Increases in On-site Noise Levels

The certified 2022 EIR concluded implementation of the Freedom Circle Focus Area Plan would result in new on-site activities (e.g., vehicle parking, landscaping) and stationary mechanical

equipment (e.g., pumps, heating, ventilation, and air conditioning equipment ["HVAC" equipment]) that could exceed the City's standards and the existing ambient noise environment in the vicinity of the plan area. To reduce potentially significant, permanent increase in on-site noise levels, the 2022 EIR incorporated **Mitigation Measure 13-5** (Control Fixed and Other On-Site Noise Generating Sources and Activities in the Freedom Circle Area Plan) into the Focus Area Plan. The 2022 EIR concluded this measure would ensure future on-site operational activities and equipment in the plan area would comply with City noise standards, thereby rendering the Focus Area Plan's on-site increase in noise levels a less-than-significant impact with mitigation.

Permanent Increases in Traffic Noise Levels

The certified 2022 EIR concluded implementation of the Freedom Circle Focus Area Plan would result in a substantial permanent increase traffic-related noise levels on roadways used to access the plan area, including Freedom Circle. The 2022 EIR identified that **Air Quality Mitigation Measure 5-3D** (see section 4.3) would require individual development projects to achieve a 20 percent reduction in VMT, but that even with the incorporation of **Mitigation Measure 5-3D**, the implementation of the Focus Area Plan could still result in substantial, permanent increase in traffic noise levels, a significant and unavoidable noise impact.

Other Disclosures and Planning Considerations

Although not a CEQA impact, the certified 2022 EIR disclosed that noise exposure levels in the Freedom Circle Future Focus Area Plan area could exceed the conditionally acceptable and normally unacceptable noise compatibility standards established in the City's General Plan. The potential for this to occur was assumed to be highest near major roadways like Great America Parkway and U.S. 101, and lowest along the interior portions of Freedom Circle. To address potential noise compatibility issues, the 2022 EIR incorporated **Condition of Approval NOI-1** (Prepare Final Acoustical Analysis) into the Focus Area Plan. The 2022 EIR concluded this requirement would ensure future development in the plan area was designed and constructed in a manner that is compatible with the ambient noise environment and consistent with State and City noise requirements.

2022 Certified EIR Mitigation Measures and Conditions of Approval

The following mitigation measures and conditions of approval would be applicable to the SCP project.

Mitigation 13-1: Reduce Potential Freedom Circle Focus Area Plan Construction Noise Levels. To reduce potential noise levels from Focus related to construction activities, the City shall ensure future development projects within the Plan Area:

1) *Notify Residential and Commercial Land Uses of Planned Construction Activities.* This notice shall be provided at least one week prior to the start of any construction activities, describe the

noise control measures to be implemented by the Project, and include the name and phone number of the designated contact for the Applicant/project representative and the City of Santa Clara responsible for handling construction-related noise complaints (per Section 8). This notice shall be provided to: A) The owner/occupants of residential dwelling units within 500 feet of construction work areas; and B) The owner/occupants of commercial buildings (including institutional buildings) within 200 feet of construction work areas or within 400 feet of construction work areas if pile driving equipment will be used.

2) *Notify San Tomas Aquino Creek Trail Users of Construction Activities.* Prior to the start of construction activities within 500 feet of the San Tomas Aquino Creek Trail, signs shall be posted along the trail warning of potential temporary elevated noise levels during construction. Signs shall be posted within 250 feet of impacted trail segments (i.e., portions of the trail within 500 feet of a work area) and shall remain posted throughout the duration of all substantial noise generating construction activities (typically demolition, grading, and initial foundation installation activities).

3) *Restrict Work Hours.* All construction-related work activities, including material deliveries, shall be subject to the requirements of City Code Section 9.10.230. Construction activities, including deliveries, shall occur only during the hours of 7:00 AM to 6:00 PM, Monday through Friday, and 9 AM to 6 PM on Saturday, unless otherwise authorized by City permit. The applicant/project representative and/or its contractor shall post a sign at all entrances to the construction site informing contractors, subcontractors, construction workers, etc. of this requirement.

4) *Control Construction Traffic and Site Access.* Construction traffic, including soil and debris hauling, shall follow City-designated truck routes and shall avoid routes (including local roads in the Plan Area) that contain residential dwelling units to the maximum extent feasible given specific project location and access needs.

5) *Construction Equipment Selection, Use, and Noise Control Measures.* The following measures shall apply to construction equipment used in the Plan Area: A) To the extent feasible, contractors shall use the smallest size equipment capable of safely completing work activities; B) Construction staging shall occur as far away from residential and commercial land uses as possible; C) All stationary noise generating equipment such as pumps, compressors, and welding machines shall be shielded and located as far from sensitive receptor locations as practical. Shielding may consist of existing vacant structures or a three- or four-sided enclosure provide the structure/barrier breaks the line of sight between the equipment and the receptor and provides for proper ventilation and equipment operations; D) Heavy equipment engines shall be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical isolators, mounts, etc. These devices shall be maintained in accordance with manufacturer's recommendations during active construction activities; E) Pneumatic

tools shall include a noise suppression device on the compressed air exhaust; F) The applicant/project representative and/or their contractor shall connect to existing electrical service at the site to avoid the use of stationary power generators (if feasible); G) No radios or other amplified sound devices shall be audible beyond the property line of the construction site.

6) *Implement Construction Activity Noise Control Measures.* The following measures shall apply to construction activities in the Plan Area: A) Demolition: Activities shall be sequenced to take advantage of existing shielding/noise reduction provided by existing buildings or parts of buildings and methods that minimize noise and vibration, such as sawing concrete blocks, prohibiting on-site hydraulic breakers, crushing, or other pulverization activities, shall be employed to the maximum extent feasible; B) Demolition Site Preparation, Grading, and Foundation Work: During all demolition, site preparation, grading, and structure foundation work activities within 500 feet of a residential dwelling unit or 400 feet of a commercial building (including institutional buildings), a physical noise barrier capable of achieving the construction noise level standards set forth in Section 7 below shall, if required pursuant to Section 7, be installed and maintained around the site perimeter to the maximum extent feasible given site constraints and access requirements. Potential barrier options capable of reducing construction noise levels could include, but are not limited to: i) A concrete, wood, or other barrier installed at grade (or mounted to structures located at-grade, such as a K-Rail), and consisting of a solid material (i.e., free of openings or gaps other than weep holes) of sufficient height (determined pursuant to Section 7) that has a minimum rated transmission loss value of 20 dB; ii) Commercially available acoustic panels or other products such as acoustic barrier blankets that have a minimum sound transmission class (STC) or transmission loss value of 20 dB; iii) any combination of noise barriers and commercial products capable of achieving required construction noise reductions during demolition, site preparation, grading, and structure foundation work activities; iv) The noise barrier may be removed following the completion of building foundation work (i.e., it is not necessary once framing and typical vertical building construction begins provided no other grading, foundation, etc. work is still occurring on-site); and C) Pile Driving: If pile driving activities are required within 500 feet of a residential dwelling unit or 400 feet of a commercial building, the piles shall be pre-drilled with an auger to minimize pile driving equipment run times.

7) *Prepare Project-Specific Construction Noise Evaluation.* Prior to the start of any specific construction project lasting 12 months or more, the City shall review and approve a project-specific construction noise evaluation prepared by a qualified acoustical consultant that: A) Identifies the planned project construction sequence and equipment usage; B) Identifies typical hourly average construction noise levels for project construction equipment; C) Compares hourly average construction noise levels to ambient noise levels at residential and commercial land uses near work areas (ambient noise levels may be newly measured or presumed to be

consistent with those levels shown in Table 13-2 and 13-3 of the Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR); and D) Identifies construction noise control measures incorporated into the project that ensure: i) activities do not generate noise levels that are above 60 dBA L_{eq} at a residential dwelling unit and exceed the ambient noise environment by at least 5 dBA L_{eq} for more than one year; and ii) activities do not generate noise levels that are above 70 dBA L_{eq} at a commercial property (including institutional land uses) and exceed the ambient noise environment by at least 5 dBA L_{eq} for more than one year. Such measures may include but are not limited to: a) The requirements of Sections 4, 5, 6, and 8; b) Additional project and/or equipment-specific enclosures, barriers, shrouds, or other noise suppression methods. The use of noise control blankets on building facades shall be considered only if noise complaints are not resolvable with other means or methods.

8) *Prepare a Construction Noise Complaint Plan.* The Construction Noise Complaint Plan shall: A) Identify the name and/or title and contact information (including phone number and email) for a designated project and City representative responsible for addressing construction-related noise issues; B) Includes procedures describing how the designated project representative will receive, respond, and resolve construction noise complaints; C) At a minimum, upon receipt of a noise complaint, the project representative shall notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint; D) The elements of the Construction Noise Complaint Plan may be included in the project-specific noise evaluation prepared to satisfy Section 7 or as a separate document.

9) *Owner/Occupant Disclosure.* The City shall require future occupants/tenants in the Plan Area receive disclosure that properties in the Plan Area may be subject to elevated construction noise levels from development in the Plan Area. This disclosure shall be provided as part of the mortgage, lease, sub-lease, and/or other contractual real-estate transaction associated with the subject property.

Mitigation 13-3: Reduce Potential Freedom Circle Focus Area Plan Construction Vibration Levels. To reduce potential vibration-related structural damage and other excessive vibration levels from Focus Area Plan related construction activities, the City shall ensure future development projects within the Plan Area:

1) *Notify Residential and Commercial Land Uses of Planned Construction Activities.* See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft Environmental Impact Report (EIR) Mitigation Measure 13-1, Section 1.

2) *Restrict Work Hours.* See Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Mitigation Measure 13-1, Section 2.

3) *Prohibit Vibratory Equipment.* The use of large vibratory rollers, vibratory/impact hammers, and other potential large vibration-generating equipment (e.g., hydraulic breakers/hoe rams) shall be prohibited within 100 feet of any residential building façade and 50 feet of any commercial building façade during construction activities. Plate compactors and compactor rollers are acceptable, and deep foundation piers or caissons shall be auger drilled.

4) *Prepare Project-Specific Construction Vibration Evaluation Plan.* If it is not feasible to prohibit vibratory equipment per Section 3) due to site- or project-specific conditions or design considerations, the City shall review and approve a project-specific construction vibration evaluation that: A) Identifies the project's planned vibration-generating construction activities (e.g., demolition, pile driving, vibratory compaction); B) Identifies the potential project-specific vibration levels (given project-specific equipment and soil conditions, if known) at specific building locations that may be impacted by the vibration-generating work activities (generally buildings within 50 feet of the work area); C) Identifies the vibration control measures incorporated into the project that ensure equipment and work activities would not damage buildings or result in vibrations that exceed Caltrans' strongly perceptible vibration detection threshold for peak particle velocity (PPV) of 0.1 inches/second (in/sec). Such measures may include, but are not limited to: i) the requirements of Sections 1, 2, and 3; ii) the use of vibration monitoring to measure actual vibration levels; iii) the use of photo monitoring or other records to document building conditions prior to, during, and after construction activities; and iv) the use of other measures such as trenches or wave barriers; D) Identifies the name (or title) and contact information (including phone number and email) of the Contractor and City representatives responsible for addressing construction vibration-related issues; and E) Includes procedures describing how the construction contractor will receive, respond, and resolve to construction vibration complaints. At a minimum, upon receipt of a vibration complaint, the Contractor and/or City representative described in the first condition D) above shall identify the vibration source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint by reducing ground-borne vibration levels to peak particle velocity levels that do not exceed accepted guidance or thresholds for structural damage that are best applicable to potentially impacted buildings (e.g., see Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Table 13-6) and Caltrans' strongly perceptible vibration detection threshold (PPV of 0.1 in/sec, see Freedom Circle Focus Area Plan/Greystar General Plan Amendment Draft EIR Table 13-7).

Mitigation 13-5: Control Fixed and Other On-site Noise-Generating Sources and Activities in the Freedom Circle Area Plan. To ensure on-site, operations related equipment and activities associated with the Focus Area Plan do not generate noise levels that exceed City standards or otherwise result in a substantial permanent increase in ambient noise levels, future development projects shall submit a project-specific operational noise analysis to the City for review and approval prior to the issuance of the first building permit for the project, or as otherwise determined

by the City. The noise analysis shall be prepared by a qualified acoustical consultant and shall identify all major fixed machinery and equipment, non-residential truck docks/dedicated loading zones, waste collection areas, and above ground parking garages included in the final project design/site plan. The noise analysis shall also document how project noise sources and activities will comply with the exterior sound limits established in City Code Section 9.10.040, Schedule A and the noise compatibility guidelines in General Plan Table 8.14-1. Fixed machinery and equipment may include, but is not limited to, pumps, fans (including air intake or exhaust fans in parking garages), compressors, air conditioners, generators, and refrigeration equipment. The control of noise from such equipment may be accomplished by selecting quiet equipment types, siting machinery and equipment inside buildings, within an enclosure (e.g., equipment cabinet or mechanical closets, or behind a parapet wall or other barrier/shielding. Truck docks/dedicated loading zones consist of a loading dock or other dedicated area for the regular loading and unloading of retail, commercial, or other nonresidential goods from delivery trucks. The control of noise from such truck docks/loading areas, waste collection areas, and parking garages may be accomplished by placing such areas away from sensitive land uses, restricting activities or operating hours for certain areas, or other design means.

Condition of Approval NOI-1: Prepare Final Acoustical Analysis. Future development projects shall submit a project-specific acoustical analysis to the City for review and approval prior to the issuance of the first building permit for the project, or as otherwise determined by the City. The analysis shall be prepared by a qualified acoustical consultant, based on the final design of the project, and identify:

1) Exterior noise levels at all property lines, building facades, and public or common open space, recreation, and/or other exterior use area boundaries.

