



City of Santa Clara

Meeting Agenda

Planning Commission

Wednesday, November 6, 2024

6:00 PM

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

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

Via Zoom:

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

Webinar ID: 917 2920 2898 or

Phone:

1(669) 900-6833

Via the City's eComment

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

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

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

6:00 PM REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

DECLARATION OF COMMISSION PROCEDURES

CONTINUANCES/EXCEPTIONS**STUDY SESSION****24-1115** [Study Session on the Library Facilities Master Plan](#)

Recommendation: There is no recommendation. The purpose of this report is to support a Study Session on this topic and to receive input from the Planning Commission on the development of the City's Library Facilities Master Plan.

CONSENT CALENDAR

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

1.A 24-1072 [Action to Recommend City Council Adoption of a Resolution of Local Support for Transit-Oriented Communities Implementation Grants](#)

Recommendation:

1. Adopt a Resolution of Local Support for the City's application for technical assistance grants related to ABAG's Transit-Oriented Communities Policy; and
2. Recommend that the City Council Authorize the City Manager to execute all documents related to accepting the technical assistance grants.

1.B 24-1100 [Planning Commission Meeting Minutes of October 23, 2024](#)

Recommendation: Approve the Planning Commission Meeting Minutes of the October 23, 2024 Meeting.

PUBLIC PRESENTATIONS

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

PUBLIC HEARING

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

2. **24-1095** PUBLIC HEARING CONTINUANCE: Action on a Recommendation to City Council with respect to: an Environmental Impact Report and Mitigation Monitoring and Reporting Program, General Plan Amendment from High-Intensity Office/Research-and-Development to newly created Urban Center Mixed Use and Urban Center Residential Mixed Use land use designations, a Rezoning to PD - Planned Development, a Vesting Tentative Subdivision Map, and a Development Agreement for a Mixed Use Project at 3005 Democracy Way comprised of up to 1,800 units (approximately 1.8 million square feet of residential uses) , up to 3 million square feet of office/research-and-development, approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities ("Option A"), with a project alternative ("Option B") that allows for the flexibility of to up an additional 800 dwelling units (for a total of up to 2,600 residential units) with a corresponding reduction in office/research and development square footage to 2.2 million square feet.

Recommendation: Alternative:

1. Adopt a resolution to recommend the City Council certify the Final EIR prepared for the Mission Point Project (SCH # 2018072068) and adopt a Mitigation Monitoring and Reporting Program, CEQA Findings, and a Statement of Overriding Considerations.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment to add 2 new land use designations, Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU (Area D) and UCMP (Areas A, B, and C).
3. Adopt a resolution to recommend the City Council approve the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development.
4. Adopt a resolution to recommend the City Council approve a Vesting Tentative Subdivision Map.
5. Adopt a resolution to recommend the City

Council adopt an ordinance to approving the Development Agreement.

3. **24-967** [Public Hearing: Action on a Conditional Use Permit for a New Drive-through Restaurant \(PLN22-00428\) at 3575 Stevens Creek Boulevard \(CEQA: Class 3 Categorical Exemption Section 15303\).](#)

Recommendation:

1. Determine that the project is categorically exempt from formal environmental review per Section 15303(c), New Construction or Conversion of Small Structures; and
2. Adopt a Resolution approving the Conditional Use Permit to allow a new drive-through restaurant at 3575 Stevens Creek Boulevard, subject to findings and conditions.

4. **24-968** [Public Hearing. Action on a Variance Request \(PLN24-00343\) from the Sign Ordinance to Allow for a 48 Square Foot Internally Illuminated Freestanding Monument sign, a 16 Square Foot Halo-Illuminated Wall Sign, and a Seven & Half Square Foot Halo-Illuminated Real Estate Sign in a Residential Development at 3131 Homestead Road](#)

Recommendation:

1. Determine the project is exempt from the California Environmental Quality Act ("CEQA") per CEQA Guidelines section 15311 (Class 11 - "Accessory Structures"); and
2. Adopt a resolution approving a Variance from the Sign Ordinance to allow for a 48 square foot internally illuminated freestanding monument sign, a 16 square foot halo-illuminated wall sign, and a seven and a half square foot halo-illuminated real estate sign, subject to findings and conditions of approval for the property located at 3131 Homestead Road.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

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

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

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

ADJOURNMENT:

The next regular scheduled meeting is on December 4, 2024 at 6:00 PM in the City Hall Council Chambers.

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

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

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

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

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

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

Individuals who require an auxiliary aid or service for effective communication, or

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



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

24-1115

Agenda Date: 11/6/2024

REPORT TO PLANNING COMMISSION

SUBJECT

Study Session on the Library Facilities Master Plan

BACKGROUND

MSR Design, the City's selected consultant, is working with the Library to create a Library Facilities Master Plan to project for the future of library services for the next 20 years. MSR design will query the Planning Commission about goals for the Santa Clara community and how the Library can help the community reach those goals.

ENVIRONMENTAL REVIEW

A Study Session does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental activity that will not result in direct or indirect changes in the environment.

PUBLIC CONTACT

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

RECOMMENDATION

There is no recommendation. The purpose of this report is to support a Study Session on this topic and to receive input from the Planning Commission on the development of the City's Library Facilities Master Plan.

Prepared by: Lesley Xavier, Planning Manager



Agenda Report

24-1072

Agenda Date: 11/6/2024

REPORT TO PLANNING COMMISSION

SUBJECT

Action to Recommend City Council Adoption of a Resolution of Local Support for Transit-Oriented Communities Implementation Grants

DISCUSSION

Metropolitan Transportation Commission (MTC) is releasing approximately \$20 million for local planning and policy development related to MTC's Regional Transit-Oriented Communities (TOC) Policy. (Attachment 1)

The TOC Policy supports the region's transit investments by creating communities around transit stations and along transit corridors that not only enable transit ridership, but also are places where Bay Area residents of all abilities, income levels, and racial and ethnic backgrounds can live, work and access services.

There are four components within the TOC Policy to help achieve these goals:

- Increasing residential and commercial densities around station areas;
- Adopting housing policies from related to housing production, preservation and protection (also known as the three Ps);
- Adjusting minimum and maximum parking ratios as well as transportation demand management policies; and
- Planning for station access that includes active transportation uses and mobility hub infrastructure.

MTC is providing grants to fund technical assistance and staff time to create and implement policies that will help jurisdictions to comply with each policy area.

The City is applying for technical assistance grants relating to all four components of the TOC Policy. Applications for technical assistance grants are due November 22, 2024.

As a part of the grant application process, MTC is requesting letters of local support from the City's Planning Commission. Because the City Council has the ultimate authority to speak on behalf of the City in this area, the item is presented to the Planning Commission as a recommendation to the City Council to be agendized for Council approval at their November 12th regular meeting.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in a direct physical change in the environment, or a reasonably foreseeable

indirect physical change in the environment.

FISCAL IMPACT

This action does not have a cost to the City, except for associated staff time in preparation of the agenda materials.

COORDINATION

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

PUBLIC CONTACT

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

RECOMMENDATION

1. Adopt a Resolution of Local Support for the City's application for technical assistance grants related to ABAG's Transit-Oriented Communities Policy; and
2. Recommend that the City Council Authorize the City Manager to execute all documents related to accepting the technical assistance grants.

Reviewed by: Alexander Abbe, Deputy City Attorney

Approved by: Reena Brilliot, Acting Director of Community Development

ATTACHMENTS

1. Transit-Oriented Communities Policy
2. Resolution of Local Support



MTC Administrative Guidance: Transit-Oriented Communities Policy

Guidance for Public Agency Staff Implementing Metropolitan
Transportation Commission Resolution 4530

September 2024

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I. Background and Purpose

This document provides guidance to local jurisdictions on how to demonstrate compliance with MTC's Transit-Oriented Communities (TOC) Policy ([MTC Resolution 4530](#)), adopted in September 2022 and revised in October 2023. The TOC Policy seeks to support the region's transit investments by ensuring communities around transit stations and along transit corridors are places that not only support transit ridership, but are places where Bay Area residents of all abilities, income levels, and racial and ethnic backgrounds can live, work, and access services, such as education, childcare, and healthcare. The TOC Policy is rooted in Plan Bay Area 2050 (PBA 2050), the region's Long Range Transportation Plan/Sustainable Communities Strategy, and addresses all four elements of the Plan—transportation, housing, the economy, and the environment. Compliance with the TOC Policy is voluntary for jurisdictions that want to advance the goals of PBA 2050 or to be eligible and/or competitive for some MTC discretionary funding.

Four goals guide the TOC Policy and advance PBA 2050 implementation:

- Increase the overall housing supply in part by increasing the density for new residential projects. Prioritize affordable housing in transit-rich areas.
- In areas near regional transit hubs, increase density for new commercial office development.
- Prioritize bus transit, active transportation, and shared mobility within and to/from transit-rich areas, particularly to [Equity Priority Communities](#) located more than ½ mile from transit stops or stations.
- Support and build partnerships to create equitable transit-oriented communities within the San Francisco Bay Area.

Future One Bay Area Grant (OBAG) funding cycles (i.e., OBAG 4 and subsequent funding cycles) will consider funding revisions that prioritize investments in transit station areas that are subject to and compliant with the TOC Policy. With MTC Commission approval, MTC may consider compliance with the TOC Policy to evaluate applications for additional discretionary funding sources.

II. TOC Policy Requirements

The TOC policy requirements consist of the following four elements:

1. Minimum residential and commercial office densities for new development.
2. Affordable housing production, preservation and protection, and stabilizing businesses to prevent displacement.
3. Parking management.
4. Transit station access and circulation.

The specific requirements for each topic area are described in more detail below. Jurisdictions will be evaluated for compliance with all requirements in each of the four topic areas for each TOC area¹ within the jurisdiction that is subject to the TOC Policy. For all topic areas, a jurisdiction may use an existing adopted policy or plan to meet the requirements or, as needed, may adopt new policies/standards by the deadline for compliance with the TOC Policy (see section V. *Documentation Submittal and Review*, below, for more details). Where applicable, a jurisdiction may rely on jurisdiction-wide policies to demonstrate compliance for a TOC area.

III. Policy Applicability

Types of Transit

The TOC Policy applies to areas within ½ mile of the following types of existing and planned fixed-guideway transit² stops and stations:

- Regional rail (e.g., Bay Area Rapid Transit, Caltrain)
- Commuter rail (e.g., Capitol Corridor, Altamont Corridor Express, Sonoma-Marín Area Rail Transit, Valley Link)
- Light-rail transit (LRT)
- Bus rapid transit (BRT)³
- Ferries

The ½-mile radius around a transit station/stop applies even if the jurisdiction has adopted a Priority Development Area (PDA) whose boundaries are different.

A [map](#) and [list of the jurisdictions and stations](#) subject to the TOC Policy for the deadline associated with the OBAG 4 Cycle is available on MTC's website.

Existing Transit

The TOC Policy applies to jurisdictions with existing fixed-guideway transit service stops and stations, as defined above. For jurisdictions with an existing stop/station, OBAG (i.e., OBAG 4 and subsequent funding cycles) is currently the only funding source for which MTC will consider TOC compliance in its investment decisions. With Commission approval, MTC may consider compliance with the TOC Policy to evaluate applications

¹ A TOC area is the geography surrounding a fixed-guideway transit stop or station that is subject to the TOC Policy requirements. See "TOC Area Geography" in Section III. Policy Applicability for more information on how this specific geography is determined.

