

RESOLUTION NO. 25-9476

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

PLN2019-13847 (General Plan Amendment and Rezone)

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

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

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

WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project would reduce the potentially significant effects to less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the comments received during the Comment Period and included these responses on the project's CEQA page;

WHEREAS, on May 21, 2025, a hearing notice was published in the Santa Clara Weekly and on May 21, 2025, a notice of public hearing was mailed to property owners within 500 feet of the project site;

WHEREAS, pursuant to SCCC Section 18.146.020, on June 6, 2025, a hearing notice was posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City's website;

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to consider the Project, at the conclusion of which, the Commission voted 7-0 to recommend approval to the City Council to adopt the MND and MMRP; and

WHEREAS, on July 15, 2025, City Council held a duly noticed public hearing to consider the Project during which the City Council invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

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

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City Council hereby finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less than significant level by implementation of the mitigation measures specified in the MND and MMRP.
3. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the City Council.

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

5. That the City Council hereby adopts the MND and MMRP for the Project as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074).

6. Pursuant to 14 Cal. Code of Regs. § 15074(c), the City Council hereby designates the Community Development Director as the Custodian of Records for the Project, and the Planning Division at City Hall, 1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 15TH DAY OF JULY, 2025, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Chahal, Cox, Gonzalez, Hardy, Jain, and Park, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST: 
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigated Negative Declaration (MND)
2. Mitigation Monitoring and Reporting Program (MMRP)

Cheeney Street Townhomes Project

MITIGATED NEGATIVE DECLARATION (MND)

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

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2468

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

Project Information and Description

Project Name: Cheeney Street Townhomes Project

File Number: PLN2019-13847

Project Location and Description: The 0.5-acre (22,500-square foot) project site includes two parcels and is located on the east side of Cheeney Street, between Agnew Road and Ash Street, in the City of Santa Clara. The project site is surrounded by single-family residences to the north and south, two-story townhomes to the east, and Cheeney Street to the west.

The project proposes construction of nine two-story townhomes with individual at-grade garages. Each townhome would have three bedrooms. The proposed buildings would reach a maximum height of 25 feet to the top of the roof. The proposed buildings would include 15-foot setbacks from the rear property lines, minimum 20-foot setbacks from the front property lines, and five-foot side yard setbacks. In total, the buildings would provide 20,771 gross square feet and have a combined footprint of 10,211 square feet (45 percent lot coverage).

The nine townhome units would be situated in two rows separated by an L-shaped driveway. Two pairs of attached townhomes (four units), divided by a five-foot pedestrian walkway, would be located at the Cheeney Street frontage. Five attached townhome units would be located to the rear of the site. Each of the nine units would include a private yard. The project site has a General Plan designation of Very Low Density Residential and a zoning designation of Single-Family Residential (R1-6L). The project proposes to rezone the site to Low Density Residential (R2) to accommodate the project. A General Plan Amendment to Low Density Residential (8-19 du/ac) is also proposed to

accommodate the increase in residential density at the site and development of the townhomes. Additional project description details can be found in Section 3.0 of the Initial Study.

Assessor's Parcel Number: 104-12-025 & 104-12-26

Determination

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

Signature



Steve Le, Senior Planner
City of Santa Clara

7/15/2025

Date

TABLE 1 – SUMMARY OF PROJECT IMPACTS AND MITIGATION

Impacts	Mitigation Measures	Level of Impact
Air Quality		
Impact AIR-3: Construction of the project could expose sensitive receptors to substantial pollutant concentrations.	MM AQ-3.1: All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on-site for more than two days continuously shall meet the U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines.	Less than Significant Impact with Mitigation Incorporated
Biological Resources		
Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment, which would constitute a significant impact under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3800.	MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1 through August 31. If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or Fish and Game Code shall not be disturbed during project construction.	Less than Significant Impact with Mitigation Incorporated
Cultural Resources		
Impact CUL-2: Construction of the proposed project could result in impacts to as yet unidentified buried archaeological	MM CUL-1.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Community Development Director will be notified, and a qualified archeologist will be retained. The archaeologist will examine the find and make appropriate	Less than Significant Impact with Mitigation Incorporated