2) Final site and building design measures that would attenuate noise in public open space and recreational lands to 65 CNEL or less, if feasible, but not more than 75 CNEL. This may be achieved by locating such areas away from major roadways or providing setbacks for facilities adjacent to major roadways (e.g., orienting parking and other support areas closer to roadways.)

3) Final site and building design measures that would attenuate noise to no more than 70 CNEL and 75 CNEL at common residential and commercial exterior use areas, respectively (this does not include private balconies).

4) Final site and building design measures that would achieve exterior to interior noise reduction levels necessary to meet a 45 CNEL interior noise level for residential and other sensitive land uses and a 50 dBA hourly Leq noise level for offices, retail, and other less sensitive indoor spaces (when in operation). Such standards are to be achieved with a windows closed condition. The specific attenuation measures necessary for the project will depend on the specific project location, ambient noise levels, and project design. Potential noise insulation design features that may be required to achieve interior noise levels include sound barriers, enhanced exterior wall, ceiling,

and roof assemblies with above average sound transmission class or outdoor/indoor transmission class values, enhanced insulation methods (acoustical caulking, louvered vents, etc.).

4.10.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 EIR air quality impact and mitigation conclusions is described below.

Temporary Construction Noise

As described in section 4.10.2, the SCP project is subject to, and would comply with, applicable programmatic Mitigation Measure 13-1 (Reduce Potential Freedom Circle Focus Area Plan Construction Noise Levels) from the certified 2022 EIR that reduces temporary construction noise levels. Pursuant to Mitigation Measure 13-1, MIG, Inc. has prepared a project-specific construction noise evaluation using the Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM), Version 1.1. The RCNM is a computer program that uses empirical data and sound propagation principles to predict noise levels associated with a variety of construction equipment and operations. The noise evaluation incorporates project-specific assumptions regarding construction phasing and equipment that were also used in the project-specific construction emissions assessment (see section 4.3 and Appendix A-1). Potential SCP project noise levels were estimated for the following existing receptors:

- R1: Santa Clara Fire Department Station 8 located at 2400 Agnew Road
- R2: Pedro's Restaurant and Cantina located at 3935 Freedom Circle
- R3: Santa Clara Towers located at 3945 Freedom Circle
- R4: Mission Towers located at 3975 Freedom Circle
- R5: Santa Clara Marriott located at 3700 Mission College Boulevard
- R6: Mission Technology Center located at 2441 Mission College Boulevard

The distances between each typical work area/construction phase and modeled receptors are summarized in Table 4.10-2.

Table 4.10-2: Distances Between Modeled Receptors and Construction Noise Sources						
SCP Construction Phase	**Receptor Distance to Construction Activity (Feet)**					
	R1	**R2**	**R3**	**R4**	**R5**	**R6**
Demolition	435	250	275	385	330	325
Site Preparation	760	870	760	550	835	585
Grading	760	870	760	550	835	585
Trenching	515	570	290	280	280	415
Building Construction	515	570	290	280	280	415
Paving	840	820	680	500	860	670
Architectural Coating	300	360	160	195	140	295

The results of the construction noise modeling are summarized in Table 4.10-3 and compared against the City's commercial receptor construction noise threshold applied in the 2022 EIR. Refer to Appendix B-2 for the complete RCNM project file.

Table 4.10-3: Modeled Construction Noise Levels at Nearby Receptors						
SCP Construction Phase	**Modeled Construction Noise Level (dBA L_{eq})**					
	R1	**R2**	**R3**	**R4**	**R5**	**R6**
Demolition	63.5	68.3	67.5	64.6	65.9	66.0
Site Preparation	58.9	57.7	58.9	61.7	58.1	61.2
Grading	60.7	59.5	60.7	63.5	59.9	63.0
Trenching	63.0	62.1	67.9	68.2	68.2	64.8
Building Construction	63.8	62.9	68.7	69.1	69.1	65.6
Paving	57.1	57.3	59.0	61.6	56.9	59.1
Architectural Coating	62.1	60.5	67.5	65.8	68.7	62.2
2022 EIR Threshold	70.0	70.0	70.0	70.0	70.0	70.0
Threshold Exceeded?	No	No	No	No	No	No
Source: MIG, 2024 (see Appendix B-2)						

As shown in Table 4.10-3, the SCP project's construction noise levels would vary by phase but would generally range between approximately 57 dBA L_{eq} and 69 dBA L_{eq}. The highest noise levels (69.1 dBA L_{eq}) would occur at R04 and R05 during the Building Construction phase. As shown in Table 4.10-1, a construction noise level of 69.1 dBA L_{eq} would be approximately 7 dBA higher than measured daytime noise levels (61.7 dBA Leq) at ST-4, which would be representative of the Mission Towers (R4) and the southern half of the Santa Clara Marriott property (R5); however, a modeled construction noise level of 69.1 dBA L_{eq} would be approximately 1 dBA lower

than measured daytime noise levels (70.1 dBA Leq) at ST-5, which would be representative of the northern half of the Santa Clara Marriott property. Overall, the modeled construction noise levels at all receptors would range from approximately 10 dBA lower than measured daytime conditions (e.g., at R1 – Fire Station 8 – during demolition) to approximately 7 dBA higher than measured daytime conditions (e.g., at R4 as described above and at R2 – Pedro's Restaurant and Cantina – during demolition).

2022 EIR Mitigation Measure 13-1 required noise control measures to be incorporated into future development projects in the Freedom Circle Future Focus Area Plan area to ensure construction activities do not generate noise levels that are above 70 dBA L_{eq} at a commercial property and exceed the ambient noise environment by at least 5 dBA L_{eq} for more than one year. The SCP project would be constructed over an approximately five-year period (see Appendix A-1) and could generate construction noise levels that are more than 5 dBA above measured 2024 ambient noise levels; however, modeled construction noise levels do not exceed 70 dBA L_{eq} at any receptor during any construction phase.

As described above, the SCP project would not generate construction noise levels that exceed the 2022 EIR threshold of significance for commercial receptors and, therefore, would reduce the severity of the temporary construction noise impact identified in 2022 EIR Impact 13-1. No new significant or substantially more severe significant temporary construction noise impact would occur. Furthermore, although the SCP project would not require the incorporation of specific noise control measures identified in 2022 EIR Mitigation Measure 13-1, Sections 6B, 6C, and 7D, the project is subject to, and would comply with, the other applicable programmatic mitigation measures from the certified 2022 EIR that reduce temporary construction noise levels, including Mitigation Measure 13-1, Sections 1, 2, 3, 4, 5, 6A, and 8 (see section 4.10.2, above).

Temporary Construction Vibration Levels

There are no residential receptors currently located in the Freedom Circle Future Focus Area Plan area and the existing Freedom Circle right-of-way is approximately 70 feet wide at minimum. Therefore, the SCP project would not involve the use of large vibration generating equipment within 50 feet of any commercial building façade or within 100 feet of any residential building façade. In addition, the SCP project would not require the use of pile drivers. The SCP project would not have the potential to generate construction vibration levels that could exceed the vibration-induced structural damage or human annoyance response thresholds applied in the 2022 EIR and, therefore, would reduce the severity of the temporary construction vibration impact identified in 2022 EIR Impact 13-3. No new significant or substantially more severe significant temporary construction noise impact would occur. Furthermore, although the SCP project would not require the incorporation of specific vibration control measures identified in 2022 EIR Mitigation Measure 13-2, Section 4, the project is subject to, and would comply with, the other applicable programmatic mitigation measures from the certified 2022 EIR that reduce temporary

construction vibration levels, including Mitigation Measure 13-3, Sections 1, 2, and 3 (see section 4.10.2, above).

Permanent On-Site Noise Levels

The SCP project would be consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan. Specifically, the number of dwelling units (1,792), population growth (4,068 residents), and gross vehicle trips (9,183 daily trips with trip reduction credits; see section 4.14) associated with the SCP project is less than the Focus Area Plan's total dwelling units (3,600), service population (28,602 residents and employees) and vehicle trips (70,250 total daily vehicle trips) evaluated in the 2022 EIR. The project's development type, trip generation, and population characteristics would, therefore, be consistent with what was analyzed in the Focus Area Plan's analysis of on-site operational noise impacts.

Once constructed, the SCP project would generate noise levels from increased parking activities, stationary sources of equipment such as HVAC equipment and pool equipment, and use of the proposed residential, park, and retail facilities. As described in section 4.10.2, the SCP project is subject to, and would comply with, the applicable programmatic mitigation measure from the certified 2022 EIR that reduce on-site operational noise levels, including Mitigation Measure 13-5 (Control Fixed and Other On-Site Noise-Generating Sources and Activities in the Freedom Circle Area Plan). Pursuant to Mitigation Measure 13-5, MIG, Inc. has prepared the following project-specific operational noise analysis for the SCP project. For reference, the City's noise standards (and 2022 EIR on-site noise thresholds) are reproduced in Table 4.10-4 and Table 4.10-5 below.

Table 4.10-4: General Plan / Land Use Compatibility Guidelines (dBA CNEL)

Land Use	**50**	**55**	**60**	**65**	**70**	**75**	**80**	**85**
Residential								
Educational								
Recreational								
Commercial								
Industrial								
Open Space								

Key:

	Compatible
	Require design and insulation to reduce noise levels
	Incompatible – avoid land use except when entirely indoors and an interior noise level of 45 dBA CNEL can be maintained.

Source: City of Santa Clara, 2010, Table 8.14-1

Table 4.10-5: City Code Schedule A Exterior Sound or Noise Limits		
Receiving Zone Land Use Category	**Time Period**	**Maximum Noise Level (dBA)**
Category 1		
Single-family and duplex residential (R1, R2)	7:00 AM to 10:00 PM	55
	10:00PM to 7:00 AM	50
Category 2		
Multi-family residential, public space (R3,B)	7:00 AM to 10:00 PM	55
	10:00PM to 7:00 AM	50
Category 3		
Commercial, Office (C,O)	7:00 AM to 10:00 PM	65
	10:00PM to 7:00 AM	60
Category 4		
Light Industrial (ML, MP)	Anytime	70
Heavy Industrial (MH)	Anytime	75
Source: City of Santa Clara, 2024		

Parking Garage Noise: Noise sources associated with proposed parking garages at Buildings 1 - 5 (e.g., car horns, doors slamming, cars starting, etc.) would be intermittent. Of the five buildings, Building 3 would have the largest parking capacity (745 spaces). Potential increases in noise resulting from the new parking garage were quantified using the following equations contained in the FTA's Transit Noise and Vibration Impact Assessment manual (FTA, 2018).

$$\mathbf{Leq(h) = SEL_{ref} + C_N - 36.5} \text{ and } \mathbf{C_N = 10 \times \log(N_A / 1{,}000)}$$

Where:

Leq(h)= Hourly L_{eq} at 50 feet

SEL_{ref}= Source Reference Level at 50 feet

C_N = Volume Adjustment (SEL_{ref} is based on 1,000 cars in peak activity hour)

N_A = Number of Automobiles per Hour

To calculate the L_{eq} and CNEL at 50 feet from the parking garage, hourly noise levels were first calculated throughout the day using the equations above, where, according to the FTA, the SEL_{ref} for parking garages is 92 dBA. The AM peak hour calculations accounted for 178 hourly trips, the PM peak hour calculations accounted for 221 hourly trips, and the remaining approximately 2,329 trips were divided evenly throughout the remaining 22 hours in the day (i.e., approximately 106 average trips her hour; Fehr and Peers, 2024). This methodology is considered conservative (i.e., likely to overestimate CNEL) since it likely overestimates activity at the parking garage from the hours of 10:00 PM to 7:00 AM, when a 10 dBA penalty is applied to the hourly noise levels used

to calculate the CNEL. The results of the calculation indicate the parking garage would result in a worst-case hourly L_{eq} value of 49.8 dBA (during the PM peak hour activity) and a CNEL of 53.5 dBA, which is more than 10 dBA lower than the 2024 ambient noise levels measured in the vicinity of the SCP project site and the traffic noise modeling conducted for the 2022 EIR. In general, when two noise levels are 10 dB or more apart, the lower value does not contribute significantly (less than 0.5 dB) to the total noise level. Thus, potential noise levels from SCP parking garages would not exceed any receiving land use noise standard contained in City Code Section 9.10.040 and would not result in a substantial increase in ambient noise levels in the vicinity of the SCP project.

In addition to standard use and operation of the garage, each proposed parking garage would include a system to facilitate air circulation and venting to reduce potential levels of carbon monoxide and other vehicle exhaust gases. Such a system usually consists of fresh air intake fans situated near ground level and exhaust fans (either centralized in one location or specific to each floor/deck) that move air into and out of the garage, respectively. Pursuant to the California Building Code, the system may operate continuously or automatically be means carbon monoxide and other sensors. Since the proposed garages would not include a basement level and are anticipated to be partially open-sided, this analysis assumes the ventilation system would primarily serve as a supplement to natural air movement during periods of high garage use (e.g., AM or PM peak hour entry and exit periods), and would not consist of jet-fan or other high volume air flow components. A typical, louvered, direct drive ¼ horsepower exhaust fan capable of moving 8,000 cubic feet per minute at high speed generates a noise level of 76 dBA at 3 feet (Continental Dynamics, 2024), which would attenuate to less than 50 dBA at distance of approximately 60 feet. All parking garages would be located on the interior of the project site and generally shielded from project property lines by residential buildings. Therefore, any ventilation fans would be located at least 150 feet from any adjacent property line. At this distance, ventilation fans would not exceed any receiving land use noise standard contained in City Code Section 9.10.040 and would not result in a substantial increase in ambient noise levels in the vicinity of the SCP project. No new significant or substantially more severe significant on-site noise impact would occur.