² "Fixed guideway means a public transportation facility that uses and occupies a separate right-of-way or rail line for the exclusive use of public transportation and other high occupancy vehicles, or uses a fixed catenary system and a right of way usable by other forms of transportation. This includes, but is not limited to, rapid rail, light rail, commuter rail, automated guideway transit, people movers, ferry boat service, and fixed-guideway facilities for buses (such as bus rapid transit) and other high occupancy vehicles." (49 CFR § 611.105)

³ The TOC Policy uses the definition of "bus rapid transit" (BRT) from [California Public Resources Code section 21060.2](#).

for additional discretionary funding sources for enhancements or improvements to existing stops/stations.

Planned Fixed-Guideway Stops/Stations Subject to the TOC Policy

Fixed-guideway stations that are planned but not currently in service may need to demonstrate compliance with TOC Policy requirements by the deadline associated with the OBAG 4 cycle. This applies to planned stations meeting **any** of the following criteria:

- Project begins construction by January 1, 2025.

AND/OR

- Project allocated regional discretionary funding that requires committing to compliance by the OBAG 4 cycle, as per the requirements of MTC Resolution 4530.

AND/OR

- Project has a [Major Project Advancement Policy](#) (MAP) Level of 1 or 2.

Additionally, planned stations meeting **all** of the following criteria are subject to achieving TOC Policy compliance by the deadline associated with the OBAG 4 cycle:

- Sufficiently defined station location as determined by MTC staff (e.g., project has completed environmental review).

AND

- Project is in Bin 1 of the Plan Bay Area 2050+ Transportation Project List, encompassing projects expected to be operational by 2035.

If a planned stop/station has not been confirmed as subject to the TOC Policy using the above criteria by January 1, 2025, it will not have to be in compliance by the OBAG 4 deadline.

Opt-In for Planned Fixed-Guideway Stops/Stations Not Subject to the TOC Policy

A planned station that does not meet the criteria above can choose to opt in to achieving compliance for the planned TOC area for the OBAG 4 cycle. To do so, the planned station must have a sufficiently defined station location as determined by MTC staff (e.g., the project has completed environmental review). Density and parking standards for planned TOC areas that opt in would be based on the anticipated level of transit service.

Transit Extensions

“Transit extensions” refer to the creation of a new fixed-guideway transit system (rail, ferry, or bus rapid transit), or extension of an existing fixed-guideway transit system to a new station, stations, or terminals. Transit extensions include new infill stations on a fixed-guideway transit system, and major expansions of existing stations to accommodate a new fixed-guideway transit system or route.

The TOC Policy establishes different compliance expectations for transit extension projects seeking awards or allocations of regional discretionary capital funding⁴ based on the project's delivery stage, as follows:

1. *Project Development/Environmental Review*: Project sponsors, and local jurisdictions as applicable, must provide a letter or resolution acknowledging that future allocation requests to MTC will be subject to the TOC Policy pursuant to later phases.
2. *Project Design and Early Right-of-Way Acquisition*: Jurisdictions must commit in writing to take steps toward achieving compliance by 2026 for the station area(s) seeking funding.
3. *Project Construction*: Jurisdictions do not need to submit a letter of commitment, but they should work with MTC staff to achieve compliance by 2026.

The transit extension project sponsor/implementing agency must include an acknowledgement or commitment letter or resolution, as applicable, in its request to MTC for regional discretionary funding. Templates for the jurisdiction letters and resolutions are available on the [MTC TOC Policy website](#). See [Appendix 1 of MTC Resolution 4530](#) for more details about the requirements for transit extensions.

Beginning in 2026, these requirements will also apply to transit extension projects seeking MTC endorsement for federal or state discretionary capital funding.⁵

Interregional Projects

Interregional projects that trigger MTC's Interregional Project Funding and Coordination Policy (Resolution No. 4399) shall be subject to the TOC Policy as set forth in this paragraph. For any portion of the project within MTC's jurisdiction, the project sponsor must satisfy the requirements as noted above for Existing Transit and Transit Extensions, as applicable. For portions of the project within the jurisdiction of another Metropolitan Planning Agency (MPO)/Regional Transportation Planning Agency (RTPA), the Interagency Agreement referenced in Resolution 4399 must include a provision acknowledging the applicability of the TOC Policy, confirming compliance with the TOC Policy for the Bay Area portion of the project, and a commitment from the other MPO/RTPA to strive towards achievement of TOC Policy requirements for the portions of the project outside of the Bay Area. The other MPO/RTPA's commitment for non-Bay

⁴ For the purposes of the TOC Policy, "regional discretionary funding" for transit projects includes the following fund sources: regional bridge tolls and associated programs (e.g., RM2 & RM3), Surface Transportation Block Grant Program (STBG), Congestion Mitigation Air Quality Improvement Program (CMAQ), Regional Transportation Improvement Program (RTIP), and Regional Exchange Program (MTC Exchange). This list is non-exhaustive and could be amended in the future if MTC exercises discretionary control over additional funding sources.

⁵ In the context of TOC Policy implementation, "endorsement" refers to when the MTC Commission acts to endorse projects seeking funding from other sources or when a project is added to the list of projects and programs included in MTC's Major Project Advancement Policy (MAP) or a change is made to a project's MAP Level.

Area portions of the project should include, as practicable, an agreement to regularly report on the status of progress to meeting TOC Policy requirements, to explain any challenges with achieving TOC Policy requirements, and any steps that will be taken to overcome those challenges.

Transit Tiers

Geographic areas subject to the TOC Policy are categorized by tier according to the level of transit service at fixed-guideway station(s) within ½ mile:

- Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San José)
- Tier 2: Stop/station served by two or more BART lines or BART and Caltrain
- Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit
- Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals

Some TOC Policy requirements are defined by transit tier, with some requirements consistent across all tiers.

Opt-In for Areas Not Served by Fixed-Guideway Transit Service

Jurisdictions with transit stops and stations that are not served by fixed-guideway service (e.g., areas that are only served by regular fixed-route bus transit) may choose to “opt in” and voluntarily meet TOC Policy requirements for these areas.⁶ Station areas/stops where a jurisdiction has voluntarily complied with the TOC Policy may be eligible for any future funding sources where the MTC Commission chooses to adopt TOC Policy compliance as a prerequisite for funding or a factor in prioritizing funding.

TOC Area Geography

The ½-mile area is measured from a single point at the center of the stop or station. Where a station/stop includes infrastructure such as platforms, bus transfer facilities, and parking areas, a single centroid is identified rather than computing distance from multiple station entrances or property boundaries. Open water, rivers, canals, and other water bodies are excluded, which may result in the TOC area being an irregular shape rather than a perfect circle.

For more information on how the density and parking requirements apply to TOC areas, see “Section 1: Density for New Residential and Commercial Office Development” and “Section 3: Parking Management” below.

A [map](#) and [list of the jurisdictions and stations](#) subject to the TOC Policy for the deadline associated with the OBAG 4 Cycle is available on MTC’s website.

⁶ For locations with no fixed-guideway transit service, the Tier 4 density and parking management requirements will apply in addition to all other TOC Policy requirements.

Overlapping TOC Areas

In some cases, the ½-mile area around one stop/station may intersect with the ½-mile area around another stop/station, resulting in overlapping TOC areas. As a jurisdiction must demonstrate compliance for each TOC area separately, a parcel within an overlapping area will be considered in calculating the average zoning density as well as evaluating the parking standards for each of the overlapping TOC areas. If the overlapping TOC areas represent different transit tiers, parcels in the overlapping areas must meet the standards for the higher transit tier (i.e., Tier 1 is higher than Tier 2).

For jurisdictions with overlapping TOC areas, MTC will work with local staff to identify situations where TOC areas can be consolidated (e.g., along BRT or LRT corridors or in downtown areas) for aggregate analysis of TOC compliance.

Multi-Jurisdiction TOC Areas

A TOC area may encompass multiple jurisdictions. A jurisdiction is exempt from complying with any TOC Policy requirements if it contains 20 percent or less of the TOC area, as determined by MTC staff. A jurisdiction that comprises more than 20 percent of a TOC area must comply with all TOC Policy requirements for its portion of the TOC area.

For the TOC Policy density standards, a jurisdiction is not responsible for zoning densities/intensities outside its boundaries, but it must meet the TOC Policy standards for the portion of the TOC area within its jurisdiction.⁷ However, joint applications are encouraged for a TOC area that crosses jurisdictional boundaries; in such instances, compliance with the average density standards should be based on the combined area of the TOC area in both jurisdictions (or in all jurisdictions, if more than two are involved).

IV. Documentation Submittal and Review

Submission Deadline

To ensure eligibility for OBAG 4 funding and any other discretionary funding that may be linked to TOC Policy compliance, jurisdictions should anticipate demonstrating compliance prior to adoption of OBAG 4, expected in 2026. MTC will provide more information about submission deadlines as part of developing the OBAG 4 program.

Documentation Submittal

MTC will accept submissions from jurisdictions to demonstrate compliance with the TOC Policy for each TOC area subject to the policy within the jurisdiction. Jurisdictions must use the [TOC Policy Submission Portal](#) developed by MTC. Jurisdictions may submit documentation on a rolling basis until the submission deadline. Questions about documentation submittal should be directed to TOCPolicy@bayareametro.gov.

⁷ Average zoning density calculation requirements are covered in Section V of this Guidance document.

Local Jurisdiction Resolution

The jurisdiction's final submission must be accompanied by a resolution adopted by the city council or board of supervisors confirming compliance with the TOC Policy. For jurisdictions with multiple TOC areas, the jurisdiction may submit a single resolution that includes reference to all TOC areas for which the jurisdiction is confirming compliance.

MTC Review Process

To complete its review of a jurisdiction's submission, MTC may request additional clarifying documentation and information from the jurisdiction. Additionally, to assist with its review of the submission, MTC may consult with and gather relevant information from any individual, entity, or public agency. Jurisdictions will receive confirmation of its compliance status after MTC has completed its review of submitted documentation.

V. Guidance for TOC Policy Submission

This section provides the guidance necessary to demonstrate compliance with MTC's TOC Policy requirements. It is divided into four sections:

1. Zoning density and intensity requirements for residential and commercial office development.
2. Affordable housing production, preservation, and protection policies and commercial stabilization policies
3. Parking management policies
4. Station access and circulation requirements

Section 1: Density for New Residential and Commercial Office Development

Summary of TOC Policy Requirements

The TOC Policy seeks to ensure that local planning policies and zoning regulations enable new development within TOC areas to be built at sufficiently high densities to support transit ridership and increase the proportion of trips taken by transit. The mechanism for furthering this goal is the requirement that jurisdictions adopt minimum density and intensity requirements in TOC areas. Additionally, if a jurisdiction chooses to adopt maximum density and intensity requirements, these must be high enough to support robust transit-oriented development.⁸

⁸ While the TOC Policy does not specify requirements for building heights, local jurisdictions should not limit building heights such that new residential development at the densities specified by the TOC Policy becomes infeasible.

The Policy does not require a jurisdiction to plan or zone specific parcels for a particular land use or density. Rather, a jurisdiction is required to meet zoning density and intensity standards where zoning allows new residential, office, or mixed-use development. The density requirements represent an average taken across the TOC area, and the required average densities are based on the area's Transit Tier (see Tables 1 and 5).