Impacts	Mitigation Measures	Level of Impact
resources and/or undiscovered human remains	<p>recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community Development Director.</p> <p>MM CUL-1.2: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.</p>	
Hazards and Hazardous Materials		
<p>Impact HAZ-2: Construction of the project could expose construction workers and the environment to elevated levels of arsenic in the soil on-site.</p>	<p>MM HAZ-2.1: Due to the elevated levels of arsenic on-site, the applicant shall prepare a Health and Safety Plan and Soil Management Plan to be implemented during ground disturbing activities. The Health and Safety Plan and Soil Management Plan shall be reviewed by the Santa Clara Fire Department (SCFD) for approval prior to issuance of grading permits to confirm that adequate measures are included to protect construction workers and surrounding residents from elevated levels of arsenic in the shallow soil on-site.</p> <p>MM HAZ-2.2: Soil materials removed from the site shall be characterized and disposed of according to the California Hazardous Waste Regulations. Contaminated soil that exceeds regulatory thresholds shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, state and federal laws. Any contaminated soils that are removed from the site shall be disposed of at a licensed hazardous materials disposal site.</p>	Less than Significant Impact with Mitigation Incorporated

MITIGATION MONITORING OR REPORTING PROGRAM

Cheeney Street Townhomes Project

CITY OF SANTA CLARA

December 2024

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration (IS/MND) concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the IS/MND concluded that the impacts from implementation of the project would be less-than-significant.

**MITIGATION MONITORING OR REPORTING PROGRAM
CHEENEY STREET TOWNHOMES PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
AIR QUALITY				
Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant Impact with Mitigation Incorporated)	MM AIR-3.1: All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on-site for more than two days continuously shall meet the U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines.	During construction	Project applicant and contractors during all phases of construction	Community Development Director
BIOLOGICAL RESOURCES				
Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish & Wildlife Service	MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1 through August 31. If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).	Prior to issuance of demolition or grading permits	Project applicant and contractors during all phases of construction	Community Development Director, CDFW

**MITIGATION MONITORING OR REPORTING PROGRAM
CHEENEY STREET TOWNHOMES PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
(USFWS). (Less than Significant Impact with Mitigation Incorporated)	During this survey, the ornithologist shall inspect all tress and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or Fish and Game Code shall not be disturbed during project construction.			
CULTURAL RESOURCES				
Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064.5. (Less than Significant Impact with Mitigation Incorporated)	<p>MM CUL-2.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Community Development Director will be notified, and a qualified archeologist will be retained. The archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community Development Director.</p> <p>MM CUL-2.2: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American,</p>	During all phases of ground-disturbing activities	Project applicant and contractors during all phases of construction	Community Development Director, NAHC (for human remains)

**MITIGATION MONITORING OR REPORTING PROGRAM
CHEENEY STREET TOWNHOMES PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.			
HAZARDS AND HAZARDOUS MATERIALS				
Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant Impact with Mitigation Incorporated)	<p>MM HAZ-2.1: Due to the elevated levels of arsenic on-site, the applicant shall prepare a Health and Safety Plan and Soil Management Plan to be implemented during ground disturbing activities. The Health and Safety Plan and Soil Management Plan shall be reviewed by the Santa Clara Fire Department (SCFD) for approval prior to issuance of grading permits to confirm that adequate measures are included to protect construction workers and surrounding residents from elevated levels of arsenic in the shallow soil on-site.</p> <p>MM HAZ-2.2: Soil materials removed from the site shall be characterized and disposed of according to the California Hazardous Waste Regulations. Contaminated soil that exceeds regulatory thresholds shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, state and federal laws. Any contaminated soils that are removed from the site shall be disposed of at a licensed hazardous materials disposal site.</p>	Prior to issuance of grading or building permits	Project applicant and contractors during all phases of construction	Community Development Director, SCFD

SOURCE: City of Santa Clara. *Initial Study, Cheeney Street Townhomes*. December 2024.