Mechanical Equipment: Mechanical equipment associated with the SCP project would include HVAC equipment such as condensers and heat pumps, water heating equipment (boilers), pool equipment (e.g., pumps), and other miscellaneous stationary equipment; however, the SCP project does not include a back-up generator. Project equipment would not have the potential to generate noise levels that could exceed any receiving land use noise standard contained in City Code Section 9.10.040 for the following reasons:

- HVAC Equipment: SCP project HVAC equipment would consist of high efficiency, single package rooftop heat pump units, such as the Carrier brand 50GCQ WeatherMaster model (Carrier, 2024). Such units would be distributed throughout the rooftop area in groups or banks of up to 20 units on individual building rooftops, usually in the center of the roof area. The closest grouping or bank of units would be located at least 50 feet from the SCP project

boundary and 120 feet from any receiving land use across Freedom Circle. The maximum rated sound power rating for nominal 5-ton WeatherMaster model is 79 dBA. The SCP project's estimated maximum HVAC noise level at the closest project property line is summarized in Table 4.10-6. It is noted that the noise level estimates contained in Table 4.10-6 do not assume any shielding by a parapet wall and therefore provide a conservative analysis (i.e., likely to overestimate) of potential HVAC noise levels.

As shown in Table 4.10-6, the SCP project's rooftop heat pumps would not exceed any receiving land use noise standard contained in City Code Section 9.10.040 and would not result in a substantial increase in ambient noise levels in the vicinity of the SCP project. No new significant or substantially more severe significant on-site noise impact would occur.

- Water heating equipment: The SCP project would include rooftop boilers that would generate noise from combustion, air movement (e.g., a blower), water movement (e.g., water pump) and rattling/vibrating equipment components. Large, multi-family residential boilers up to 500 horsepower can generate noise levels up to 82 dBA under high load conditions (Firetube Boilers, 2024). Rooftop boilers would be located at least 120 feet from any receiving land use across Freedom Circle. At this distance, the noise level from a large boiler would attenuate to 50 dBA L_{eq}. It is noted that this noise level estimate does not assume any shielding by a parapet wall and therefore provides a conservative analysis (i.e., likely to overestimate) of potential boiler noise levels. The SCP project rooftop boilers would not exceed any receiving land use noise standard contained in City Code Section 9.10.040 and would not result in a substantial increase in ambient noise levels in the vicinity of the SCP project. No new significant or substantially more severe significant on-site noise impact would occur.

- Pool equipment. Pools and pool equipment would be located on the interior of the SCP project site, behind the proposed residential buildings, and at least 300 feet from any receiving land uses. Pool equipment would also be located within mechanical rooms that insulate equipment noise from the outdoor environment. For these reasons, the SCP project pool equipment would not exceed any receiving land use noise standard contained in City Code Section 9.10.040 and would not result in a substantial increase in ambient noise levels in the vicinity of the SCP project. No new significant or substantially more severe significant on-site noise impact would occur.

Other Operational Noise Sources: The SCP project would include a small potential retail space (a 3,600 square foot market in Building 5), resident amenities such as a fitness center, approximately 4.225 acres of public open space (including an approximately 3.48-acre neighborhood park), and refuse collection services.

Table 4.10-6: Estimated Project Heat Pump Noise Levels				
Source(s)	Sound Power Rating[(A)]	Distance to Closest Receiving Land Use	Estimated Hourly Noise Level (dBA L_{eq})	
			1 Heat Pump[(A)]	20 Heat Pumps[(B)]
Building Heat Pump	79 dBA	120 Feet	36.5	49.5
Commercial Nighttime Noise Standard[(C)]			60	60
Standard Exceeded?			No	No

Source: MIG (see Attachment 05)

(A) Each Carrier 50GCQ WeatherMaster heat pump unit is rated according to the American Hearing and Refrigeration Institute (AHRI) Standard 270. Sound power rating is a measure of how much sound power is emitted from a source. For typical point source propagation, sound pressure levels are equal to sound power levels at approximately 1-foot from the source.

(B) All units are assumed to be in operation, and no shielding is assumed for the heat pump units.

(C) See Table 4.10-5.

The 3,600 square-foot ground level retail space included in Building 5 would primarily be a project-serving retail establishment that would not involve substantial commercial operations, including loading or unloading activities, and would not be a substantial source of noise. The project's recreational spaces and amenities would provide residents areas to recreate and socialize. Amenity spaces such as the fitness center would be indoor spaces that would not generate substantial noise levels. Exterior residential use and amenity areas such as courtyards and pools would generally be located on the interior of the site and would not have the potential to generate a substantial increase in noise levels in the immediate area. The proposed public open space and neighborhood park areas would provide passive recreation facilities that would primarily serve the SCP project and other development in the Future Focus Area Plan area and, therefore, would be limited in their use. These facilities would not have the potential to generate a substantial increase in noise levels in the immediate area.

Refuse collection services would occur via the private road that would bisects the SCP project site and parking garage access roads. Refuse collection activities are not subject to the receiving land use noise standards in City Code Section 9.10.040; however, City Code Section 8.25.110 a) limits that refuse collection to the hours of 7:00 AM to 6:00 PM at or adjacent to properties zoned for residential use and City Code Section 8.25.110 b) specifies that all collections shall be made as quietly as possible and all unnecessarily noisy trucks or equipment for refuse collection services are prohibited. For these reasons, the SCP project waste collection services would not exceed any receiving land use noise standard contained in City Code Section 9.10.040 and would not result in a substantial increase in ambient noise levels in the vicinity of the SCP project. No new significant or substantially more severe significant on-site noise impact would occur.

Permanent Traffic Noise Levels

As described under the "Permanent On-Site Noise Levels" analysis above, the SCP project would be consistent with the land use plan, development policies, and overall population and trip generation growth envisioned in the Focus Area Plan. Since the SCP project is consistent with the growth assumptions associated with the Freedom Circle Focus Area Plan, it would not have the potential to result in a new or potentially more severe traffic noise impact than that identified in the certified 2022 EIR Impact 13-7. Furthermore, as described in section 4.10.2, the SCP project is subject to, and would comply with, the applicable programmatic mitigation measure from the certified 2022 EIR that reduce vehicle trips and traffic-related noise levels, including Mitigation Measure 5-3D (Implement TDM Program).

Operational Vibrations

The SCP project would be consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan, and does not include any operational activities that would generate vibrations that were not evaluated in the certified 2022 EIR. Since the SCP project is consistent with the growth and equipment assumptions associated with Freedom Circle Focus Area Plan, it would not have the potential to result in a new or potentially more severe operational vibration impact than that identified in the certified 2022 EIR Impact 13-9.

Airport-Related Noise Levels

The part of the Freedom Circle Focus Area Plan north of Mission College Boulevard and east of Great America Parkway lies within the San Jose International Airport influence area; however, the plan area borders, but is not located within, the 65 CNEL contour associated with San Jose International Airport. Therefore, the SCP project site is not located within the San Jose International Airport influence area or 65-CNEL noise contour, would not expose people living or working in the project area to excessive airport-related noise levels, and would not have the potential to result in a new or potentially more severe airport-related noise impact than that identified in 2022 EIR Impact 13-11.

Other Planning Disclosures

As described under "Permanent On-Site Noise Levels" above, the SCP project would be consistent with the land use plan, development policies, and overall growth envisioned in the Focus Area Plan and, therefore, would be consistent with what was analyzed in the certified 2022 EIR. The SCP project would consist of new residential dwelling units and other noise-sensitive land uses that would be exposed to existing ambient noise levels that may be incompatible with City planning policies and State noise regulations. Although not a CEQA impact, the 2022 EIR incorporated Condition of Approval NOI-1 (Prepare Final Acoustical Analysis) into the Focus Area Plan to ensure future development in the plan area is designed and constructed in a manner compatible with the ambient noise environment and consistent with State and City noise

requirements. Pursuant to Condition of Approval NOI-1, MIG has prepared a project-specific noise and land use compatibility analysis for the SCP project.

Noise exposure levels at the SCP project site vary from north (near Mission College Boulevard) to south (closer to U.S. 101), as follows:

- In the north, traffic noise levels on Mission College Boulevard are estimated to be between 72.6 dBA CNEL and 72.7 dBA CNEL at 100 feet from the centerline of Mission College Boulevard and would attenuate to less than 70 dBA CNEL at 155 feet. Based on the current site plan, the public open space areas along Mission College Boulevard, the northeastern facing façade of Building 1, and the northeastern and north facing façades of Building northern façade of Building 3 would be within 155 feet of the center of Mission College Boulevard.

  The city's General Plan establishes 75 dBA CNEL as the normally acceptable noise limit for recreational land uses such as public open space lands (see Table 4.10-4). Therefore, the public open space lands along Mission College Boulevard would be compatible with the existing and future noise environment.

  Building 1 northeast façades would be located approximately 60 to 85 feet from the centerline of Mission College Bouvard. At this distance, noise levels at the façade would range between 73.8 dBA CNEL to 76 dBA CNEL and require between 28.8 dBA to 31 dBA of exterior-to-interior noise attenuation to comply with the 45 dBA CNEL interior noise standard established by the State building code.

  Building 3 northeast and north façades would be located approximately 75 to 105 feet from the centerline of Mission College Bouvard. At this distance, noise levels at the façade would range between 72.4 dBA CNEL to 74.6 dBA CNEL and require between 27.4 to 29.6 dBA of exterior-to-interior noise attenuation to comply with the 45 dBA CNEL interior noise standard established by the State building code.

- In the south, U.S. 101 traffic noise levels were measured to be 78.6 dBA CNEL at 120 feet from the centerline of U.S. 101 and would attenuate to 75 dBA CNEL at 275 feet and 70 dBA CNEL at 875 feet. Based on the current site plan, the public open space areas along Freedom Circle would be at least 630 feet from the U.S. 101 centerline and exposed to noise levels below 75 dBA CNEL. Therefore, the public open space lands along Freedom Circle would be compatible with the existing and future noise environment. The southwest facing façade of Building 4 would be located 700 to 870 feet from the U.S. 101 centerline. At this distance, noise levels at the façade would range between 70.9 dBA CNEL and 70.0 dBA CNEL and require between 25.9 dBA and 25 dBA of exterior-to-interior noise attenuation to comply with the 45 dBA CNEL interior noise standard established by the State building code.

As described above, certain Building 1, Building 3, and Building 4 façades would require the incorporation of specific building noise attenuation measures (e.g., specific exterior wall

assemblies, windows and doors with high sound transmission class (STC) ratings) to ensure interior noise levels meet applicable building code standards with windows closed. The estimated amount of exterior-to-interior noise attenuation required to comply with State building code requirements (between 25 dBA and 31 dBA) is feasible, however, the SCP project does not have final wall assemblies designed at this time and compliance with these noise level reductions cannot be verified.

The SCP project remains subject to, and would comply with, 2022 EIR Condition of Approval NOI-1, Section 4, requiring the project to submit to the City for review and approval, prior to issuance of the first building permit for the project, a list of project-specific, building exterior noise reduction design measures that reduce interior noise levels to 45 CNEL or less. In general, standard construction techniques for new residential buildings in California provide a minimum of 12 dBA of exterior to interior noise attenuation with windows open and between 20 dBA to 30 dBA of exterior to interior noise attenuation with windows closed. For example, a standard exterior wall consisting of 5/8-inch siding, wall sheathing, fiberglass insulation, two by four wall studs on 16-inch centers, and 1/2-inch gypsum wall board with single strength windows provides approximately 32 dB to 35 dB of attenuation between exterior and interior noise levels, provided there are no doors in the assembly and windows do not occupy more than 30% of the exterior wall space (HUD, 2009a, and 2009b). Other combinations of exterior covering, sheathing, insulation, stud size and spacing would also be able to achieve between 25 dBA and 31 dBA of exterior to interior noise insulation with enhanced door and window systems that include acoustic caulking, dual pane windows or treatments with higher STC ratings, etc.

4.10.3 References

Carrier 2023. *Product Data WeatherMaster High Efficiency Single Packaged Heat Pump Rooftop 3 to 5 Nominal Tons*. 2023.

City of Santa Clara 2010. *2010 – 2035 General Plan*. November 2010.

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Continental Dynamics 2024. *Continental Dynamics Direct Drive 30" Exhaust Gan with Shutter, 2 Speed, 8,000 CFM, ¼ horsepower specifications.* 2024.

Fehr and Peers 2024. *Santa Clara Park Redevelopment Transportation Operations Analysis.* May 2024.

Firetube Boilers 2019. *Model CB Boilers Sound Level.* 2019.

U.S. Department of Housing and Urban Development 2009a. HUD Noise Guidebook. Prepared by the Environmental Planning Division, Office of Environment and Energy. March 2009.

_____2009b. HUD Noise Guidebook, Chapter 4 Supplement: Sound Transmission Class Guidance. Prepared by the Environmental Planning Division, Office of Environment and Energy. March 2009.

U.S. Federal Transit Administration (FTA) 2018. Transit Noise and Vibration Impact Assessment Manual. FTA Report No. 0123. Prepared by John A. Volpe National Transportation Systems Center. Washington, DC. September 2018.

4.11 POPULATION AND HOUSING

4.11.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR and the City's 2023-2031 Housing Element.