The minimum density/intensity in a given zoning district where housing and/or commercial office uses are permitted may be below the TOC Policy thresholds (Tables 1 and 5), provided the average across the TOC area meets the requirement.⁹ Cities that have adopted Form Based Codes without density standards are required to adopt minimum densities, minimum Floor Area Ratios (FARs), or minimum heights for future residential, commercial office, and mixed-use projects.

A jurisdiction without minimum residential or commercial office zoning standards may use the minimums identified in an adopted General Plan, Specific Plan, or Area Plan to the extent the Plan requires that new development must occur at or above a minimum threshold. In the absence of such a requirement or zoning standard, a zone without a minimum density will be assigned a "zero" for the purposes of calculating the average for the TOC area. A minimum density value of zero for any zone in a TOC area will make it more difficult to achieve the required areawide averages. This is further explained in the methodology below.

A jurisdiction is not required to adopt maximum allowable density/intensity standards. However, if a jurisdiction has adopted these standards, then the average of the maximum density/intensity allowed for residential or commercial office uses must meet or exceed the TOC Policy's thresholds (Tables 3 and 7).

Areas Eligible for Exclusion from Density/Intensity Requirements

For the residential calculations, only zoning districts that allow residential as a permitted use (i.e., with no use permit requirement) are included. However, zones intended to conserve land for open space or agriculture, even where residential is listed as a permitted use, may be excluded.

For the commercial office calculations, only zoning districts that allow commercial office as a permitted use are included. Subject to approval by MTC staff, zoning districts in which offices are permitted uses but are ancillary to industrial activities (such as manufacturing, warehousing, production, distribution, repair, etc.) may be excluded.

The Policy allows parcels with existing dwelling units to be excluded from the residential and commercial office calculations to minimize the risk of displacement. However, a

⁹ "Permitted" means the use is listed as a permitted use in the zoning regulations, with no use permit requirement.

parcel may **not** be excluded if it was counted as a Housing Opportunity Site in the jurisdiction's Housing Element and assumed to produce one or more units of housing.

For the TOC Policy, “existing dwelling units” are residential units that received a building permit prior to January 1, 2024. However, if a project has not received a certificate of occupancy by the beginning of the OBAG 5 cycle (anticipated in 2030), the parcel cannot be excluded from future TOC Policy compliance cycles.

Note: Calculation of the average density *includes* parcels zoned to allow residential and/or commercial office development where it may not be physically possible to construct new residential, commercial office, or mixed-use buildings within the specified density ranges due to small parcel sizes, environmental factors, conflicts with Airport Land Use Compatibility Plans, etc.

Submitting Required Documentation

Demonstrating conformance to the TOC Policy includes four calculations of *average density/intensity* within the TOC area:

- Minimum zoning density required for zones allowing residential uses.
- If a jurisdiction has maximum residential density standards, the maximum zoning density for zones allowing residential uses.
- Minimum commercial office intensity (FAR) required for zones allowing office uses.
- If a jurisdiction has maximum commercial intensity standards, the maximum commercial office intensity (FAR) for zones allowing office uses.

MTC's submission portal is programmed to complete these calculations based on a jurisdiction's zoning data. A jurisdiction may review and verify the data in the submission portal or contact MTC staff for assistance.

The guidance below explains how the calculations are completed and how to determine density and FAR equivalencies if a zoning district does not use these metrics. The calculations do not require a determination of “buildout” in the TOC area. Rather, they only require calculation of the average minimum and maximum density/intensity allowed by zoning on eligible parcels. Moreover, determination of the average zoning density and intensity is intended only as a theoretical calculation to evaluate compliance with the TOC Policy. The average density/intensity calculations do not in any way preclude or discourage mixed-use development or non-office commercial uses, nor do they disallow or discourage the addition of residential or office uses to projects of other uses.

A jurisdiction has two options for the density/intensity calculations:

- **Option A** is simpler and involves determining the area of all zoned parcels within the TOC area where residential uses are allowed and commercial office uses are allowed.

- **Option B** is more fine-grained and allows exclusion of certain parcels in each of these zones due to existing uses.

A jurisdiction may use either option. Both options require a “weighted average” calculation that accounts for the proportional land area in each zone.

A five-step process is outlined below. Step 1 is identifying the baseline set of zones or parcels to be used in the average density/intensity calculations for a TOC area. Steps 2 to 5 (which are the same for Option A and Option B) correspond to the calculations of minimum residential density, maximum allowable residential density, minimum commercial office intensity, and maximum allowable commercial office intensity for those zones or parcels.

Step 1: Determine the Baseline Areas to be Included in the Calculations

Option A:

- i. Identify all zoning districts in the TOC area where residential uses are a permitted use (i.e., no use permit is required). This includes single-family zones, multi-family zones, mixed-use zones where housing is a permitted use, and non-residential districts that specifically identify housing as a permitted use. Zones intended to conserve land for open space or agriculture may be excluded from the average residential density calculation, even where residential is listed as a permitted use.
- ii. Identify all zoning districts in the TOC area where commercial offices are a permitted use. This includes office zones, commercial and mixed-use zones where office is a permitted use, and any residential zones that allow 100 percent office uses (zones that only allow office as an ancillary use are excluded). Subject to approval by MTC staff, zoning districts in which offices are permitted uses but are ancillary to industrial activities (such as manufacturing, warehousing, production, distribution, repair, etc.) may be excluded.
- iii. Calculate the net acreage in each zoning district in the TOC area. “Net” acreage means streets or un-zoned features within the zoning boundary are not counted.
- iv. Report the net acreage in each eligible residential zone and each eligible commercial office zone, the sums of these acreages, and the percentage of total eligible zones that each individual zone represents. Zoning districts included in the residential calculation may also be included in the office calculation, where applicable.
- v. Proceed to Steps 2 through 5.

Option B:

- i. Conduct steps (i) and (ii) as described above for Option A.
- ii. For each zoning district, prepare a list of parcels to be excluded (subtracted) from the eligible acreage in that zoning district. Parcels may be excluded if they are currently occupied by single- or multi-family dwelling units. However, if the parcel was counted as a Housing Opportunity Site in the jurisdiction's Housing Element and assumed to produce one or more units of housing, it may not be excluded. For any excluded parcel, the jurisdiction must document the assessor parcel number, address, acreage, existing zoning, and existing land use.
- iii. Report the remaining net acreage in each eligible residential zone and each eligible commercial office zone, the sums of these acreages, and the percentage of the total eligible zones that each individual zone represents. Zoning districts included in the residential calculation may also be included in the office calculation, where applicable.
- iv. Proceed to Steps 2 through 5.

Step 2: Calculate the Average Minimum Residential Density Required by Zoning in the TOC Area

A jurisdiction must demonstrate that the average minimum zoning density in the TOC area meets the adopted TOC Policy standard for its transit tier shown in **Table 1**. A jurisdiction without minimum density standards may refer to the ranges in its General Plan or an adopted Specific or Area Plan that applies to the TOC area, to the extent the relevant Plan requires that development must occur at or above the minimum. Cities without minimum density standards (either in zoning or the General Plan, Specific Plan, or Area Plan as described above) must assign a “zero” to the applicable zones when calculating the TOC area average.

Table 1: Average Minimum Zoning Densities Required for Residential Development

Level of Transit Service	Average Minimum Zoning Density
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San Jose)	100 units/net acre or higher
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	75 units/net acre or higher
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	50 units/net acre or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	25 units/net acre or higher

Notes:

1. Tier 3 TOC areas in jurisdictions with 30,000 residents or fewer may use Tier 4 standards. For the OBAG 4 cycle, this applies to Tier 3 TOC areas in Belmont, Brisbane, Lafayette, Orinda, and San Carlos. January 1, 2024 population estimates from the [California Department of Finance](#).

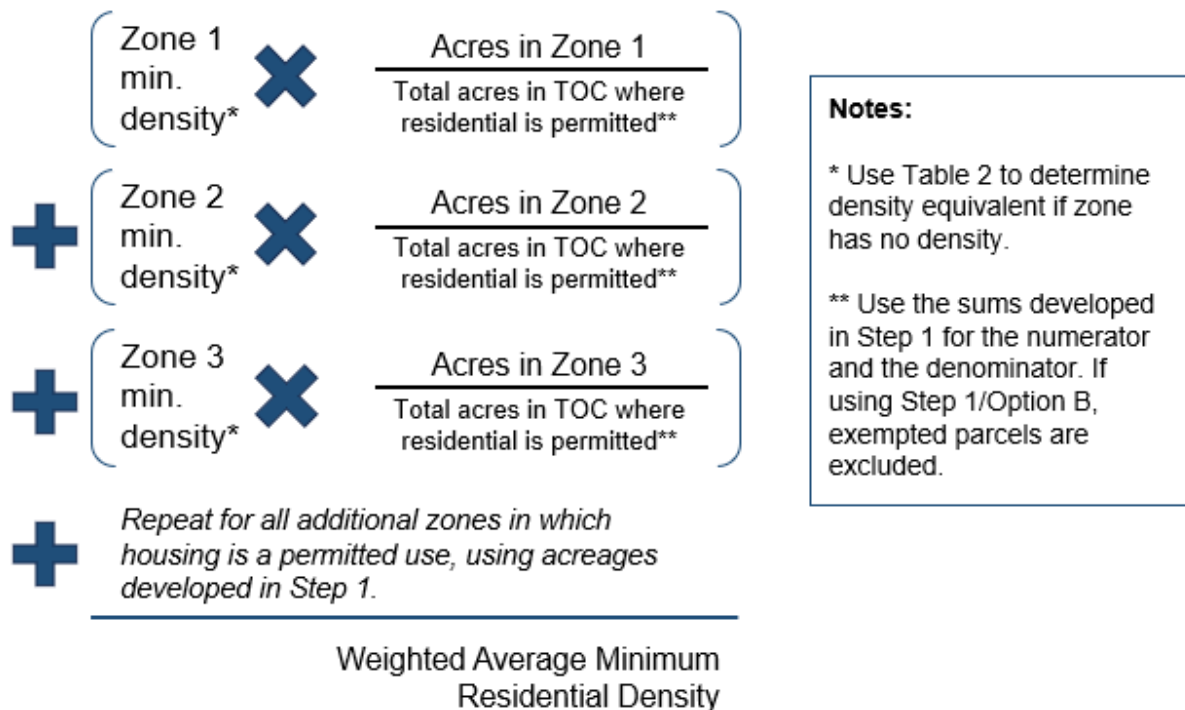
Table 2 is an equivalency table for zoning districts where housing is permitted but minimum density is expressed using floor area ratio (FAR) or height. The table allows jurisdictions using zones not measured in dwelling units per acre to convert to density equivalents so averages may be more accurately estimated. The equivalencies in Table 2 are “default” standards based on sample projects. Jurisdictions are encouraged to develop their own equivalency tables based on actual projects within their TOC area or nearby, subject to approval by MTC. MTC staff will automatically approve jurisdiction-developed equivalency tables or density calculation methodologies that were accepted by the California Department of Housing and Community Development (HCD) in a certified Housing Element from the 6th Cycle or later. However, the equivalency table may only be used if the FAR or height standards are legally required minimums, as described above for zoning districts that use a dwelling units per acre standard.