Population

In 2018, the population in Santa Clara was approximately 7 percent of the total population in the County, making it the third largest jurisdiction by population after San Jose and Sunnyvale. The population increased from 116,468 to 129,604 between 2010 and 2018, an increase of 11.3 percent, or 1.3 percent per year. In comparison, the County grew by 9.8 percent, or 1.2 percent per year. According to the Association of Bay Area Governments (ABAG), Santa Clara's population is expected to grow to 159,500 by 2040, a 37.7 percent increase over the 30-year period from 2010 to 2040.

Housing

The City of Santa Clara updated its Housing Element in 2024. The 2023-2031 Housing Element covers the 2023 to 2031 planning period outlined in the City's 2010-2035 General Plan. The Housing Element focuses on promoting residential infill development and addressing the City's housing needs while meeting State housing requirements.

According to the 2023-2031 Housing Element, in 2022, the State Department of Finance estimated that in 2020 there were 47,004 occupied housing units in the City. Compared to 2010, the City's housing stock has increased by 3,983 units. According to ABAG, the number of housing units in the City is expected to increase by about 29.5 percent between 2010 and 2040, reaching a projected total of 58,190 housing units by 2040. Currently, in the Future Focus Area Plan Area as a whole, there is no housing nor are there any residents (except for short-term hotel guests).

4.11.2 Findings of Previously Certified EIR

Effects on Population Growth

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in less-than-significant impacts related to population growth because Plan implementation would facilitate residential, commercial, and community growth within a mixed-use Plan Area identified as being desirable for adding a mix of residential and commercial due to access to existing and future transit, and for redeveloping existing sites from lower to higher intensity uses, as provided for in the Santa Clara General Plan.

Population and Housing Displacement Effects

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in less-than-significant impacts related to population and housing displacement because the Future Focus Area Plan Area does not contain housing.

Temporary Employment Impacts

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in less-than-significant impacts related to temporary employment because project-generated employment opportunities would represent a beneficial temporary economic effect of future development in the Plan Area, and in itself, any population growth associated with construction activity ultimately resulting from the Focus Area Plan and comprehensive planning study would be less than significant.

The 2022 EIR did not identify any potentially significant population and housing impacts, and no mitigation was required.

4.11.3 Impact Analysis

Effects on Population Growth

As described in section 3.0 (Project Description), the SCP project proposes 1,792 multi-family residential units on an approximately 26-acre site. Based on the average persons per household (pph) rate used in the 2022 EIR (2.27 pph), the project can be expected to add approximately 4,067 new residents to the Future Focus Area Plan Area.

The Freedom Circle Focus Plan allows for development of up to 3,600 dwelling units, which translates to an increase of approximately 8,172 new residents, in the Future Focus Area Plan Area by the year 2040 (the estimated Plan build-out horizon). While there is no existing residential development in the Future Focus Area Plan Area, the Greystar project (located adjacent to the SCP project site) has been approved for the construction of 1,075 housing units, which would result in the addition of approximately 2,440 new residents in the Future Focus Area Plan Area.

The Freedom Circle Focus Area Plan planned for the transition of the existing 12-building business park that comprises the SCP project site to a "Very High-Density Residential" land use (see Figure 3.6: Land Use Plan on page 3-9 of the 2022 EIR). Consistent with the Freedom Circle Focus Area Plan analyzed in the 2022 EIR, the SCP project proposes development of a high-density, multi-family residential development. The project would include 5% of units designated as Very Low (50% AMI) and 10% of units designated as moderate deed restricted (100% AMI). The SCP project's potential addition of 4,067 residents to the Future Focus Area Plan Area falls within the anticipated increase in Plan Area population considered in the 2022 EIR (i.e., 8,172 new residents), both individually and in combination with the Greystar project.

As discussed in the 2022 EIR, the addition of residential units to the City of Santa Clara will help improve the City's jobs/housing balance. Plan implementation would facilitate residential, commercial, and community growth within a mixed-use Plan Area identified as being desirable for adding a mix of residential and commercial due to access to existing and future transit, and for redeveloping existing sites from lower to higher intensity uses, as provided for in the Santa Clara General Plan. The 2022 EIR concluded the Focus Area Plan would not induce substantial population growth beyond the Plan Area boundaries. The population growth generated by the SCP project would be fully contained on the project site and would not induce substantial population growth beyond project site boundaries.

Population and Housing Displacement Effects

The 2022 EIR noted that, because the Future Focus Area Plan Area does not currently contain housing, the Plan Area would not displace any residents or housing. As the SCP project site is located entirely within the Future Focus Area Plan Area, the site does not contain housing. The proposed SCP project would not displace residents or housing.

Temporary Employment Impacts

The 2022 EIR determined that employment opportunities from construction jobs generated by future development projects in the Future Focus Area Plan Area would represent a beneficial temporary economic effect of the Focus Area Plan, and any population growth associated with construction activity resulting from the Focus Area Plan would be a less-than-significant impact. The proposed SCP project constitutes a future development in the Plan Area and, therefore, would result in a temporary beneficial economic effect due to the generation of construction jobs, consistent with the conclusions of the 2022 EIR.

Finding: The potential impacts of the SCP project related to population and housing would be similar to those analyzed in the 2022 EIR. Similar to the Freedom Circle Focus Area Plan, the SCP project would still have less-than-significant population and housing impacts that do not require mitigation. Implementation of the SCP project would not result in new significant impacts on

population and housing or a substantial increase in the severity of previously identified impacts. No mitigation is required.

4.12 PUBLIC SERVICES

4.12.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR, with some updates.

Fire Protection and Emergency Medical Service: The Santa Clara Fire Department (SCFD) has ten fire stations (one of which temporarily closed in March 2020 and is scheduled for replacement and relocation), with eight fire engines, two ladder trucks, one rescue unit, two ambulances, one hazardous materials unit, and one command vehicle. The Plan Area would be served by Station 8, which is located at 2400 Agnew Road. Secondary responding stations to the area would be Station 6, located at 888 Agnew Road; Station 9, located at 3011 Corvin Drive; and Station 5, located at 1912 Bowers Avenue. The Freedom Circle Focus Area Plan does not propose new or expanded fire protection/EMS facilities.

The Santa Clara Park (SCP) project site is located in the southern portion of the Plan Area and also would be served by Station 8, which is about 285 feet northeast of the project site, across Mission College Boulevard on Agnew Road. Station 6 is less than one mile from the project site, and Station 9 is slightly more than one mile from the project site, depending on the route taken.

Police Protection: The Santa Clara Police Department (SCPD) is located at 601 El Camino Real. The Northside Substation, at 3992 Rivermark Parkway, is a satellite facility with limited hours. SCPD operations are broken into six beats; Beats 1 through 5 are south of U.S. 101, and Beat 6 covers the entire city area north of U.S. 101 plus the area between the Central Expressway and U.S. 101. The Plan Area is in Beat 6, and the project site is also in Beat 6. The Focus Area Plan does not propose new or expanded police facilities.

Public Schools: The Plan Area, including the proposed SCP project, is in the Santa Clara Unified School District (SCUSD). The SCUSD is comprised of 27 schools, seven of which are located north of U.S. 101, including five elementary schools, two middle schools, and one high school. The Focus Area Plan does not propose new or expanded school facilities.

Parks: City park and recreational facilities are comprised of approximately 268 improved acres and 85 unimproved acres. There are no public parks or recreational facilities currently in the Future Focus Area Plan Area, including the project site which contains 12 existing on-site buildings but no parks or recreational facilities. The Focus Area Plan calls for providing public parkland and privately-owned public open space, consistent with the General Plan requirements and other City regulations, and provision of open space or payment of in-lieu fees for parks and open space for residential development, consistent with the City's Parkland Dedication Ordinance.

Other Public Facilities: The City has three libraries: (1) Central Park Library; (2) the Northside Branch Library; and (3) the Mission Branch Library. The City also operates four community centers. The Focus Area Plan does not propose new or expanded public facilities.

4.12.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that future development facilitated by the Freedom Circle Focus Area Plan would result in no significant impacts, as discussed below.

2022 EIR Mitigation Measures:

Fire Protection and Emergency Medical Service:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) the Focus Area Plan does not propose new or expanded fire protection/EMS facilities; (2) the City ensures that projects meet uniformly applied fire protection/EMS standards and regulations; (3) existing fire stations are in proximity to serve the Plan Area; and (4) the City is committed to ensuring adequate capacity for providing fire service/EMS through its policy to reassess SCFD resources in the vicinity of the Plan Area and City monitoring of new development approvals to ensure the adequate timing of funding for fire service/EMS.

Police Protection:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) the Focus Area Plan does not propose new or expanded police facilities; (2) the City ensures that projects meet uniformly applied police services standards and regulations, including SCPD determination of the ability of the SCPD to provide services and maintain acceptable levels of service; (3) the SCPD has determined that while new or reconfigured space will be needed as SCPD staff grows, projected SCPD staffing and equipment needs would be accommodated through reconfiguration of existing facility space over the course of the projected 20-year Focus Area Plan build-out period; and (4) demand for additional SCPD personnel or equipment resulting from Focus Area Plan implementation would be funded by the City's established annual General Fund budget review and allocation process.

Public Schools:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) the Focus Area Plan does not propose new or expanded school facilities; (2) residential and commercial development in the Plan Area would be required to pay the State-authorized school impact fees approved by the SCUSD; and (3) pursuant to section 65995(3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory school impact fees *"…is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization…."*

Parks:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) the City ensures that projects in the Focus Plan Area will meet park/recreation dedication requirements by including dedicated parkland, public open spaces, private open spaces, and amenities, subject to City review and approval, through the development review process; (2) the City's parkland dedication requirement includes payment of park in-lieu fees for any necessary parkland not provided by an individual project; and (3) any project that does not comply with parkland dedication requirements would not be approved.

Other Public Facilities:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) the Focus Area Plan does not propose new or expanded public facilities; and (2) any future public facility proposal resulting from Focus Area Plan-facilitated development would be subject to its own evaluation under the California Environmental Quality Act (CEQA) when a specific proposal was brought forward.

Construction-Period Impacts:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because the City ensures that construction of expanded or new public facilities (e.g., fire protection/EMS facilities, police protection services facilities, parks, public schools, other public facilities) would be reduced through mandatory, uniformly applied City construction standards and regulations, and by the mitigations identified in the 2022 EIR. These standards, regulations, and EIR mitigation measures (e.g., EIR chapters 5--Air Quality, 6--Biological Resources, 7--Cultural and Historical Resources, 8--Geology and Soils, 9--Greenhouse Gas Emissions/Energy, 10--Hazards and Hazardous Materials, 11--Hydrology and Water Quality, 13--Noise) would be required as applicable during the CEQA review of an individual public facility project.

4.12.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 Focus Area Plan EIR public services impact and mitigation conclusions is described below.

Fire Protection and Emergency Medical Service:

The SCP project would result in the construction of 1,792 dwelling units. This total is less than the 3,600 dwelling units evaluated in the 2022 EIR (which also includes the 1,075 units approved for the adjoining Greystar project) and would require fewer additional fire service/EMS staff than projected in the 2022 EIR. As discussed above, the 2022 EIR concluded that no significant impact was identified related to fire protection/EMS, no new or expanded fire protection/EMS facilities were needed, and no mitigation would be required. Because the total number of units proposed for the SCP project is less than the number of units evaluated for the Focus Area Plan, the

environmental effects related to fire protection/EMS resulting from the SCP project would be reduced in scale. The SCP project's impact related to fire protection/EMS would remain less than significant as identified in the 2022 EIR.

Police Protection:

The SCP project would result in the construction of 1,792 dwelling units. This total is less than the 3,600 dwelling units evaluated in the 2022 EIR (which also includes the 1,075 units approved for the adjoining Greystar project) and would require fewer additional police staff than projected in the 2022 EIR. As discussed above, the 2022 EIR concluded that no significant impact was identified related to police services, no new or expanded police facilities were needed, and no mitigation would be required. Because the total number of units proposed for the SCP project is less than the number of units evaluated for the Focus Area Plan, environmental effects related to police services resulting from the SCP project would be reduced in scale. The SCP project's impact related to police services would remain less than significant as identified in the 2022 EIR.

Public Schools:

The SCP project would result in the construction of 1,792 dwelling units. This total is less than the 3,600 dwelling units evaluated in the 2022 EIR (which also includes the 1,075 units approved for the adjoining Greystar project) and generate fewer new students than projected in the 2022 EIR. As discussed above, the 2022 EIR concluded that no significant impact was identified related to schools, no new or expanded schools were being proposed by the City, and implementation of the School District's developer impact fee would be considered full and adequate mitigation, per the State Government Code. Because the total number of units proposed for the Santa Clara Park project is less than the number of units evaluated for the Focus Area Plan, effects related to school services resulting from the SCP project would be reduced compared to the 2022 EIR. The project applicant would pay in-lieu school fees to help mitigate impacts to the school district and provide funding for new facilities. Payment of school fees would ensure the project's impact related to schools would remain less than significant. The SCP project's impact related to school services would remain less than significant as identified in the 2022 EIR.

Parks:

The project would result in the construction of 1,792 dwelling units. This total is less than the 3,600 dwelling units evaluated in the 2022 EIR (which also includes the 1,075 units approved for the adjoining Greystar project) and would result in fewer new residents using City parks than projected in the 2022 EIR. As discussed above, the 2022 EIR concluded that no significant impact was identified related to parks, new parkland and/or payment of in-lieu park dedication fees would be required of all new development in the Future Focus Area Plan Area, and the City's park improvements ordinance would provide adequate mitigation. Because the total number of units proposed for the SCP project is less than the number of units evaluated for the Focus Area Plan,

environmental effects related to parks resulting from the SCP project would be reduced in scale. The SCP project proposes approximately 4.225 acres of public park and open space, including a 3.48-acre neighborhood park (to be dedicated to the City), plus an additional 2.1 acres of private open space and building amenities space. The project would pay additional in-lieu park improvement fees as determined in consultation with the City's Parks and Recreation Department (the parkland dedication requirement) to help mitigate future parks impacts. The SCP project's impact related to parks would remain less than significant as identified in the 2022 EIR.

Other Public Facilities:

The project would result in the construction of 1,792 dwelling units. This total is less than the 3,600 dwelling units evaluated in the 2022 EIR (which also includes the 1,075 units approved for the adjoining Greystar project) and would generate fewer new residents than projected in the 2022 EIR. As discussed above, the 2022 EIR concluded that no significant impact was identified related to other public facilities, and no new or expanded public facilities were being proposed by the City. Because the total number of units proposed for the SCP project is less than the number of units evaluated for the Focus Area Plan, the environmental effects related to other public facilities resulting from the SCP project would be reduced in scale. The SCP project's impact related to other public facilities would remain less than significant as identified in the 2022 EIR.

Construction-Period Impacts:

As discussed above, no significant impact was identified in the certified 2022 EIR related to construction of any new or expanded fire protection/EMS facilities, police protections services facilities, parks, public schools, and other public facilities because any such project would be required to comply with mandatory, uniformly applied City construction standards and regulations and the mitigations identified in the 2022 EIR (e.g., EIR chapters 5--Air Quality, 6--Biological Resources, 7--Cultural and Historical Resources, 8--Geology and Soils, 9--Greenhouse Gas Emissions/Energy, 10--Hazards and Hazardous Materials, 11--Hydrology and Water Quality, 13—Noise), which would be required as applicable during the CEQA review of an individual public facility project. No additional significant environmental impact is anticipated beyond those impacts and mitigations already identified in the 2022 EIR, and construction-period impacts would be less than significant as identified in the 2022 EIR. The SCP project's impact's related to construction would remain less than significant as identified in the 2022 EIR.

Finding: The potential impacts of the SCP project related to public services would be reduced compared to those analyzed for the 2022 Focus Area Plan. For reasons stated above, implementation of the SCP project would not result in new significant impacts related to public services or a substantial increase in the severity of previously identified significant public services impacts. No new mitigation is required.

4.13 RECREATION

4.13.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR, with some updates.

Existing Parks and Recreational Facilities: City parks and recreational facilities are comprised of approximately 268 improved acres and 85 unimproved acres. There are no public parks or recreational facilities currently in the Future Focus Area Plan Area. The SCP project site contains 12 buildings but does not contain parks or recreational facilities.

Regional Park and Recreational Facilities: Regional recreational facilities located near the Future Focus Area Plan Area include Baylands Park and the Baylands Park Trail, about 1.25 miles northwest of the Plan Area and adjacent to SR 237. There are no other regional facilities in the Focus Plan Area or in the immediate vicinity. No regional facilities are located on the SCP project site.

Bicycle and Pedestrian Facilities: The City's bicycle network includes approximately 70 miles of Class I, Class II, and Class III bike facilities. There are no Class IV bikeways (i.e., physically separated from vehicle traffic) in Santa Clara but the City of Santa Clara Bicycle Plan Update 2018 recommends future Class IV bicycle facility development. The City's pedestrian facilities include over 550 miles of sidewalks, though pedestrian linkages in the Plan Area are limited, with the exception of the nearby San Tomas Aquino Creek bike path and pedestrian trail. The Focus Area Plan calls for new bicycle and pedestrian networks and connections to encourage walking and bicycling, including as part of the approved Greystar project in the Plan Area.

The SCP project site does not contain bicycle facilities, though the site is bordered on the north by Mission College Boulevard, which has a Class II striped bike lane. The San Tomas Aquino Creek bike path and pedestrian trail, which connects to the San Francisco Bay Trail in the north, is about 260 feet to the east. The project site does not contain pedestrian facilities beyond a perimeter sidewalk along Freedom Circle and a portion along Mission College Boulevard.

4.13.2 Findings of Previously Certified EIR

The 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in no significant impacts, as discussed below.

Existing Parks and Recreational Facilities:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) the City ensures that projects in the Future Focus Area Plan Area will meet park/recreation dedication requirements by including dedicated parkland, public open spaces, private open spaces, and amenities, subject to City review and approval, through the development review process; (2)

the City's parkland dedication requirement includes payment of park in-lieu fees for any necessary parkland not provided by an individual project; and (3) any project that does not comply with parkland dedication requirements would not be approved.

Construction-Period Impacts:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because parks and recreational facilities construction impacts would be reduced through mandatory, uniformly applied City construction standards and regulations, and the mitigations identified in the 2022 EIR (e.g., EIR chapters 5--Air Quality, 6--Biological Resources, 7--Cultural and Historical Resources, 8--Geology and Soils, 9--Greenhouse Gas Emissions/Energy, 10--Hazards and Hazardous Materials, 11--Hydrology and Water Quality, and 13--Noise).

4.13.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 Focus Area Plan EIR recreation impact and mitigation conclusions is described below.

Existing Parks and Recreational Facilities:

The SCP project proposes approximately 4.225 acres of public park and open space, comprised of a 3.48-acre neighborhood park (to be dedicated to the City). and approximately 0.75 acres of public park/open space area located between each building and Freedom Circle plus the north-south pedestrian/bike path (see Figure 3.11, Overall Illustrative Landscape Plan, in the Project Description). In addition to providing 4.225 acres of public space, the project would include 2.01 acres of private open space and building amenities space provided for SCP project residents. The project would pay additional in-lieu park improvement fees as determined in consultation with the City's Parks and Recreation Department (the parkland dedication requirement) to help mitigate future parks impacts.

The project would include improvements to bicycle and pedestrian facilities (see Figure 3.6, Site Circulation Diagram, in the Project Description), including:

- a new 28-foot-wide two-way private street roughly dividing the project site into a northern half (Buildings 1, 2, and 3) and a southern half (Buildings 4 and 5); this street would include a Class II shared-use path;
- a public pedestrian path between Buildings 1/2 and Building 3 from Mission College Boulevard to the private street; between Building 4 and Building 5 from the private street to the park in the southeastern part of the project site; and generally from west to east and adjacent to Building 4 and Building 5 along the northern boundary of the park;
- a Class II bike lane around project site perimeter ("Freedom Circle Bike Lane"); and
- a Class IV bike lane proposed for Mission College Boulevard.

The project proposes to install new sidewalk around the perimeter of the project site in a "meandering" configuration that provides variation and allows for access to perimeter pedestrian amenities such as bench and lounge seating, with family and group picnic and gathering areas; park space with multi-use turf area; fitness areas and fitness stations; and outdoor game areas.

The project proposes three new crosswalks, two of which were already proposed in the Freedom Circle Focus Area Plan (see Figure 3.6, Site Circulation Diagram, in the Project Description):

- (as included in the Focus Area Plan) on the eastern portion of Freedom Circle connecting the east-west private project road with the adjacent property (Greystar);
- (as included in the Focus Area Plan) on the southern end of Freedom Circle mid-block near the western part of the proposed project public park; and
- on the eastern portion of Freedom Circle mid-block to connect the proposed project public park with the adjacent property's (Greystar) public park.

Because the project would meet City parkland/open space requirements by on-site park space and paying park in-lieu fees, project impacts on parks and recreational facilities would be less-than-significant.

With the proposed project, this impact would remain less than significant as identified in the 2022 EIR.

Construction Period Impacts:

As discussed above, no significant impact was identified in the certified 2022 EIR related to construction of any new or expanded parks and recreational facilities because the proposed project park and recreational improvements would be required to comply with mandatory, uniformly applied City construction standards and regulations, and the mitigations identified in the 2022 EIR (e.g., EIR chapters 5--Air Quality, 6--Biological Resources, 7--Cultural and Historical Resources, 8--Geology and Soils, 9--Greenhouse Gas Emissions/Energy, 10--Hazards and Hazardous Materials, 11--Hydrology and Water Quality, and 13—Noise), which, as described in more detail in the 2022 EIR, would ensure that construction-period impacts would be less than significant.

With the proposed SCP project, the impact on recreation would remain less than significant as identified in the 2022 EIR.

Finding: The potential impacts of the SCP project related to recreation are similar to those analyzed for the 2022 Focus Area Plan project. For reasons stated above, implementation of the SCP project would not result in new impacts related to recreation or a substantial increase in the severity of previously identified recreation impacts. No new mitigation is required.

4.14 TRANSPORTATION

4.14.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR.

Roadway Network

Regional access to the Freedom Circle Future Focus Area, including the Santa Clara Park (SCP) project site, is provided by U.S. 101, an eight-lane freeway, and SR 237, a four-lane to six-lane freeway. Major roadways that serve the Future Focus Area, including the project site, are Lawrence Expressway, Montague Expressway, Central Expressway, Great America Parkway, Bowers Avenue, Tasman Drive, Mission College Boulevard, Patrick Henry Drive, Freedom Circle, Hichborn Drive, and Agnew Road.

Pedestrian Facilities

Pedestrian facilities in the vicinity of the Focus Plan Area include sidewalks, crosswalks, and pedestrian signals at signalized intersections. Sidewalks and separated pedestrian walkways in the SCP project site vicinity are provided on both sides of Freedom Circle, both sides of Mission College Boulevard, and the south side of Hichborn Drive. Crosswalks are provided at the intersections of Mission College Boulevard and Freedom Circle, Mission College Boulevard and Agnew Road/Freedom Circle, and Freedom Circle and Hichborn Drive. All crosswalks at signalized intersections include pedestrian signal heads and push buttons. The Mission College Boulevard/Freedom Circle and Mission College Boulevard/Agnew Road/Freedom Circle intersections are signalized.

Bicycle Facilities

Bicycle facilities in the vicinity of the Focus Plan Area include multiuse trails/paths (Class I bikeway), striped bike lanes (Class II bikeway), and shared bike routes (Class III bikeway). Class I bikeways in the SCP project site vicinity include the paved San Tomas Aquino Creek trail bike path. Class II bikeways in the project site vicinity are located within ¼ mile along Mission College Boulevard and Great America Parkway. The nearest Class III bikeway in the vicinity is located approximately 0.38 miles to the northeast along Lakeshore Drive.

Transit Facilities

Transit services serving the Plan Area are provided by the Santa Clara Valley Transportation Authority (VTA), the San Joaquin Regional Rail Commission (SJRRC), and the Capitol Corridor Joint Powers Authority. The following paragraphs provide a summary of transit service serving the Plan Area.

The VTA provides scheduled bus and light rail transit (LRT) routes through Santa Clara County. In the vicinity of the Plan Area, VTA provides rapid (limited stop) and local bus services as well

as LRT service. VTA bus service near the Plan Area is provided along Tasman Drive, Great America Parkway, Lawrence Expressway, Mission College Boulevard, and Agnew Road. The closest VTA bus stops are located on Great America Parkway and Mission College Boulevard.

The SCP project site is located in the immediate vicinity of local and rapid (limited stop) bus routes, and an express bus route is located within ¼ mile to the west along Great America Parkway. Bus service closest to the SCP project site is provided by bus stops at the western intersection of Mission College Boulevard and Freedom Circle, plus three bus stops near the eastern intersection of Mission College Boulevard, all within ¼ mile of the project site.

The SJRRC manages the Altamont Corridor Express (ACE) commuter rail service between the Central Valley and Silicon Valley, with a shuttle that connects the Plan Area to the Great America Transit Station. There are several bus stops served by an ACE shuttle along Great America Parkway and Mission College Boulevard in the immediate vicinity of the Plan Area and SCP project site.

The Capitol Corridor Joint Powers Authority also operates passenger train service (Amtrak) between San José and Sacramento and the foothills of the Sierra Nevada, with stops at the Great America Transit Station.

Although not within walking distance of the Plan Area, commuters to the Plan Area also use Caltrain, which provides commuter rail service from San Francisco in the north through San Mateo County to Santa Clara County in the south. Commuters to the Plan Area can access the Sunnyvale Caltrain Station, which is located approximately four miles from the Plan Area, via VTA bus route 20.

4.14.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that implementation of the Freedom Circle Focus Area Plan would result in less-than-significant impacts related to (1) conflicts with adopted policies, plans, and programs for roadways, transit, bicycle facilities, and pedestrian facilities; (2) vehicle miles traveled (VMT); (3) hazards due to design features or incompatible uses; and (4) emergency access, as described below.

Conflict With Adopted Policies, Plans, or Programs

The Focus Area Plan would have less-than-significant impacts related to conflicts with adopted policies, plans, and programs for roadways, transit, bicycle facilities, and pedestrian facilities because the Focus Area Plan provides the direction for the transportation standards and guidelines to be incorporated in the future, required comprehensive planning study (e.g., specific plan).The Focus Area Plan is considered substantially consistent with the applicable City of Santa Clara General Plan goals and policies related to transportation.

Impacts Related to Vehicle Miles Traveled (VMT)

The Focus Area Plan would have less-than-significant VMT impacts because the Freedom Circle Focus Area Plan qualifies as a transit supportive project (per State guidance and City VMT Policy).

Hazards Due to Design Features or Incompatible Uses

The Focus Area Plan would have less-than-significant impacts related to hazards because project-related roadway designs would be subject to City review, which would ensure adequacy of circulation patterns and safety standards; reduce potential conflicts between vehicles, pedestrians, bicyclists, and buses; and remove potential hazards due to design features (i.e., insufficient sightlines or distances) or incompatible uses.