Table 2: Equivalency Table for Minimum Density Calculation (only for use in zones with no density standard)

<i>If there is no minimum density, but the minimum FAR required is...</i>	<i>...then use this equivalent for minimum density</i>	<i>If there is no minimum density or FAR, but the minimum height is...</i>	<i>...then use this for equivalent minimum density</i>
None	Zero	None	Zero
Less than 0.5	8 DUA	Less than 25'	12 DUA
Between 0.5 and 0.74	16 DUA	25' to 34.9'	35 DUA
Between 0.75 and 0.99	25 DUA	35' to 44.9'	55 DUA
Between 1.0 and 1.49	50 DUA	45' to 54.9'	75 DUA
Between 1.5 and 1.99	75 DUA	55' to 64.9'	100 DUA
Between 2.0 and 2.99	100 DUA	65' to 74.9'	125 DUA
Between 3.0 and 3.99	125 DUA	75' to 84.9'	150 DUA
Between 4.0 and 4.99	150 DUA	Add 25 DUA for each 10' from 85' upward	
Add 40 DUA for each 1.0 FAR from 5.0 upward			

Once a density or density equivalent has been assigned to each zone, the weighted average is determined. **Figure 1** illustrates the formula for this calculation.

Figure 1: Calculation of Average Required Minimum Residential Zoning Density



As shown in Figure 1, to calculate the average minimum residential zoning density for the TOC area, the total number of acres in each zone to be included (shown as Zone 1, Zone 2, etc.) is divided by the total number of acres in the TOC area where residential uses are permitted. The sums developed in Step 1A(i) are used for the numerator and the denominator. If using Option B for Step 1, exempted parcels are excluded.

This result is then multiplied by the minimum density for that zone. If the zone has no density standard but does require a minimum FAR or minimum height, use Table 2 to determine the equivalent density. This process is repeated for each zoning district in the TOC area where residential uses are permitted, and the results for each zone are summed to result in the weighted average minimum residential density.

Step 3: Calculate the Average Maximum Residential Density Allowed by Zoning in the TOC Area

A jurisdiction must demonstrate that, if it has adopted a maximum residential density standard, the average maximum allowable residential zoning density in the TOC area meets or exceeds the adopted TOC Policy threshold for its transit tier shown in **Table 3**.

Table 3: Average Maximum Zoning Density Threshold for Residential Development

Level of Transit Service	Threshold for Average Maximum Zoning Density
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San Jose)	150 units/net acre or higher
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	100 units/net acre or higher
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	75 units/net acre or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	35 units/net acre or higher

Notes:

1. Tier 3 TOC areas in jurisdictions 30,000 or fewer residents may use Tier 4 standards. For the OBAG 4 cycle, this applies to the Tier 3 TOC areas in Belmont, Brisbane, Lafayette, Orinda, and San Carlos. January 1, 2024 population estimates from the [California Department of Finance](#).
2. The allowable densities are consistent with PBA 2050 modeling for Strategy H3 (see [Forecasting and Modeling Report](#), pp. 44-45).

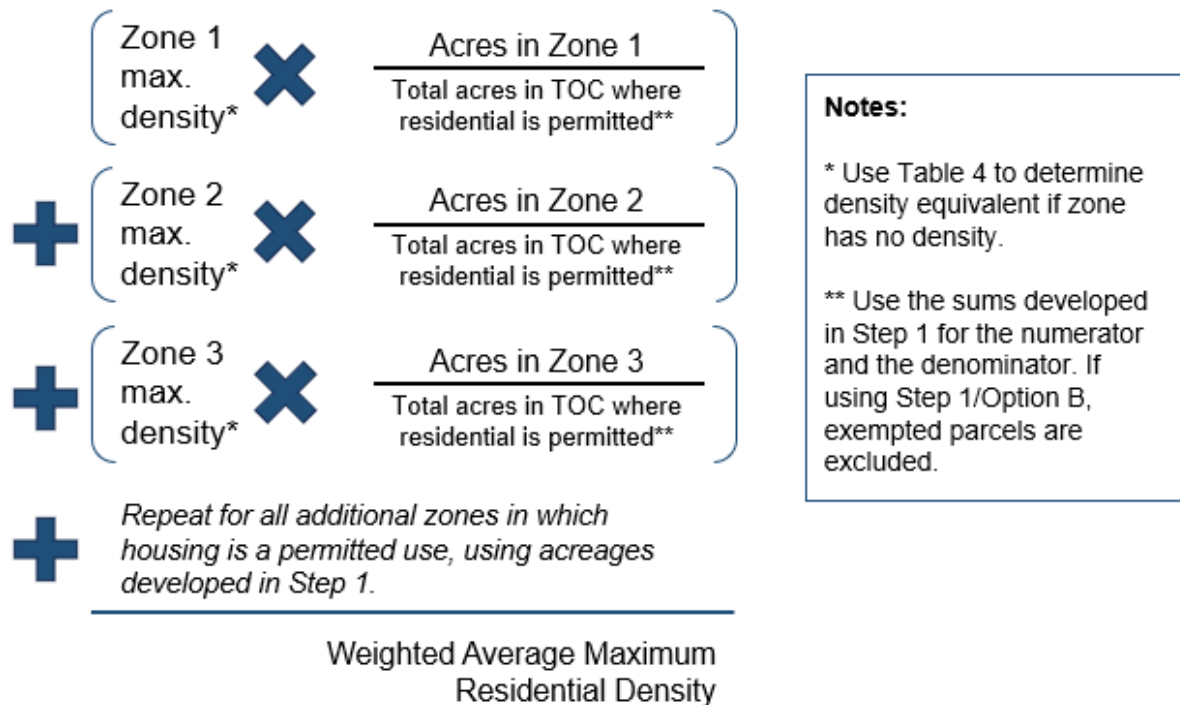
Table 4 is an equivalency table for zoning districts where housing is permitted but maximum allowable density is expressed using floor area ratio (FAR) or height. The table allows jurisdictions using zones not measured in dwelling units per acre to convert to density equivalents so averages may be more accurately estimated. The equivalencies in Table 4 are “default” standards based on sample projects. Jurisdictions are encouraged to develop their own equivalency tables based on actual projects within the TOC area or nearby, subject to approval by MTC. MTC staff will automatically approve jurisdiction-developed equivalency tables or density calculation methodologies that were accepted by HCD in a certified Housing Element from the 6th Cycle or later.

Table 4: Equivalency Table for Maximum Density Calculation (only for use in zones with no density standard)

<i>If there is no maximum density, but the maximum FAR allowed is...</i>	<i>...then use this equivalent for maximum density</i>	<i>If there is no maximum density or FAR, but the maximum allowable height is...</i>	<i>...then use this for equivalent maximum density</i>
Less than 0.50	8 DUA	Less than 25'	12 DUA
Between 0.5 and 0.74	16 DUA	25' to 34.9'	35 DUA
Between 0.75 and 0.99	25 DUA	35' to 44.9'	55 DUA
Between 1.0 and 1.49	50 DUA	45' to 54.9'	75 DUA
Between 1.5 and 1.99	75 DUA	55' to 64.9'	100 DUA
Between 2.0 and 2.99	100 DUA	65' to 74.9'	125 DUA
Between 3.0 and 3.99	125 DUA	75' to 84.9'	150 DUA
Between 4.0 and 4.99	150 DUA	Add 25 DUA for each 10' from 85' upward	
Add 40 DUA for each 1.0 FAR from 5.0 upward			

Once a density or density equivalent has been assigned to each zone, the weighted average is determined. **Figure 2** illustrates the formula for this calculation.

Figure 2: Calculation of Average Maximum Allowable Residential Zoning Density



As shown in Figure 2, to calculate the average maximum allowable residential zoning density for the TOC area, the total number of acres in each zone to be included (shown as Zone 1, Zone 2, etc.) is divided by the total number of acres in the TOC area where residential uses are permitted. The sums developed in Step 1A(ii) are used for the numerator and denominator. If using Option B for Step 1, exempted parcels are excluded.

This result is then multiplied by the allowable maximum density for that zone. If the zone has no density standard but does include maximum FAR or maximum heights, use Table 4 to determine the equivalent density. This process is repeated for each zoning district in the TOC area where residential uses are permitted, and the results for each zone are summed to result in the weighted average required allowable maximum residential density.

Step 4: Calculate the Average Minimum Commercial Office Space Intensity Required by Zoning in the TOC Area

A jurisdiction must demonstrate that the average minimum required zoning intensity for commercial office space in the TOC area meets the adopted TOC Policy standard for its transit tier shown in Table 5. Again, it is recognized that a jurisdiction may not have adopted minimum FAR standards (or minimum heights) for commercial office space in its TOC area. A jurisdiction without such standards may refer to the ranges in its

General Plan or an adopted Specific or Area Plan that applies to the TOC area, to the extent the relevant Plan requires that development must occur at or above the minimum. Cities without minimum standards for FAR (either in zoning or the General Plan, Specific Plan, or Area Plan) must assign a “zero” to the applicable zones when calculating the TOC area average.

Table 5: Average Minimum Zoning Intensities Required for Commercial Office Development

Level of Transit Service	Average Minimum Zoning Intensity Required for Commercial Office Space (FAR)
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San Jose)	4 or higher
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	3 or higher
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	2 or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	1 or higher

Notes:

1. For mixed-use projects that include a commercial office component, this figure shall not be less than the equivalent of the applicable allowed or permitted FAR standard.

Table 6 is an equivalency table for zoning districts where minimum required intensity is expressed using height rather than FAR. Table 6 shows equivalent FARs for height limits ranging from zero to 75 feet. The equivalencies in Table 6 are “default” values based on sample projects. Jurisdictions are encouraged to develop their own equivalency tables based on actual projects within the TOC area or nearby, subject to approval by MTC.

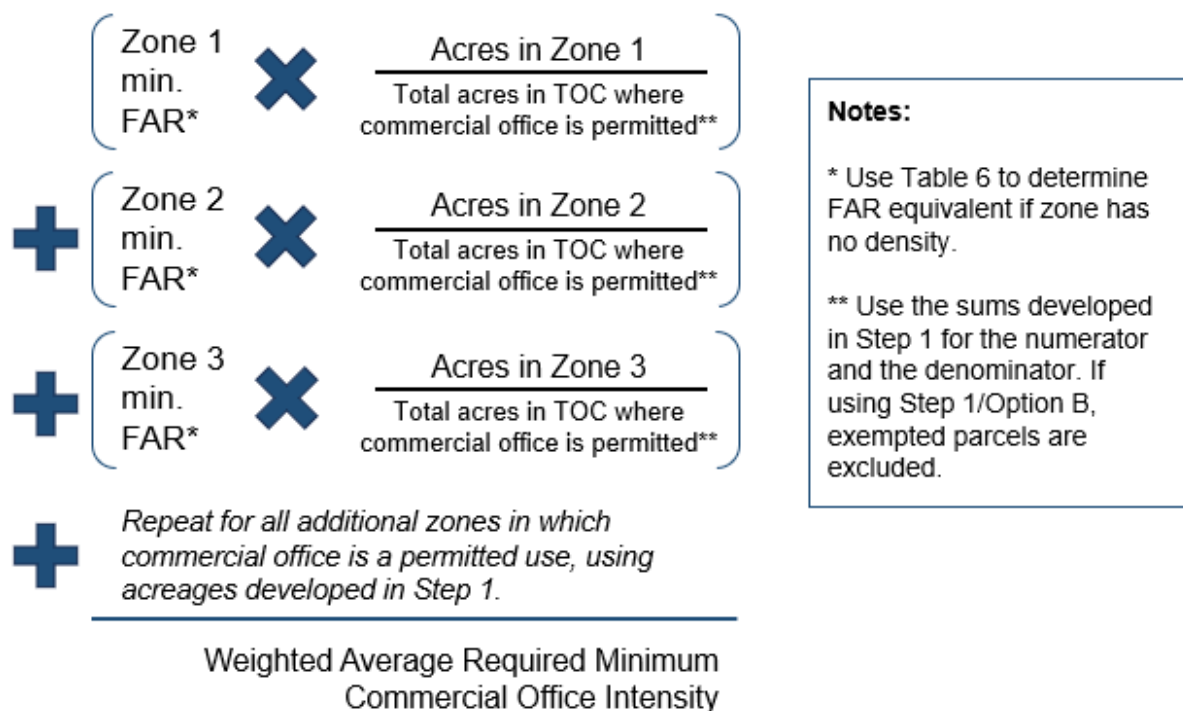
Table 6: Equivalency Table for Minimum Zoning Intensity for Commercial Office (only for use in zones with no Floor Area Ratio [FAR] standard)

If there is no FAR standard, but the minimum height required is...	...then use this as the equivalent FAR
None	0
Less than 25'	0.3
25' to 34.9'	1.0
35' to 44.9'	1.5
45' to 54.9'	2.0
55' to 64.9'	3.0
65' to 79.9'	4.0
80' to 99.9'	5.0
Add 1.0 FAR for each 15' from 100' upward	

Jurisdictions may have zoning districts in which mixed-use or residential projects are subject to higher minimum intensity standards than projects that are 100 percent office. For example, a zone may require a minimum FAR of 0.5 for a 100 percent office project but require at least 1.0 FAR for a residential or mixed-use project. In such instances, the higher minimum may be used in the calculations. This recognizes the underlying intent of the TOC Policy, which is to incentivize zoning that supports higher building intensity in TOC areas.

Once an FAR or FAR equivalent has been assigned to each zone, the weighted average is determined. **Figure 3** illustrates the formula used for this calculation.

Figure 3: Calculation of Average Minimum Required Commercial Office Zoning Intensity



As shown in Figure 3, to calculate the average minimum commercial office zoning intensity for the TOC area, the total number of acres in each zone to be included (shown as Zone 1, Zone 2, etc.) is divided by the total number of acres in the TOC area where office uses are permitted. The sums developed in Step 1A(i) are used for the numerator and denominator. If using Option B for Step 1, exempted parcels are excluded.

This result is then multiplied by the minimum intensity for that zone. If the zone has no FAR standard but does have minimum heights, use Table 6 to determine the FAR equivalent. This process is repeated for each zoning district in the TOC area where office uses are permitted, and the results for each zone are summed to result in the weighted average required minimum commercial office intensity.

Step 5: Calculate the Average Maximum Commercial Office Space Intensity Allowed by Zoning in the TOC Area

A jurisdiction must demonstrate that, if it has adopted a maximum commercial office intensity standard, the average maximum allowable zoning intensity for commercial office space in the TOC area meets or exceeds the adopted TOC Policy threshold for its transit tier shown in **Table 7**.

Table 7: Average Maximum Zoning Intensity Threshold for Commercial Office Development

<i>Level of Transit Service</i>	<i>Threshold for Average Maximum Zoning Intensity for Commercial Office Space (FAR)</i>
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San Jose)	8 or higher
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	6 or higher
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	4 or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	3 or higher

Notes:

1. For mixed-use projects that include a commercial office component, this figure shall not be less than the equivalent of the applicable allowed or permitted FAR standard.
2. The allowable densities are consistent with PBA 20505 modeling for Strategy EC4 (see [Forecasting and Modeling Report](#), pp. 57-58).

Table 8 is an equivalency table for zoning districts where maximum allowable intensity is expressed using height rather than FAR. The equivalencies in Table 8 are “default” values based on sample projects. Jurisdictions are encouraged to develop their own equivalency tables based on actual projects within the TOC area or nearby, subject to approval by MTC.

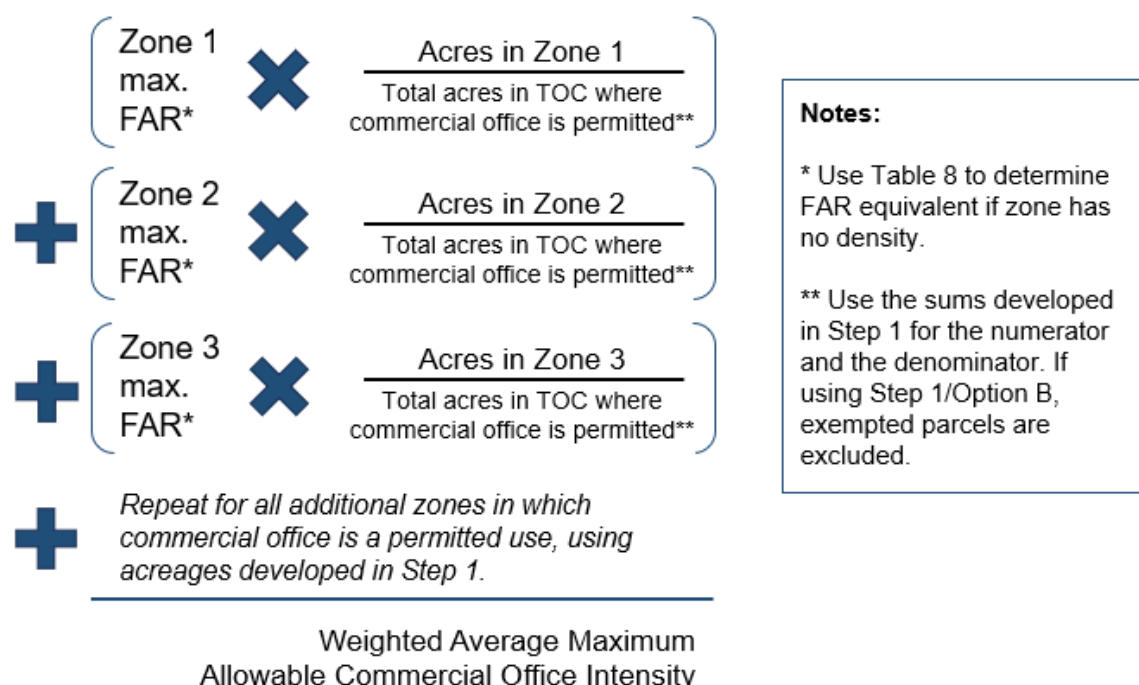
Table 8: Equivalency Table for Maximum Zoning Intensity for Office (only for use in zones with no Floor Area Ratio [FAR] standard)

<i>If there is no FAR standard, but the maximum height allowed is...</i>	<i>...then use this as the equivalent FAR</i>
Less than 25'	0.3
25' to 34.9'	1.0
35' to 44.9'	1.5
45' to 54.9'	2.0
55' to 64.9'	3.0
65' to 79.9'	4.0
80' to 99.9'	5.0
Add 1.0 FAR for each 15' from 100' upward	

Jurisdictions may have zoning districts in which mixed-use or residential projects are allowed a higher maximum intensity than projects that are 100 percent office. For example, a zone may allow a maximum FAR of 2.0 for a 100 percent office project but allow a 4.0 FAR for a residential or mixed-use project. In such instances, the higher maximum may be used when preparing the calculations. This recognizes the underlying intent of the TOC Policy, which is to incentivize zoning that supports higher building intensity in TOC areas.

Once an FAR or FAR equivalent has been assigned to each zone, the weighted average is determined. **Figure 4** illustrates the formula for this calculation.

Figure 4: Calculation of Average Maximum Allowable Commercial Office Zoning Intensity



As shown in Figure 4, to calculate the average maximum allowable commercial office zoning intensity for the TOC area, the total number of acres in each zone to be included (shown as Zone 1, Zone 2, etc.) is divided by the total number of acres in the TOC area where office uses are permitted. The sums developed in Step 1A(ii) are used for the numerator and denominator. If using Option B for Step 1, exempted parcels are excluded.

This result is then multiplied by the maximum intensity for that zone. If the zone has no FAR standard but does have maximum heights, use Table 8 to determine the FAR equivalent. This process is repeated for each zoning district in the TOC area where office uses are permitted, and the results for each zone are summed to result in the weighted average required allowable maximum commercial office intensity.¹⁰

General Guidance and Special Circumstances for Average Density and Intensity Calculations

Parcels Bisected by the ½-Mile TOC Area Boundary

If a parcel is bisected by the TOC area's ½-mile boundary, only the portion of the parcel within the ½-mile TOC area buffer is counted toward the weighted average density. At MTC staff's discretion, the entirety of a bisected parcel can contribute to the TOC area's weighted average density if local jurisdiction staff demonstrate the importance of the parcel for achieving TOC Policy goals.

Mixed-Use Districts: Parcels to Include

Parcels in mixed-use zoning districts that allow both residential and commercial office as permitted uses should be counted in calculations of average residential density and then again in calculations of average commercial office intensity for each TOC area. No assumptions about the mix of uses are necessary on mixed-use parcels—simply report the minimum and maximum density or FAR permitted by zoning in each case. In cases where zoning establishes lower minimum and maximum FARs for projects that are entirely office than it does for mixed-use or residential projects, the higher minimum and allowable maximum FARs may be used in the calculation of the average commercial office intensity.

SB 6 (2022, Caballero)/AB 2011 (2022, Wicks)

[SB 6](#) and [AB 2011](#) allow residential uses by right in some commercial zoning districts. For the purposes of the minimum and maximum average density calculations, residential uses should only be counted in a commercial zone if they are expressly listed as a permitted use in the zoning regulations. Jurisdictions are encouraged to amend their zoning codes to list residential as permitted in those zones affected by SB 6 and AB 2011.

¹⁰ Maximum FAR (intensity) thresholds are based on the potential maximum for a given site; this may vary from site to site in areas where Precise Plans or Specific Plans are in effect.

Planned Unit Development or Planned Development (PD) Districts

For parcels in zoning districts where densities are determined through a subsequent project-level planning process (e.g., Planned Unit Developments), or were previously determined through such a process, the jurisdiction may use the densities and intensities in its General Plan. The jurisdiction also has the option of using any minimum and maximum densities/intensities that were established when the PD was created. To use a minimum density, the relevant Plan must require that development occur at or above the minimum.

Developer Agreements

If a jurisdiction has a developer agreement in place in the TOC area prior to January 1, 2024, and local staff are concerned about the impact on TOC Policy compliance, the jurisdiction should contact MTC staff for assistance. However, jurisdictions will not be able to seek flexibility or exemptions for TOC compliance for developer agreements established after January 1, 2024.

Overlay Zones

For parcels to which a base zone and overlay zone apply, a jurisdiction may include any supplemental density and intensity permitted by the overlay zone when calculating the average maximum allowable density/intensity, provided the overlay permits the residential or office use as a permitted use in a non-discretionary way (comparable to the base zone). If an overlay establishes higher minimum densities than the base zone, the same allowance applies, and the overlay minimum may be used in calculating the average minimum density/intensity.