Emergency Access

The Focus Area Plan would have less-than-significant impact related to emergency access because City review of future driveway and drive aisle design would ensure compliance with City emergency vehicle access requirements.

4.14.3 Impact Analysis

Fehr & Peers prepared a Transportation Operations Analysis for the proposed SCP project, titled "Santa Clara Park Redevelopment Transportation Operations Analysis" and dated June 2024 (henceforth referred to as the "Transportation Operations Analysis"). Fehr & Peers also prepared proposed TDM Programs for the SCP project, dated June 2024.

Conflict With Adopted Policies, Plans, or Programs

Impacts on Roadways

The 2022 EIR concluded that because the Focus Area Plan provides the direction for the transportation standards and guidelines to be incorporated in the future, required comprehensive planning study (e.g., specific plan), the Focus Area Plan is considered substantially consistent with the applicable City of Santa Clara General Plan goals and policies related to transportation, including those pertaining to roadways, resulting in a less-than-significant impact.

In the absence of a comprehensive planning study, the SCP project's proposed General Plan Amendment (GPA) text, development standards, and plans submitted for the project constitute the comprehensive rezoning plan to be filed with the project, consistent with the Freedom Circle Focus Area Plan and City of Santa Clara General Plan. The proposed text amendment would establish the framework for development, development assumptions, and related performance standards to implement this site-specific, individual development proposal.

The SCP would not remove any existing roadways or transportation networks. Rather, the project would improve existing roadways and transportation networks per the direction provided in the

Freedom Circle Focus Area Plan policies, as described further below under the following sections related to transit, bicycle facilities, and pedestrian facilities. The SCP project would not conflict with any City of Santa Clara General goals or policies related to roadways and transportation networks, including goals and policies listed in the 2022 EIR (under Impact 17-1). City review of the SCP project's proposed development standards, roadway design for the new private street, and design of improvements to existing transportation facilities along Mission College Boulevard and Freedom Circle would ensure the SCP project would be substantially consistent with General Plan policies regarding transportation. For these reasons, the SCP project would not conflict with adopted policies, plans, or programs for roadways and transportation networks.

Impacts on Transit

The 2022 EIR determined the Focus Area Plan would not interfere or conflict with VTA transit facilities and would be consistent with VTA Transit Service Guidelines, which guide VTA service planning, including route determination, service levels, and capacity. In addition, the required 10 percent TDM trip reduction and the recommended roadway and multimodal improvements would serve to reduce transit vehicle delay. The 2022 EIR concluded that because transit support is included in Focus Area Plan Policy FC-19 ("Maintain VTA bus transit service on Mission College Boulevard and improve transit stops and shelters") and Policy FC-P20 ("Design pedestrian and bicycle networks and infrastructure to facilitate access to transit stops on Great America Parkway, Mission College and Tasman Drive"), the Focus Area Plan would not interfere or conflict with existing or planned transit facilities, and would result in a less-than-significant impact.

The SCP project would not interfere or conflict with VTA, or any other, transit facilities. The project would not remove any existing transit facilities. Per the Transportation Operations Analysis, the City is requiring a TDM plan that will achieve a 20 percent reduction for the SCP project, which will exceed the more conservative 10 percent TDM reduction from the 2022 EIR (Fehr & Peers, p. 9). The SCP project's currently proposed TDM reduction measures, per the TDM Plan prepared by Fehr & Peers (October 2024), include project design features (i.e., housing density, destination accessibility, short-term and long-term bicycle parking, on-site bike repair facilities, a pedestrian network, and multimodal signage and amenities), unbundled parking, a carshare program/carshare parking, a transportation coordinator/commute trip reduction marketing, a trip reduction information package for residents, rideshare/ridematching services, an emergency/guaranteed ride home program, and a one-time free monthly transit fare subsidy on move-in (VTA and/or Caltrain).

Because the project would not remove existing transit facilities, would add/design pedestrian and bicycle networks that facilitate access to transit stops (e.g., the new street that would bisect the project site), and would implement TDM programs per City requirements, the project would not interfere or conflict with adopted policies, plans, or programs for transit facilities.

Impacts on Bicycle Facilities

The 2022 EIR concluded that because (1) the Focus Area Plan would not interfere or conflict with existing and planned bicycle facilities, (2) the Plan anticipates future improvements related to bicycle facilities, and (3) the Plan includes policies that support the creation of new bicycle networks and better balance space for vehicles, bicycles, and pedestrians along certain roadways, then the Focus Area Plan would have a less-than-significant impact on bicycle facilities.

The SCP project proposes to add new bicycle facilities and improve existing bicycle facilities (see figures in the Project Description [section 3.0] of this Addendum). Specifically, the project proposes new/improved bicycle facilities in the form of:

- A new 28-foot-wide, two-way private street roughly dividing the project site into a northern half (Buildings 1, 2, and 3) and a southern half (Buildings 4 and 5); this street would include a Class II shared-use path.
- A public pedestrian path between Buildings 1/2 and Building 3 from Mission College Boulevard to the private street; between Building 4 and Building 5 from the private street to the park in the southeastern part of the project site; and generally from west to east and adjacent to Building 4 and Building 5 along the northern boundary of the park.
- A Class II bike lane around project site perimeter ("Freedom Circle Bike Lane").
- A Class IV bike lane for Mission College Boulevard.

The SCP project would not remove existing bicycle facilities. Currently, there is a Class II bike lane along the portion of the project site perimeter adjacent to Mission College Boulevard. The project would improve this existing bike lane by constructing a Class IV bike lane along Mission College Boulevard. All other bicycle facilities listed above would be new facilities. The project's proposal for bicycle facilities was developed consistent with Focus Area Plan Policy FC-P14: "Provide new street, bicycle and pedestrian networks that break down large blocks and sites, accommodate multiple modes of travel, and maximize connections to activity hubs which would increase the number of connection points that could facilitate emergency access" and Policy FC-P18: "Redesign Mission College Boulevard, Freedom Circle, and Hitchborn Drive to better balance space dedicated to vehicles, bicycle, and pedestrians."

Because the project would not permanently remove existing bicycle facilities and would add new bicycle facilities to increase bicycle connections in the Plan Area, the project would not interfere or conflict with adopted policies, plans, or programs for bicycle facilities.

Impacts on Pedestrian Facilities

The 2022 EIR concluded that because (1) the Focus Area Plan would not interfere or conflict with existing and planned pedestrian facilities, (2) the Plan anticipates future improvements related to

pedestrian facilities, and (3) the Focus Area Plan includes policies that would support improvements to pedestrian facilities, then the Focus Area Plan would have a less-than-significant impact on pedestrian facilities.

The SCP project would retain existing pedestrian facilities along Mission College Boulevard and Freedom Circle, plus the project would replace existing sidewalk pavements around the perimeter of the site. The project proposes new pedestrian facilities in the form of:

- A new 28-foot-wide, two-way private street roughly dividing the project site into a northern half (Buildings 1, 2, and 3) and a southern half (Buildings 4 and 5); this street would include 6-foot pedestrian walks on both sides.
- A public pedestrian path between Buildings 1/2 and Building 3 from Mission College Boulevard to the private street; between Building 4 and Building 5 from the private street to the park in the southeastern part of the project site; and generally from west to east and adjacent to Building 4 and Building 5 along the northern boundary of the park.

The project would not permanently remove any existing pedestrian facilities. The project's proposal for pedestrian facilities was developed consistent with Focus Area Plan Policy FC-P14: "Provide new street, bicycle and pedestrian networks that break down large blocks and sites, accommodate multiple modes of travel, and maximize connections to activity hubs which would increase the number of connection points that could facilitate emergency access" and Policy FC-P18: "Redesign Mission College Boulevard, Freedom Circle, and Hitchborn Drive to better balance space dedicated to vehicles, bicycle, and pedestrians" such as wider sidewalks.

Because the project would not permanently remove existing pedestrian infrastructure and would add new pedestrian infrastructure to increase pedestrian connections and walkability in the Plan Area, the project would not interfere or conflict with adopted policies, plans, or programs for pedestrian facilities.

Impacts Related to Vehicle Miles Traveled (VMT)

The 2022 EIR concluded that because the Freedom Circle Focus Area Plan qualifies as a transit supportive project (per State guidance and City VMT Policy), the Focus Area Plan's impact on VMT would be less than significant.

Per the project's Transportation Operations Analysis, the existing on-site office land uses generate 3,730 vehicle trips per day. The proposed SCP project's multi-family housing and retail land uses would generate a total of 9,748 vehicle trips per day, resulting in the SCP project generating an additional 5,453 daily trips over the existing office land uses on site (Fehr & Peers, p. 4).

As explained in the 2022 EIR, the Focus Area Plan is considered a transit supportive project per State guidance and City VMT policy because:

(1) The Plan Area is located within ½ mile of an existing Major Transit Stop or an existing transit stop along a High-Quality Transit Corridor;

(2) The Plan would exceed density requirements of having a minimum floor area ratio (FAR) of 0.75 for office/R&D projects and a minimum density of 35 dwelling units per acre (DU/ac) for residential projects;

(3) The Plan establishes the foundation for providing balanced, multimodal internal circulation as well as convenient access to nearby destinations and transit stations that would be anticipated to be incorporated in the future, required comprehensive planning study;

(4) The Plan establishes the foundation for ensuring a pedestrian-oriented, mixed-use district that is walkable, with convenient connections to high-quality transit;

(5) The Plan is required to comply with parking standards in the City Code, and individual development projects would not include more parking for use by residents, customers, or employees than required by the City Code (unless a separate evaluation of potential impacts on VMT is prepared); and

(6) The Plan would add new affordable dwelling units and not result in a loss of affordable units (affordable housing has been shown to generate fewer vehicle miles traveled per capita than market rate housing).

The proposed SCP project is consistent with the definition of a transit supportive project, as described below.

Proximity to Transit

There are five Route 20/59 bus stops near the SCP project site, including three stops along Mission College Boulevard at Freedom Circle (western intersection) and two stops along Mission College Boulevard at Freedom Circle (eastern intersection). Mission College Boulevard is considered a "High-Quality Transit Corridor." The SCP project would be within ½ mile of the nearest Route 20/59 bus stops, and therefore would meet the proximity to transit requirements to be considered a transit supportive project.

Density

The proposed residential density of the SCP project would be approximately 70 DUs/ac (1,792 DUs/25.74 acres), which would exceed the minimum density requirement of 35 DU/ac. Therefore, the SCP project would meet the minimum density requirements to be considered a transit supportive project.

Multimodal Transportation Networks

The SCP project plans include new pedestrian pathways throughout the project site that would connect buildings and the public park and connect people to destinations both within and outside the project. The SCP project proposes a new street that would roughly bisect the site in the east-west direction and provide additional pedestrian infrastructure (e.g., sidewalks) in the area. The project would include a Class II bike lane around the site perimeter ("Freedom Circle Bike Lane") and a Class IV bike lane along Mission College Boulevard. The project site is also supported by pedestrian and bicycle routes to nearby transit stops. Therefore, the SCP project would meet the multimodal transportation requirements to be considered a transit supportive project.

Transit-Oriented Design Elements

The SCP project would include project-serving retail for residents, would support reduced reliance on private vehicles (the project includes resident and guest bicycle parking), and would improve jobs/housing balance through its proximity to transit and employment centers. Therefore, the SCP project would meet the transit-oriented design element requirements to be considered a transit supportive project.

Affordable Housing

City VMT Policy states that transit supportive projects must not replace affordable residential units with fewer affordable units. In addition, any replacement units are required to maintain the same level of affordability. The existing 12-building business park does not contain any residential dwelling units. The SCP project is required to allocate at least 15 percent of its proposed residential dwelling units as affordable units for those earning less than 80 percent of the Area Median Income (AMI). The SCP project would therefore meet the affordable housing requirement to be considered a transit supportive project.

Parking

The SCP project would provide 2,459 total parking spaces, in compliance with City parking requirements, and would be consistent with City Code.

Therefore, the SCP project is considered a transit supportive project, the SCP project does not require a separate VMT evaluation (per the 2022 EIR conclusions), and the SCP project would have a less-than-significant VMT impact.

<u>Hazards Due to Design Features or Incompatible Uses</u>

The 2022 EIR concluded the City's review of detailed site plans for future development projects in the Future Focus Area Plan Area would (1) ensure adequacy of circulation patterns and safety standards; (2) reduce potential conflicts between vehicles, pedestrians, bicyclists, and buses; and

(3) remove potential hazards due to design features (e.g., insufficient sightlines or distances) or incompatible uses.

The City's Traffic Review Division has reviewed the SCP project's design features and determined the project would provide adequate driveway widths and drive aisle widths, with sufficient sight lines for entry and exit from driveways, following the project applicant's redesign of driveway locations and operations, per the Transportation Operations Analysis (Fehr & Peers, p. 12). Final driveway and roadway configurations for Hichborn Drive and Freedom Circle will require approval from the City's Traffic Review Division. The project would comply with all driveway, parking, and other design standards.

Emergency Access

The 2022 EIR concluded the City's review of detailed site plans and driveway and street designs for future development projects in the Plan Area would ensure the adequacy of circulation patterns and compliance with City emergency vehicle access standards, such as requiring that alleys have a minimum width of 25 feet to allow for emergency vehicles and connecting "dead end" street sections (i.e., cul-de-sacs) with multimodal paths that would allow access for emergency vehicles.