Density Bonuses

For parcels subject to state density bonus law, the TOC Policy density requirements apply to the base zoning (i.e., state density bonuses cannot be considered for meeting the TOC Policy's thresholds for minimum density or allowable maximum density).

Section 2: Affordable Housing Production, Preservation, and Protection Policies and Commercial Stabilization Policies

Summary of TOC Policy Requirements

A jurisdiction will fulfill the Affordable Housing and Commercial Stabilization requirements by selecting from the menu of options in **Table 9** the policies that best meet local needs. To comply, a jurisdiction must adopt at least:

- **Two policies for each of the “3Ps”**—affordable housing production, preservation, and protection.

- **One policy related to commercial stabilization**, unless the jurisdiction can document there are no potential impacts to small businesses and/or community non-profits.

A jurisdiction may meet the requirements with existing adopted policies or as needed, adopt new policies by the TOC Policy compliance deadline. **Appendix A** describes each of the policy options in more detail and outlines the specific minimum standards a jurisdiction's policy must meet to comply with TOC Policy requirements. Compliance with TOC housing policy requirements should be completed in conformance with relevant federal and state laws, including a jurisdiction's duty to affirmatively further fair housing.

For each of the "3Ps" policies selected to comply with TOC Policy requirements, the jurisdiction must also include a brief explanation for how the policy addresses the jurisdiction's Regional Housing Needs Allocation (RHNA) and/or other housing needs as identified in the jurisdiction's Housing Element.

Table 9: Affordable Housing and Commercial Stabilization Policy Options

	<i>Affordable Housing Production Policy</i>	<i>Affordable Housing Preservation Policy</i>	<i>Affordable Housing Protection and Anti-Displacement Policy</i>	<i>Commercial Stabilization Policy</i>
	<i>Select at least 2 policies</i>	<i>Select at least 2 policies</i>	<i>Select at least 2 policies</i>	<i>Select at least 1 policy</i>
1.	Inclusionary Zoning	Funding to Preserve Unsubsidized Affordable Housing	"Just Cause" Eviction	Small Business and Non-Profit Overlay Zone
2.	Affordable Housing Funding	Tenant/Community Opportunity to Purchase	No Net Loss and Right to Return to Demolished Homes	Small Business and Non-Profit Preference Policy
3.	Affordable Housing Overlay Zones	Single-Room Occupancy (SRO) Preservation	Legal Assistance for Tenants	Small Business and Non-Profit Financial Assistance Program
4.	Public Land for Affordable Housing	Condominium Conversion Restrictions	Foreclosure Assistance	Small Business Advocate Office
5.	Ministerial Approval	Public/Community Land Trusts ¹	Rental Assistance Program	
6.	Public/Community Land Trusts ¹	Funding to Support Preservation Capacity	Rent Stabilization	
7.	Development Certainty and Streamlined Entitlement Process	Mobile Home Preservation	Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities ²	

	<i>Affordable Housing Production Policy</i>	<i>Affordable Housing Preservation Policy</i>	<i>Affordable Housing Protection and Anti-Displacement Policy</i>	<i>Commercial Stabilization Policy</i>
8.		Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities ²	Tenant Relocation Assistance	
9.			Mobile Home Rent Stabilization	
10.			Fair Housing Enforcement	
11.			Tenant Anti-Harassment Protections	

Notes:

1. This policy may fulfill either the housing production or preservation requirement, but not both.
2. This policy may fulfill either the housing preservation or protection requirement, but not both.

Geography for Policy Applicability

At minimum, policies must apply in all TOC areas. Jurisdictions may choose to apply policies beyond the TOC area(s), which could include the entirety of the jurisdiction (i.e., adopting a jurisdiction-wide policy). Some policies detailed in Appendix A have additional, policy-specific geographic applicability considerations.

Limits on Housing Policies Eligibility to Meet TOC Policy Requirements

As noted in Table 9 and Appendix A, there are two cross-cutting policies that appear in multiple places in the menu of options:

- *Public/Community Land Trusts* can be used to meet the requirement for Production or Preservation policies, but not both.
- *Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities* can be used to meet the requirement for Preservation or Protection policies, but not both.

Additionally, three of the Production policy options have overlapping minimum requirements. For these policies, a jurisdiction will only receive credit toward the TOC Policy requirements for one of the overlapping policies and the jurisdiction may elect which policy. As noted in Appendix A, the policies for which this restriction applies are:

- Production Policy 3: Affordable Housing Overlay Zones
- Production Policy 5: Ministerial Approval
- Production Policy 7: Development Certainty and Streamlined Entitlement Process

References to State Laws

In some cases, the descriptions of housing policy options included in the TOC Policy refer to existing state laws. The laws listed may not represent all laws that are relevant to the policy topic. MTC may adjust the requirements for complying with the TOC Policy over time in response to any changes to state law.

Policy Options Requiring Funding Commitments

Several of the affordable housing policy options require a specified financial commitment from a local jurisdiction. The minimum financial commitments reflect the fact that an effective housing program will have minimum staffing and related costs, below which meaningful impact is unlikely. The policy options that require a funding commitment are:

- Production Policy 2: Affordable Housing Funding
- Production Policy 6: Public/Community Land Trusts
- Preservation Policy 1: Funding to Preserve Unsubsidized Affordable Housing
- Preservation Policy 5: Public/Community Land Trusts
- Preservation Policy 6: Funding to Support Preservation Capacity
- Preservation Policy 8: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities (if choosing the option to create a loan/grant program for low-income homeowners)
- Protection Policy 3: Legal Assistance for Tenants
- Protection Policy 4: Foreclosure Assistance
- Protection Policy 5: Rental Assistance Program
- Protection Policy 7: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities (if choosing the option to create a loan/grant program for landlords)
- Protection Policy 10: Fair Housing Enforcement

Guidelines for Demonstrating Projected Funding Meets Requirements

For any of the policies listed above to comply with the TOC Policy, a jurisdiction must demonstrate it has a program with secured funding above a minimum threshold.¹¹ The minimum funding thresholds represent a total amount for a four-year period aligning with the relevant four-year OBAG cycle. For jurisdictions seeking TOC Policy

¹¹ Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

compliance for OBAG 4, the four-year funding period is anticipated to correspond to the years 2026 through 2030. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.

MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC.

Guidelines for Counting Existing Funds or Past Expenditures Toward Requirements

Jurisdictions that have an existing funding balance for a program corresponding to one of the above policy options may count existing funds toward the required total so long as funds are available for expenditure during the relevant four-year OBAG cycle. Jurisdictions that have expended funds for a program corresponding to one of the above policy options prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:

- The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to an affordable housing project that will be constructed during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.

Jurisdiction Tiers for Funding Amounts

In recognition of the variation in Bay Area jurisdictions' housing needs and funding capacity, there are seven different tiers to determine the minimum amount of funding a jurisdiction must provide over a four-year period for each policy option requiring a funding commitment (if that policy is selected by the jurisdiction to meet TOC Policy requirements). The tiers are based on the jurisdiction's combined 2023-2031 RHNA for very low- and low-income units. The tiers, and the associated minimum funding commitment, are shown in **Table 10** below. See **Appendix B.** for a list of the jurisdictions in each Funding Tier.

For the policies in the Protection category, the required funding amount by tier can be split among any two of the four policies, but the jurisdiction will only receive credit for one policy. For example, a Tier A jurisdiction could choose to spend \$30,000 on fair housing enforcement and \$70,000 on a rental assistance program, for a total of \$100,000. Alternatively, the jurisdiction could spend \$100,000 on a single policy, such as rental assistance. In either scenario, the jurisdiction would receive credit toward one policy for meeting the \$100,000 funding threshold for Protection policies.

Table 10: Minimum 4-Year Funding per Policy by Tier

	Production	Preservation	Protection
Tier	2. Affordable Housing Funding, 6. Public/Community Land Trusts	1. Funding to Preserve Unsubsidized Affordable Housing, 5. Public/Community Land Trusts	3. Legal Assistance for Tenants, 4. Foreclosure Assistance, 5. Rental Assistance Program, 10. Fair Housing Enforcement
A	\$1,000,000	\$500,000	\$100,000
B	\$1,400,000	\$600,000	\$200,000
C	\$2,000,000	\$700,000	
D	\$3,000,000	\$900,000	\$300,000
E	\$4,000,000	\$1,200,000	
F	\$8,000,000	\$2,400,000	\$400,000
G	\$40,000,000	\$8,000,000	\$1,000,000

Though Preservation Policy 6 (Funding to Support Preservation Capacity) requires a funding commitment, the minimum funding requirement is not a set dollar amount that varies across the tiers listed above. Instead, jurisdictions seeking credit for this policy need to demonstrate their funding programs have secured funding able to support project management staffing for a minimum of four years at approximately 0.5 full-time equivalent (FTE).

Additionally, Preservation Policy 8/Protection Policy 7 (Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities) have multiple options to achieve compliance, one of which is a loan/grant program for home repairs and addressing habitability issues in rental housing. Though these policy options require the jurisdiction to fund these programs, a minimum funding amount is not specified. However, the option for Preservation Policy 8 requires a minimum loan/grant of \$10,000 per low-income homeowner assisted by the program.

Allowable Sources for Policies Requiring Funding

Funding for some of the policy options must be locally generated, while other policy options do not have restrictions on the sources used to fund a program. The following policies representing investments in the physical production and preservation of affordable housing require funding to be locally generated:

- Production Policy 2: Affordable Housing Funding
- Production Policy 6: Public/Community Land Trusts
- Preservation Policy 1: Funding to Preserve Unsubsidized Affordable Housing
- Preservation Policy 5: Public/Community Land Trusts

The following restrictions and guidelines apply when considering whether a funding source counts as “locally generated”:

- Potential local funding sources include commercial linkage fees, housing impact fees (but see note below if the impact fees are part of an inclusionary zoning ordinance), taxes (such as an employee head tax or real estate transfer tax), local bond measures, successor agency funds, business/gross receipts tax on rental property, and general fund allocations.
- Jurisdictions may include county or regional bond funds expended with the jurisdiction’s participation on affordable housing projects within its boundaries.
- Jurisdictions may include grants from philanthropic organizations or private contributions made by businesses or individuals.
- In-kind contributions to developments in the form of fee waivers for building permit fees, impact fees, and other fees can be counted toward the required amount of local affordable housing funding. Staff hours are not eligible for consideration.
- If a jurisdiction is using inclusionary zoning (Production Policy 1) for the TOC Policy’s production requirement, funding generated by collecting in-lieu fees from inclusionary zoning cannot be counted toward the funding minimums. If the jurisdiction has inclusionary zoning but does not use it to satisfy the TOC Policy’s affordable housing production requirement, the funding generated by collecting in-lieu fees may be counted.
- Federal and state funding (such as HOME/CDBG or PLHA) that is passed through a jurisdiction is not counted as local funding.

The following policy options representing programmatic investments do not have restrictions on how a program is funded:

- Preservation Policy 6: Funding to Support Preservation Capacity
- Preservation Policy 8: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities (if choosing the option to create a loan/grant program for low-income homeowners)
- Protection Policy 3: Legal Assistance for Tenants
- Protection Policy 4: Foreclosure Assistance
- Protection Policy 5: Rental Assistance Program
- Protection Policy 7: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities (if choosing the option to create a loan/grant program for landlords)
- Protection Policy 10: Fair Housing Enforcement

Option for Local Jurisdiction Collaboratives to Meet TOC Policy Requirements

MTC will allow implementation of affordable housing and commercial stabilization policies through collaboratives that involve more than one jurisdiction partnering to manage policy implementation. Implementation through a collaborative is intended to reduce administrative costs for local jurisdictions and increase efficiency of program delivery. This option may be particularly beneficial for smaller jurisdictions (those in Tiers A to D above) or medium-sized jurisdictions (those in Tiers E and F above).

Implementing a policy through a collaborative generally does not change the minimum requirements for each participating jurisdiction. However, a jurisdiction can receive a 10 percent reduction in the funding requirement for its individual financial contribution to collaborative implementation. For example, a city that transfers funds to its county to administer a tenant rental assistance program can contribute 10 percent less than the funding threshold in Table 10, as long as the county operates the program in accordance with the standards in Appendix A.

Target Policies for Collaboratives

MTC specifically anticipates that the policies below will benefit from collaborative implementation. However, jurisdictions may use a collaborative to implement any of the affordable housing and commercial stabilization policies, subject to MTC approval.

Production: 2. Affordable Housing Funding and 6. Public/Community Land Trusts.

Preservation: 1. Funding to Preserve Unsubsidized Affordable Housing, 5. Public/Community Land Trusts, 6. Funding to Support Preservation Capacity, and 8. Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities

Protection: 3. Legal Assistance for Tenants, 4. Foreclosure Assistance, 5. Rental Assistance Program, 7. Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities, and 10. Fair Housing Enforcement

Commercial Stabilization: 3. Small Business and Nonprofit Financial Assistance Program

Any jurisdiction intending to implement a TOC housing policy through a collaborative must provide MTC with documentation on the roles and responsibilities for the collaborative and jurisdiction, as well as a schedule of expected funding to the collaborative. MTC may request additional information on collaboratives.

Relationship to HCD's Prohousing Program

The California Department of Housing and Community Development has a [Prohousing Designation Program](#) that provides incentives to jurisdictions that have policies to support increased housing production. While there are similarities between the requirements for a Prohousing Designation and the TOC Policy, there is not sufficient consistency between the policy options and other requirements for a jurisdiction that has received the Prohousing Designation from HCD to automatically meet TOC Policy requirements for affordable housing production policies.

Table 11 provides information on which Prohousing Designation policies correspond to the affordable housing production policy options for the TOC Policy. If jurisdictions are currently applying for or planning to apply for HCD's Prohousing Designation, they should consider committing to policies in their Prohousing Designation application that would also achieve TOC Policy compliance. Importantly, policies adopted for the Prohousing Designation would also need to meet the minimum requirements detailed in Appendix A of the TOC Policy Administrative Guidance.

Table 11: Overlap Between HCD Prohousing and TOC Policy Affordable Housing Production Policy Options

<i>Affordable Housing Production Policy Options for TOC Policy</i>	<i>Policy Options for HCD Prohousing Designation</i>
Production Policy 2: Affordable Housing Funding	Category 4A: Establishment of local housing trust funds
	Category 4E: Directed residual redevelopment funds to affordable housing.
	Category 4F: Development and regular (at least biennial) use of a housing subsidy pool, local or regional trust fund, or other similar funding source.
	Category 4G: Prioritization of local general funds for affordable housing.
Production Policy 3: Affordable Housing Overlay Zones	Category 1D: Density bonus programs which exceed statutory requirements by 10 percent or more.
Production Policy 4: Public Land for Affordable Housing	Category 4C: A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to lower income households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below-market land leases.
Production Policy 5: Ministerial Approval	Category 2A: Establishment of ministerial approval processes for a variety of housing types, including single-family and multifamily housing.

<i>Affordable Housing Production Policy Options for TOC Policy</i>	<i>Policy Options for HCD Prohousing Designation</i>
Production Policy 7: Development Certainty and Streamlined Entitlement Process	Category 2D: Establishment of permit processes that take less than four months.
	Category 2E: Absence or elimination of public hearings for projects consistent with zoning and the general plan.
	Category 2F: Establishment of consolidated or streamlined permit processes that minimize the levels of review and approval required for projects, and that are consistent with zoning regulations and the general plan.
	Category 2L: Limitation on the total number of hearings for any project to three or fewer.

Submitting Required Documentation

For each policy a jurisdiction selects to meet the minimum number required for TOC Policy compliance, the jurisdiction must provide a document or website link that provides the adopted policy or relevant municipal code section. The jurisdiction must also confirm that it meets the minimum requirements established for each policy, which are described in more detail in **Appendix A**. Local jurisdictions must submit all documents electronically.

Section 3: Parking Management

Summary of TOC Policy Requirements

The purpose of the TOC Policy parking management requirements is to further support reducing automobile trips and prioritizing the limited land area near transit for other shared transportation modes and active transportation. Parking management is a key complement to residential and commercial density increases that support higher transit ridership on the region's existing and planned fixed-guideway transit investments.

For compliance with the TOC Policy, MTC will focus on a jurisdiction's compliance with the parking standards (**Table 12**). To support limits on off-street parking for new development, one or more additional policies or programs that address parking management must also be in place. These may be one of the policies or programs listed below under *Complementary Policies for Parking Management*, or another policy or program aligned with the intent of the parking management requirement. For policies or programs that are not one of those listed below, a jurisdiction must explain how the policy or program addresses parking demand management in the TOC area.

Parking Standards for New Residential or Commercial Development

Off-street vehicle parking standards for new residential or general and neighborhood-serving commercial development (e.g., office, retail, and service businesses) must meet the applicable standards for its Transit Tier listed in **Table 12**, including:

- No minimum automobile parking requirement in most Transit Tiers for new residential or commercial development.¹²
- For parcels on which residential development¹³ is allowed:
 - The applicable maximum automobile parking per dwelling unit ratio
 - At least one secure bicycle parking space per dwelling unit.
- For parcels on which commercial development is allowed:
 - The applicable maximum automobile parking per 1,000 square foot ratio.
 - At least one secure bicycle parking space per 5,000 occupied square feet for **commercial office**.
- For parcels on which both residential and commercial development are allowed:
 - The sum of the applicable maximum automobile parking per dwelling unit and the applicable maximum automobile parking per 1,000 square feet.
 - At least the sum of one secure bicycle parking space per dwelling unit plus one secure bicycle parking space per 5,000 occupied square feet for **commercial office**.
- Allow unbundled parking.^{14,15}
- Allow shared parking between different land uses.¹⁶

¹² The TOC Policy does not have a requirement related to minimum parking for Tier 4 TOC areas. However, jurisdictions must comply with applicable state law prohibiting parking minimums, such as [AB 2097](#).

¹³ Residential developments permitted in commercial zones through AB 2011 should follow the applicable TOC standards for residential development, not commercial development.

¹⁴ Unbundling parking means separating the cost of leasing a parking space from the sale or rental price of residential and commercial uses.

¹⁵ For jurisdictions in Alameda County or Santa Clara County, [AB 1317 \(2023\)](#) requires unbundled parking in new residential developments with 16 or more units that are issued a certificate of occupancy after January 1, 2025. See [California Civil Code Section 1947.1](#) for more information.

¹⁶ [AB 894 \(2023\)](#) requires jurisdictions to allow entities with underutilized parking to share their underutilized parking spaces with the public, local agencies, or other entities, if those entities submit a shared parking agreement. See [California Government Code Section 65863.1](#) for more information.

Table 12: TOC Policy Parking Management Requirements

Level of Transit Service	New Residential Development	New Commercial Development
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San José)	Parking minimum requirements not allowed. Parking maximum of 0.375 spaces per unit or lower.	Parking minimum requirements not allowed. Parking maximum of 0.25 spaces per 1,000 square feet or lower.
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	Parking minimum requirements not allowed. Parking maximum of 0.5 spaces per unit or lower.	Parking minimum requirements not allowed. Parking maximum of 1.6 spaces per 1,000 square feet or lower.
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	Parking minimum requirements not allowed. Parking maximum of 1.0 spaces per unit or lower.	Parking minimum requirements not allowed. Parking maximum of 2.5 spaces per 1,000 square feet or lower.
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	Parking maximum of 1.5 spaces per unit or lower.	Parking maximum of 4.0 spaces per 1,000 square feet or lower.
All Tiers	Minimum of 1 secure bicycle parking ¹⁷ space per dwelling unit. ¹⁸	Minimum of 1 secure bicycle parking space per 5,000 square feet for commercial office.

The TOC Policy's off-street parking standards do not supersede other applicable requirements for parking for people with disabilities that are required by the California Building Code, or other state or federal laws, or off-street parking for deliveries. While not specified in the TOC Policy, in addition to accommodating conventional bicycles in the bicycle parking requirement, bicycle parking spaces should consider specifications that will also accommodate cargo and electric bicycles (e-bikes).

Note Regarding AB 2097 and Minimum Parking Standards

The TOC Policy and AB 2097 have similar provisions with respect to parking minimums. Broadly speaking, AB 2097 prohibits a public agency from imposing or enforcing parking minimums on any residential, commercial, or other development project located within a ½-mile of a major transit stop. For the purposes of TOC Policy compliance,

¹⁷ Secure bicycle parking should follow the Association of Pedestrian and Bicycle Professionals' [Essentials of Bike Parking Guidelines](#) as well as HCD's forthcoming update to the California Green Building Standards Code, per AB 2863 (2022).

¹⁸ For a single building with more than 100 units, the jurisdiction can apply a ratio of one secure bicycle parking space for every four units to the number of units above 100. For example, a 140-unit building would need 110 bicycle parking spaces (100 + 0.25*40).

MTC staff will defer to local jurisdictions' interpretation of applicable state law (i.e., Government Code Section 65863.2) to determine which parcels are subject to the TOC Policy's parking management requirements. In other words, the parcels in a TOC area that a jurisdiction has determined are subject to Government Code Section 65863.2 must also meet the parking management requirements described in Table 12 above.

AB 2097 has an exemption process where a jurisdiction can impose minimum parking standards. For TOC Policy compliance, MTC encourages, but does not require, jurisdictions to forgo this exemption process.

Complementary Policies for Parking Management

In addition to complying with the off-street parking standards, a jurisdiction must adopt at least one of the policies or programs from [MTC/ABAG's Parking Policy Playbook](#) listed below to address transportation demand management (TDM) and curb management in TOC areas that complement the Policy's required parking standards:

- **TDM Policy for New Development:** require provision and enforcement of transportation demand management (TDM).
- **Curb Strategy/Management:** Priority curb access based on variable need.
- **Parking Benefit District (PBD):** Invest parking revenues into a PBD to fund streetscape, safety, and TDM programs.
- **Demand-Responsive Pricing:** Price parking according to level of convenience and demand.
- **Priced Parking:** Adding priced parking where it used to be free.

TDM and curb-management policies or programs may apply to either the TOC area or jurisdiction-wide.

Submitting Required Documentation

Parking Standards for New Residential or Commercial Development

A jurisdiction must document its off-street parking requirements for new residential and commercial uses and its requirements for secure bicycle parking for new multifamily residential and office development in locations subject to the TOC Policy, including the citation for the municipal code or ordinance codifying such requirements.