Driveway access would be provided to all project buildings as follows (see figures in the Project Description [section 3.0] of this Addendum): Building 1 – two driveways, one via Freedom Circle, and one via a short access way from Freedom Circle shared with Building 2; Building 2 – two driveways, one via a short access way from Freedom Circle shared with Building 1, and one via the new private street (which connects to Freedom Circle); Building 3 – two driveways, one via Freedom Circle, and one via the new private street (which connects to Freedom Circle); Building 4 – two driveways, both via Freedom Circle; and Building 5 – one driveway via the new private street (which connects to Freedom Circle).

The new private street through the project site would measure 28 feet wide. The final design of the new private street would be subject to City review, including Fire Department review to ensure the roadway has an adequate minimum width for fire engines and aerial apparatus. City review of construction drawings, including drawings for street, drive aisle, and driveways designs, would ensure compliance with City emergency vehicle access requirements.

Finding: The potential impacts of the SCP project related to transportation would be similar to those analyzed in the 2022 EIR. Similar to the Freedom Circle Focus Area Plan, the SCP project would still have less-than-significant transportation impacts that do not require mitigation. Implementation of the SCP project would not result in new significant impacts on transportation or a substantial increase in the severity of previously identified significant impacts. No mitigation is required.

4.15 UTILITIES AND SERVICE SYSTEMS

4.15.1 Existing Setting

The following environmental setting information is summarized from the certified 2022 EIR.

Water: The Santa Clara Park (SCP) project site is currently serviced by existing water and recycled water lines. A 12-inch asbestos cement (AC) main along Freedom Circle loops around the project site and connects to a 12-inch AC main in Mission College Boulevard at two points. The Mission College Boulevard main runs west-east from Great America Parkway to the Plan Area eastern boundary near San Tomas Aquino Creek, which is where a water pressure zone boundary is located. In addition, a 12-inch PVC recycled water main runs west-east along Mission College Boulevard from Great America Parkway to the Plan Area eastern boundary near San Tomas Aquino Creek. At the eastern intersection of Mission College Boulevard and Freedom Circle, there is a "tee" connection.

Wastewater: Wastewater is collected through an existing sanitary sewer system in the Plan Area, consisting of 12-inch vitrified clay pipe (VCP) mains on Freedom Circle, with one 12-inch VCP along the eastern part of Freedom Circle (adjacent to the Greystar property) running north and connecting to the 12-inch VCP main on Mission College Boulevard, and another 12-inch VCP main (also adjacent to the Greystar property) rounding along the southern curve of Freedom Circle before heading north along Freedom Circle and connecting to the 12- inch VCP main on Mission College Boulevard. The 12-inch Mission College Boulevard main runs east to west from Freedom Circle/Agnew Road. At Great America Parkway, the 12-inch main transitions to a 15-inch VCP main and connects to a 36-inch main slightly west of Great America Parkway. This 36-inch main ultimately runs north along Great America Parkway near Patrick Henry Drive and on to the Tasman Lift Station.

Storm Drainage: A 24-inch main heads along Freedom Circle south of Hichborn Drive, wrapping around Freedom Circle and transitioning to 30-inch, 36-inch, 42-inch, 48-inch, and 54-inch mains before connecting to a 54-inch main on Mission College Boulevard. The 54-inch Mission College Boulevard main leads to the Freedom Circle Storm Drain Pump Station east of and adjacent to the project site. This pump station has an outfall at San Tomas Aquino Creek. On the west side of the project site, a 15-inch main heads west along Mission College Boulevard and transitions to 18-inch, 27-inch, 30-inch, 33-inch, and 42-inch mains before connecting to a 54-inch main flowing north along Great America Parkway.

Solid Waste Disposal and Recycling: The City has solid waste hauling franchise agreements with Mission Trail Waste Systems and GreenWaste Recovery, Inc. Recology South Bay provides recyclables hauling services to the City. Construction and demolition debris is taken to the Zanker Road Resource Recovery Operation transfer/processing facility. The City requires development

projects to submit a Construction and Demolition Debris Recycling Report to the City, for review and approval.

Other Utilities (Electrical, Natural Gas, Telecommunications): Electrical service to the Plan Area is currently provided by Silicon Valley Power (SVP), which is owned by the City. Natural gas service to the Plan Area is currently provided by Pacific Gas and Electric Company (PG&E). Telecommunications services (phone, cable) are provided by AT&T and Xfinity (Comcast); major cell phone service providers include AT&T, Verizon, and T-Mobile.

4.15.2 Findings of Previously Certified EIR

The certified 2022 EIR concluded that future development facilitated by the Freedom Circle Focus Area Plan would result in significant impacts related to water supply (General Plan/Urban Water Management Plan growth projections inconsistency and water supply verification) and cumulative wastewater pump station capacity impacts.

Water:

The 2022 EIR included a water supply analysis (WSA) prepared for the 2022 Focus Area Plan, including the adjoining Greystar project residential units. The WSA concluded that sufficient water supplies exist to serve the Focus Area Plan for both a normal year or a single-dry year and that alternative sources exist for projected shortfalls occurring during a multi-year drought scenario. Because the growth projected for the Focus Area Plan exceeded the growth projections used in both the current General Plan and the 2015 Urban Water Management Plan (UWMP), there was a conflict with General Plan policies related to ensuring adequate water capacity. The 2022 EIR determined that until the amount of Focus Area Plan development exceeding General Plan growth projections was included in the General Plan and the UWMP, the Focus Area Plan would be inconsistent with the General Plan/UWMP, and this inconsistency would represent a potentially significant project and cumulative impact.

The 2022 EIR determined that although the Focus Area Plan would not entitle water supply to any specific future development application, the Freedom Circle Focus Area Plan WSA identified the availability of water supplies and estimated future water demand for overall forecasted Plan Area buildout, in compliance with State law. The 2022 EIR identified **Mitigation Measure 18-1** to ensure sufficient water supply availability for future projects by requiring project-specific confirmation of water supply (e.g., written verification from the City) to be completed in connection with the City's approval of any tentative map or development agreement for individual, future project applications under the Freedom Circle Focus Area Plan.

Wastewater:

The 2022 EIR included an evaluation of Focus Area Plan wastewater generation with respect to City wastewater facilities and capacity, including hydraulic modeling to estimate future flows and to identify potential capacity deficiencies and backups in the existing sewer system.

The 2022 EIR concluded that, based on technical analysis of the sewer system and hydraulic modeling, buildout of the Focus Area Plan (including the Greystar project) would result in capacity deficiencies along the 12-inch Mission College Boulevard sewer, which would need to be upsized as part future City sewer line capacity improvements. In addition, the technical analysis determined that future peak wet weather flow (PWWF), including projected future flow from Focus Area Plan/Greystar project development, would exceed the Northside and Rabello pump station rated capacities. The 2022 EIR identified **Mitigation Measure 18-5** to ensure fair-share contributions to future wastewater pump station improvements.

The following mitigation measures would be applicable to the proposed SCP project.

2022 EIR Mitigation Measures:

Water:

Mitigation 18-1. Prior to City approval of any tentative map or development agreement for a proposed, individual project, the City of Santa Clara Water & Sewer Utilities Department shall review individual project details to confirm that water supplies are adequate for each individual project. Such confirmation shall include an updated description of the citywide water supply situation (including any plans for pumping additional groundwater) at that future time, reflecting any progress on City plans for expanding its recycled water program and any City requirements for implementing additional "best management practices" (BMPs) related to recycled water use and/or water conservation (which could include, among other measures, dedicated landscape meters, and installation of separate submeters for each unit in multi-family development and individual commercial spaces). These City actions would ensure a continual monitoring of citywide water supply throughout implementation of the Focus Area Plan and required comprehensive planning study (specific plan). Incorporation of measures to reduce water demand and, if necessary, identification of alternative water sources to offset project supply shortages would reduce this impact to a ***less-than-significant level***.

Wastewater:

Mitigation 18-5. The City shall require individual projects implemented under the Freedom Circle Focus Area Plan (and the future, required comprehensive planning study – e.g., specific plan) to make a fair-share contribution to the wastewater pump station improvements necessary to accommodate cumulative development in Santa Clara. The fair-share contributions for future projects developed under the Focus Area Plan and required comprehensive planning study shall be

determined based on a detailed wastewater pump station engineering study prepared by the City and each project's percent of wastewater contribution to cumulative flow capacity needs above the current pump capacity. This mitigation would provide funding for wastewater pump station upgrades, which would reduce the Plan's contribution to the cumulative impact to a ***less-than-significant level***. The City would be required to plan and construct the improvements. Because the timing of these improvements cannot be guaranteed or estimated at this time (spring 2021), the combined wastewater capacity of the two pump stations could be exceeded by development proposals already under consideration. Therefore, the City shall continually monitor pump station capacity in order to coordinate the pump station improvements with development proposals. Until pump station capacity improvements adequate to accommodate the incremental increases in wastewater flows are completed, the City shall delay individual project building permits. In addition, as a standard condition of approval, each individual project would need to provide sanitary sewer information to the City, and no project would be approved by the City until the City determines that sufficient sewer capacity exists. Implementation of this mitigation measure would reduce Plan cumulative wastewater pump capacity impacts to a ***less-than-significant level***.

Storm Drainage:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) changes in projected utility demands and/or revisions due to City or jurisdictional agency standards or design criteria, or revisions to assumed Plan Area development characteristics, would be reviewed accordingly to ensure adequate modifications to existing infrastructure to meet the revised utility demands; and (2) construction impacts have been evaluated as part of the 2022 EIR and determined to be less-than-significant (see "Construction-Period Impacts" below).

Solid Waste Disposal and Recycling:

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) the solid waste disposal and recycling facilities serving the City have sufficient capacities to accommodate full Focus Area Plan buildout; and (2) the City would require project compliance with solid waste disposal/recycling regulations through its Solid Waste Ordinance.

Other Utilities (Electrical, Natural Gas, Telecommunications):

No significant impact was identified in the certified 2022 EIR; no mitigation is required because (1) individual project needs related to electricity transmission and distribution (such as switch vaults, transformer pads, and easements for underground lines), connections to natural gas lines, and communications and cable/internet service connections would be determined during project development and review in coordination with the appropriate service providers and the City, as applicable; and (2) construction impacts have been evaluated as part of the 2022 EIR and determined to be less-than-significant (see "Construction-Period Impacts" below).

Construction-Period Impacts:

No significant impact was identified in the certified 2022 EIR. No mitigation is required because (1) construction of utility infrastructure would be expected to be temporary and would occur within existing public rights-of-way, on City property, on a project development site, or on private property subject to a municipal easement; and (2) construction impacts have been evaluated as part of the 2022 EIR and determined to be less-than-significant due to mandatory City construction protocols and mitigations in the 2022 EIR (e.g., see EIR chapters 5 [Air Quality] and 13 [Noise]).

4.15.3 Impact Analysis

The relationship of the proposed SCP project to the previously certified 2022 Focus Area Plan EIR utilities and service systems impact and mitigation conclusions is described below.

Water:

As discussed above, the water supply analysis (WSA) prepared for the 2022 Focus Area Plan included the development of up to 3,600 residential units, including the adjoining Greystar project residential units. The WSA concluded that sufficient water supplies exist to serve the Focus Area Plan for both a normal year or a single-dry year and that alternative sources exist for projected shortfalls occurring during a multi-year drought scenario. Because the SCP project would result in the construction of 1,792 dwelling units, which is less than the 3,600 total dwelling units evaluated in the 2022 EIR (a total that also includes the 1,075 units approved for the adjoining Greystar project), the current project would require less water than analyzed in the WSA.

The EIR also identified a potential General Plan inconsistency in Impact 18-1, because the WSA prepared for the proposed Focus Area Plan included development in the Plan Area that had not been identified in the General Plan (i.e., exceeded the General Plan land use projections for 2035, the General Plan horizon year). As a result, Mitigation Measure 18-1 required that the project obtain City confirmation of adequate water supplies prior to development. The City has provided this confirmation. The City completed a Water Supply Assessment ("Santa Clara Park - 2518 Mission College Boulevard Water Supply Assessment," City of Santa Clara Water and Sewer Utilities, October 18, 2024; or "WSA")[8] that discussed (1) the City's water demand, based on the 2020 Urban Water Management Plan (UWMP), and projected water demand through 2045; (2) the City's water supply sources, which include surface water from the San Francisco Public Utilities Commission (SFPUC), treated surface water from the Santa Clara Valley Water District (Valley Water; or SCVWD), groundwater from City owned and operated-wells, and recycled water from the South Bay Water Recycling (SBWR); (3) the City's projected potable water supplies through 2045, including comparison of projected water supply and demand for the three scenarios analyzed in the 2020 UWMP – i.e., a normal year, a single dry year, and a five consecutive dry year period;

[8] The "Santa Clara Park - 2518 Mission College Boulevard Water Supply Assessment" is subject to review and approval by the City Council. The draft analysis and its conclusions is included herein for CEQA purposes.

and (4) projected water demand for the SCP project and other proposed projects. The WSA also considered two possible SFPUC water supply variations: (1) a water supply interruption due to contract termination in 2028,[9] which could result in City water supply shortages for single dry years or multiple dry years;[10] and (2) continuation of SFPUC water supplies beyond 2028.

The WSA indicated (pp. 34-35) that sufficient water supply would be available for the SCP project for each of the three scenarios. Though supply reductions from non-City sources during dry years would be anticipated, including possible interruption of SFPUC supplies after 2028, the WSA determined (p. 21): "…the City would be able to increase the amount of groundwater pumped to meet reasonably anticipated deficiencies from other sources, thus supply is projected to be sufficient to meet demand out to 2045…" and "…supplies will be able to meet demands through increased groundwater pumping and implementation of drought conservation programs. The City will be able to address the projected demands without rationing." The WSA concluded (p. 25): "…the City of Santa Clara Water Utility has determined that supplies would be sufficient to provide service for the proposed [SCP] Project." Therefore, this would be a less-than-significant project and cumulative impact.

Regarding water distribution, the 2022 EIR indicated that new distribution mains could be reasonably anticipated over the course of development of the Focus Area Plan, and asbestos-cement (AC) pipes would need to be upgraded and replaced with standard ductile iron pipe (DIP). This would occur on a project-by-project basis, and the impacts related to this type of utility infrastructure construction are discussed below (see "Construction-Period Impacts").

The SCP project's impacts related to water distribution and water supply would remain less than significant with mitigation, and the SCP project would not result in new significant or substantially more severe significant water distribution and water supply impacts than those identified in the 2022 EIR.

Wastewater:

The SCP project would result in the construction of 1,792 dwelling units, which is less than the 3,600 dwelling units evaluated in the 2022 EIR (a total that also includes the 1,075 units approved for the adjoining Greystar project) and would result in lower wastewater flows compared to those analyzed in the 2022 EIR. Regarding the current project, the City completed a sewer model that indicated no sewer improvements would be triggered by this project. Likewise, the City

[9] The SFPUC decision whether to make the City a permanent customer is scheduled to occur by late 2028 (December 2028).

[10] To ensure that SFPUC can meet its retail and wholesale customer water needs, it has initiated an Alternative Water Supply Planning Program to address projected dry year shortages, but this program is in the early planning stages. In addition, the SFPUC is leveraging regional partnerships to consider other non-traditional supply sources and alternatives.

determined that the current project would *not* be responsible for contributing to future wastewater pump station improvements, as identified in EIR Mitigation Measure 18-5.[11]

The SCP project's impact related to wastewater conveyance would be less than significant, and the SCP project would not result in new significant or substantially more severe significant wastewater conveyance impacts than those identified in the 2022 EIR.

Regarding wastewater treatment facility capacity, the 2022 EIR determined that wastewater generation from Focus Area Plan development (including the Greystar project) would not exceed the City's remaining wastewater treatment capacity allocation. Because the current project would result in the construction of fewer dwelling units than analyzed in the 2022 EIR, no capacity improvements would be required due to the project, and no new impacts would occur. The SCP project's impacts related to wastewater treatment facility capacity would remain less than significant as identified in the 2022 EIR.

Storm Drainage:

The 2022 EIR determined that Focus Area buildout would not require storm drainage improvements beyond those already identified in the "2015 Santa Clara Storm Drain Master Plan," which would be completed as scheduled over the course of Focus Area development. Storm drainage impacts were determined to be less than significant because the current project would need to comply with Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) stormwater requirements (i.e., NPDES "C.3" standards in the SCVURPPP C.3 Stormwater Handbook) and City Urban Runoff Pollution Prevention Program standards, as discussed in the 2022 EIR [chapter 11, Hydrology and Water Quality)]). Because total impervious project surface area would be reduced compared to the existing condition, stormwater generation anticipated by the current project would be less than currently existing (i.e., more stormwater would be retained/treated on-site and less would enter the City's storm drain system). In addition, construction impacts evaluated as part of the 2022 EIR have been determined to be less than significant due to mandatory City construction protocols and mitigations in the 2022 EIR (e.g., see EIR chapters 5 [Air Quality] and 13 [Noise]), which would be applied to project-site storm drain improvements. No new impacts would result from the SCP project. (Also see "Construction-Period Impacts" below.) The SCP project's impacts related to storm drain facilities would remain less than significant as identified in the 2022 EIR.

[11] Email communication from Nimisha Agrawal, Senior Planner, City of Santa Clara, to MIG, Inc.; September 5, 2024.

Solid Waste Disposal and Recycling:

The 2022 EIR determined that no new or expanded solid waste disposal/recycling facilities were proposed in the Focus Area Plan, and future development facilitated by Focus Area Plan implementation would not be expected to generate an inordinate amount of solid waste. The SCP project would be served by solid waste disposal and recycling facilities identified in the 2022 EIR as having sufficient capacities to accommodate the Plan's demolition/construction debris and solid waste disposal needs. Because the Plan's effect on solid waste and recycling services was deemed a less-than-significant impact, and because the SCP project is less than the number of units evaluated for the Focus Area Plan, the environmental effects related to solid waste disposal resulting from the SCP project would be reduced in scale. The SCP project's impact related to solid waste disposal would remain less than significant as identified in the 2022 EIR.

Other Utilities (Electrical, Natural Gas, Telecommunications):

No new or expanded utilities infrastructure related to electrical and natural gas transmission and to telecommunications was proposed in the Focus Area Plan. The 2022 EIR determined that development facilitated by Focus Area Plan implementation would be responsible for its pro rata share of funding for off-site facilities. The 2022 EIR also stated, "The City has determined that an interconnection study would need to be prepared for the Plan Area." Subsequently, this study was prepared by SVP ("Distribution Interconnection Report, 2518 Mission College Blvd," 10/22/2024). The SVP study discussed (1) the amount of electrical capacity SVP can provide for the SCP project as well as the future new demand on the SVP system from remaining buildout of the entire Freedom Circle Future Focus Area (e.g., Focus Area Plan buildout); (2) the schedule for providing the electrical capacity to meet the anticipated SCP project construction schedule; (3) electrical infrastructure improvements necessary to provide capacity for the SCP project, remaining Focus Area Plan buildout, and other SVP commitments in the service area; (4) estimated costs associated with these improvements; and (5) the nexus and proportionality of SCP fair-share contributions. The details of these variables may change if (1) current service-related conditions in the SVP service area change over time, or (2) SCP project program and construction details are refined during the preparation of final project plans.

The SVP study concluded that, based on ***current*** (October 2024) operational conditions in the SVP service area, "[T]here is insufficient capacity (negative Available Capacity) on the existing two transformers at Agnew Substation to support the current peak load on Agnew Substation and [i.e., plus] the SCP customer developments in design [i.e., current project proposed and in development review] to be served by Agnew Substation" (p. 8). The SVP study also concluded (p. 15) that upsizing the existing two transformers at the Agnew Substation would be necessary to accommodate the increased capacity demand resulting from the SCP project plus other forecasted development in the service area; with these transformer upgrades, SVP would have sufficient electrical transmission capacity to serve the SCP project and other forecasted development in the

service area.[12] No substantial new or expanded utilities infrastructure is required or proposed for the current project beyond localized connections and equipment indicated on the project plans and the upgraded transformers at Agnew Substation, which could be accommodated entirely within the existing substation already planned for infrastructure purposes. SVP anticipates completing the upgrades to the transformers concurrently with the SCP project. However, if the transformer upgrade is not complete by SCP's completion, SVP has confirmed there is existing capacity at other existing substations, and power can be routed through existing transmission and distribution facilities on a temporary basis to serve the project.[13] The impacts of constructing the electrical utility infrastructure were analyzed in the 2022 EIR, which concluded that such impacts would be less than significant. As explained in the 2022 EIR, effects associated with potential electrical upgrades and/or connections to buildings (such as air emissions/dust, noise, and traffic interruption) would be temporary and would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, and by mitigations already identified in the 2022 EIR--for instance, see 2022 EIR chapters 5 (Air Quality) for construction period dust control and air emissions reduction measures; 6 (Biological Resources) for ground-disturbance impacts on special status species and potential tree removal; 7 (Cultural and Historical Resources) for impacts on potentially historic structures and/or cultural resources; 8 (Geology and Soils) for erosion control measures and building code design standards; 9 (Greenhouse Gas Emissions/Energy) for GHG- and energy-reducing measures applicable to construction equipment; 10 (Hazards and Hazardous Materials) for potential construction-period hazardous materials use and transport and for potential hazardous waste sites; 11 (Hydrology and Water Quality) for construction-period storm water runoff provisions; and 13 (Noise) for construction-period noise control. No additional significant environmental impacts would be anticipated with this construction activity beyond those impacts already identified in the 2022 EIR.

Per the 2022 EIR, effects associated with other potential electrical upgrades and/or additional facilities outside of the Freedom Circle Plan Area would also be expected to occur within either existing public rights-of-way or on City property, or private property subject to a municipal easement, and would be temporary, and effects associated with these improvements (such as air

[12] The SVP study also discussed its other planned electric system upgrade projects in the service area, including "receiving station" rebuild projects, and noted (p. 15) "SVP also recognizes that additional studies and projects may be needed in the future based on new and additional information," including possible reconductoring ("rewiring") of the 60 kV northern loop. Any additional studies would be based on SVP planning and timing requirements. Due to the speculative nature of these planned and possible projects, the potential environmental effects are not discussed in this analysis; however, as stated in the 2022 EIR, future electrical infrastructure improvements would require CEQA review and would generally include any necessary mitigations as follows: (1) construction occurring within the Focus Plan Area would be subject to the construction-period mitigations described in the 2022 EIR; and (2) infrastructure improvements occurring outside the Focus Plan Area would be subject to mitigations identified during their own CEQA review. The CEQA review would evaluate construction-period impacts consistent with the 2022 EIR and make project-specific mitigation recommendations (see above Section 4.15.2 Findings of Previously Certified EIR).

[13] Sachin Bajracharya, City of Santa Clara, personal communication with Carlene Matchniff, Irvine Development Company, October 23, 2024.

emissions/dust, noise, and traffic interruption) would be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations.

The SCP project would not require any electrical infrastructure upgrades beyond those identified in the 2022 EIR. Therefore, there are no new significant environmental impacts associated with the transformer upgrade and/or temporary provision of power to the project. The SCP project would pay its fair-share contribution toward upgrades to the Agnew Substation transformers, based on the nexus and proportionality of the SCP project impact, which fully addresses the SCP project's impacts for CEQA purposes and is consistent with the conclusions of the Freedom Circle EIR that impacts to electrical infrastructure are less than significant.

Construction impacts on electrical, natural gas, and telecommunications infrastructure were evaluated in the 2022 EIR and determined to be less than significant due to mandatory City construction protocols and mitigations in the 2022 EIR (e.g., see EIR chapters 5 [Air Quality] and 13 [Noise]). Because construction of these proposed project connections and equipment would occur within existing public rights-of-way or on City property, on the project development site, or in easements, and would also be required to comply with mitigation measures already identified in this EIR, no new impacts would result from the project. (Also see "Construction-Period Impacts" below, which additionally discusses potential impacts from construction of infrastructure outside the Plan Area.) The SCP project's impacts related to other utilities would remain less than significant as identified in the 2022 EIR.

Construction-Period Impacts:

No significant construction-period impacts were identified in the certified 2022 EIR, and no mitigation is required. Construction of project-related utility infrastructure would be expected to be temporary and would occur within existing public rights-of-way, on City property, or on the project development site. Any construction would be required to implement the mitigations identified in the 2022 EIR (e.g., see EIR chapters 5 [Air Quality] and 13 [Noise]). In addition, the project would be required to comply with mandatory, uniformly applied City construction standards and regulations. For construction occurring outside of the Plan Area, those activities would similarly be expected to occur within existing public rights-of-way or on City property, or on private property subject to a municipal easement, and construction period impacts would still be anticipated to be temporary (such as air emissions/dust, noise, and traffic interruption). Those off-site actions would also be reduced through mandatory, uniformly applied City of Santa Clara construction standards and regulations, as is the case with all construction in the City. No additional significant environmental impact is anticipated with construction of the SCP project beyond those impacts and mitigations already identified in the 2022 EIR, and this impact would be less than significant.

The SCP project's impact's related to construction would remain less than significant as identified in the 2022 EIR.

Finding: The potential impacts of the SCP project related to utilities and service systems would be reduced compared to those analyzed for the 2022 Freedom Circle Focus Area Plan. For reasons stated above, implementation of the SCP project would not result in new significant impacts related to utilities and service systems or a substantial increase in the severity of previously identified significant utilities and service systems impacts. No new mitigation is required.

5.0 CONCLUSION

Based on the above analysis and discussion, this Addendum concludes that the proposed SCP project would not cause substantial changes to the previously approved Freedom Circle Future Focus Area and Greystar General Plan Amendment Project, and major revisions to the 2022 EIR would not be required. This Addendum further concludes that, if the proposed SCP project is approved, no substantial changes would occur with respect to the circumstances under which the previously approved Freedom Circle Future Focus Area and Greystar General Plan Amendment Project is undertaken and, therefore, no major revisions of the 2022 EIR would be required. This Addendum also concludes 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 2022 EIR was certified, that shows (1) that the proposed SCP project would have one or more significant effects not discussed in the 2022 EIR, (2) significant effects previously examined in the 2022 EIR would be substantially more severe than shown in the 2022 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 SCP project proponent declined to adopt the mitigation or alternative, or (4) mitigation measures or alternatives which are considerably different from those analyzed in the 2022 EIR would substantially reduce one or more significant effects on the environment, but the SCP project proponent declines to adopt the mitigation measure or alternative. This Addendum includes four refinements to 2022 EIR mitigation measures which provide clarification and detailed protocols for SCP project-specific implementation of the 2022 EIR mitigation measures: one in Air Quality, two in Biological Resources, and one in Cultural Resources. No new significant or substantially more severe significant environmental impacts have been identified compared to the 2022 EIR. Therefore, no further evaluation is required, and no Subsequent or Supplemental EIR is needed pursuant to State CEQA Guidelines Section 15162, and an EIR Addendum has therefore appropriately been prepared, pursuant to Section 15164.

Pursuant to CEQA Guidelines Section 15164(c), this Addendum will not be circulated for public review, but will be included in the public record file for the project approval.

6.0 ADDENDUM PREPARERS

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