Vehicle Minimum Parking Standards

A jurisdiction has three options for meeting the TOC Policy's requirement related to minimum parking standards:

1. **Confirmation of Compliance with AB 2097:** Local jurisdiction staff can attest that their jurisdiction complies with AB 2097. A jurisdiction that complies with AB 2097 is deemed in compliance with the TOC Policy's requirement related to minimum parking standards.

2. **Resolution of Compliance with AB 2097:** A jurisdiction is encouraged, but not required, to pass a resolution confirming compliance with AB 2097 and stating it will not seek exemptions from AB 2097 for Tier 1, Tier 2, and Tier 3 TOC areas.¹⁹
3. **Ordinance to Remove Parking Minimums:** A jurisdiction may adopt an ordinance that removes parking minimum requirements for Tier 1, Tier 2, and Tier 3 TOC areas. This prohibition could also be incorporated into an overlay zone or changes to the jurisdiction's use table or chapter that is adopted to address the TOC Policy's parking maximums (see below).

Vehicle Maximum Parking Standards

A jurisdiction must show that its adopted parking maximums cover at least the ½-mile TOC area (if the policy does not apply jurisdiction-wide) and meet the TOC Policy's standards for the TOC area's transit tier. If the jurisdiction's parking maximums are not expressed as parking spaces per unit (e.g., instead there are parking maximums per bedroom), a jurisdiction may propose an alternative method of demonstrating compliance subject to MTC staff approval. This alternative method may include, but is not limited to, proposing an equivalency calculation that translates the local maximum into spaces per unit.

There are two approaches for meeting the TOC Policy's maximum parking standards:

1. **Adopt an overlay zone or updates to a parking use table or chapter:** A jurisdiction must have an adopted policy that includes parking maximums for residential and commercial uses that meet TOC standards and that clearly defines the geography to which the standards apply. Defining the geography and maximum parking standards can be done by creating an overlay zone or by amending the jurisdiction's parking use table or chapter for development within TOC areas. As the TOC Policy parking maximums vary based on a TOC area's transit tier, a jurisdiction with multiple TOC areas may need to specify several combinations of geography/parking maximums. Optionally, a jurisdiction may choose to include language that removes parking minimum requirements for Tier 1, Tier 2, and Tier 3 TOC areas (as described in Option 3, above).

A local jurisdiction must provide municipal code citations for the adopted overlay zone or parking use table/chapter that clearly demonstrate that the vehicle parking maximums for residential and commercial uses meet TOC thresholds for the TOC area's transit tier and that those standards apply to, at minimum, the entire ½-mile TOC area.

2. **Adopt a parking district, station area cap or other methods that limit parking:** Standards may apply to individual projects or may be met through the creation of a parking district that provides shared vehicle parking for multiple land

¹⁹ Per TOC policy, a jurisdiction may require parking minimums in Tier 4 TOC areas.

uses within an area. For example, a specific or area plan may determine an overall total amount of new, off-street parking that may be constructed in the area. Some development projects may provide more off-street parking, while others may provide less off-street parking, or parking may be shared between multiple new uses. In such cases, the total amount of new off-street parking to be built should be equivalent to or less than the TOC Policy's parking standards.

For parking districts or other types of area-wide approaches to parking management, a jurisdiction must provide any relevant plans or policies as well as calculations showing the approach will result in creation of the same or less new off-street parking than the TOC Policy's parking maximum requirements. The calculations could use assumptions about future buildout (e.g., from a recently completed plan and/or EIR) and the parking permitted in the district to allow for a comparison to the TOC Policy parking maximum requirements.

Minimum Bicycle Parking Standards

A local jurisdiction must provide municipal code citations for an adopted overlay zone or parking use table/chapter that clearly demonstrate that the minimum bicycle parking standards for residential and commercial uses meet TOC thresholds for, at minimum, the entire ½-mile TOC area.

Unbundled and Shared Parking

For unbundled and shared parking, a local jurisdiction must document and provide citations for the adopted plans, policies, and/or municipal code or ordinance allowing unbundled and shared parking. Further detail on unbundled and shared parking is provided in the [MTC/ABAG Parking Policy Playbook](#).

Complementary Policies for Parking Management

A local jurisdiction must also document and provide citations for the adopted plans, policies, and/or municipal code or ordinance for one or more of the policies or programs from the [MTC/ABAG Parking Policy Playbook](#) listed above that apply either to the geographic area where the TOC Policy applies or jurisdiction-wide.

Available Resources for Parking Management

The [MTC/ABAG Parking Policy Playbook](#) provides detailed guidance and practical tools, such as sample policy language, about how to implement policy changes related to parking, transportation demand management (TDM), and curb management.

Section 4: Station Access and Circulation

Summary of TOC Policy Requirements

In coordination with transit agencies and other mobility service providers, community members, and other stakeholders, a jurisdiction must complete the following in all TOC areas:

- **Adopt a jurisdiction-wide Complete Streets Policy.**
- **Prioritize implementation of “All Ages and Abilities” active transportation projects on the regional [Active Transportation Network](#), as stated in the MTC Complete Streets Policy²⁰ and/or any relevant [Community Based Transportation Plans](#) within the TOC area in its capital improvement program (CIP) or other adopted plan or program that lists the jurisdiction's funding and implementation priorities.**
- **Complete an access gap analysis and accompanying capital and/or service improvement program for station access** from destinations within a 10-minute travel time (accounting for differences in travel speed and time for people who use wheelchairs or other mobility aids), and 15-minute bicycle or bus/shuttle trip either as a separate study or analysis or as part of a specific or area plan, active transportation plan, transit agency station access plan, or other transportation plan or study that, at a minimum, includes the following:
 - The geographic area that can currently be accessed via a 10- or 15-minute trip by these modes,²¹ with particular focus on access to Equity Priority Communities and other significant origins and/or destinations.
 - Infrastructure and/or service improvements that would expand the geographic area that can be accessed via a 10- or 15-minute trip by these modes.
 - Incorporation of recommended improvements into a capital improvement or service plan for the local jurisdiction and/or transit agency (if applicable).
- **As all TOC areas are also [MTC Mobility Hub locations](#), identify opportunities for Mobility Hub planning and implementation as described in the [Mobility Hub Implementation Playbook](#).** For transit lines where stops or stations are more closely spaced (e.g., less than ½-mile apart) such as light rail or bus rapid transit facilities, planning and implementation for Mobility Hubs may be done on a corridor-wide basis rather than for each individual stop or station. Additionally, recognizing that not all light rail or bus rapid transit stops/stations will receive enhancement treatments, locations that are transfer points for at least two different transit systems or major activity centers should be the focus.

²⁰ See [MTC Resolution No. 4493](#).

²¹ This generally equates to a 0.5-mile walk shed and 1.5-mile bike shed.

Submitting Required Documentation

Complete Streets:

A jurisdiction with an adopted Complete Streets (CS) Policy is considered compliant for the complete streets policy requirement. MTC has documented jurisdiction CS Policies through its One Bay Area Grant (OBAG) Program, most recently compiled in 2015. If a jurisdiction has updated its CS Policy since 2015, it should submit or include a link to the updated CS Policy.

A jurisdiction submitting a transportation project for regional funding that is located in the public right of way must be compliant with MTC's updated Complete Streets Policy, Resolution 4493. This requires the submission of a [Complete Streets Checklist](#).

Project Prioritization/Implementation:

To demonstrate that it has prioritized implementation of active transportation projects and/or projects from MTC's [Community-Based Transportation Planning Program within the TOC area](#), a jurisdiction must submit at least one of the following:

- Capital Improvement Program with relevant projects identified.
- Projects funded or submitted for funding (e.g., OBAG, ATP, etc.) within the past five years.
- Other funding or implementation plans that include relevant projects.

Access Gap Analysis:

To demonstrate that it has completed analysis or planning with a focus on improving 10- to 15-minute access to/from the TOC area (and connecting to Equity Priority Communities, if applicable), emphasizing capital or service improvements, a jurisdiction must submit at least one of the following:

- Adopted PDA, Specific, Precise or Area plan(s) that include a station access or circulation element (submit access/circulation element only, or include link to adopted plan with specific page numbers that reference access/circulation element).
- Transit agency station access plans.

However, if these plans have not been completed for the TOC area, a jurisdiction may submit:

- Adopted active transportation, bicycle or pedestrian plan(s) that include recommended access improvements to/from the TOC area.
- Applicable sections of General Plan Circulation Element that highlight specific elements that guide or inform station access improvements.

Jurisdiction-wide or county-wide documents such as active transportation, bicycle, pedestrian plans or General Plan Circulation Elements may only be submitted as evidence of compliance if they include details for specific improvements within the TOC area and should be noted upon submittal. MTC staff will work with local jurisdictions to streamline the process for verifying compliance in locations with overlapping TOC areas.

Mobility Hubs:

To comply with the Mobility Hub planning and implementation requirement, jurisdictions must submit any current plans or projects that enhance the TOC area as a community anchor enabling travelers of all backgrounds and abilities to access transit and other forms of shared transportation. Enhancements may include (but are not limited to) safety improvements, bike parking, electric charging infrastructure (bikes, scooters, carshare), public realm improvements (e.g., lighting, green infrastructure), information improvements (e.g., wayfinding, real-time information) or any other active transportation access improvements within the TOC area.

If the documents submitted to comply with the access requirements listed above contain plans for or implement these enhancements, they must be specifically noted to comply with this Mobility Hubs requirement; **OR**

List any current or prior funding application for MTC's Mobility Hub Program for the TOC area. Include the date of application submission.

MTC staff will work with local jurisdictions to streamline the process for verifying compliance in locations with overlapping TOC areas.

Available Resources for Station Access and Circulation

Complete Streets and Active Transportation

- [MTC's Complete Streets webpage](#)
- [MTC's Regional Active Transportation Plan webpage](#)
- [MTC's Community-Based Transportation Plans webpage](#)

Access Gap Analyses

- [San Mateo Transit-Oriented Development Pedestrian Access Plan](#)
- [Irvington Station Area Plan, Access & Mobility Chapter](#)
- [Berkeley El Cerrito Corridor Access Plan](#)

Mobility Hubs

- [MTC's Mobility Hubs webpage](#)
- [MTC's Mobility Hubs Technical Assistance webpage](#)

Appendix A: TOC Policy Housing and Commercial Stabilization Policy Requirements

Affordable housing policies are typically designed for specific income groups. MTC recognizes that different income and rent limits are imposed by different state and federal programs, and it is not the intent of the TOC Policy to create new requirements. This document generally refers to policies intended to target “lower-income” and/or “moderate-income” households. For reference, state law ([Health and Safety Code, section 50079.5](#)) defines “lower-income” as households earning less than 80% of Area Median Income (AMI), and state law (Health and Safety Code, section 50093) defines “moderate-income” as households earning between 80% and 120% of AMI. Where the TOC Policy or this document discuss policies serving lower-income households, jurisdictions are free to design policies that serve any income group earning less than 80% of AMI, including very low-income (30% to 50% of AMI) and extremely low-income (0% to 30% of AMI) households. Similarly, policies serving lower- and moderate-income households can serve any income group below 120% of AMI.

I. Affordable Housing Production Policy Options

To comply with the TOC Policy, a jurisdiction must adopt **at least two** of the affordable housing production policies listed below:

- Production Policy 1: Inclusionary Zoning
- Production Policy 2: Affordable Housing Funding
- Production Policy 3: Affordable Housing Overlay Zones
- Production Policy 4: Public Land for Affordable Housing
- Production Policy 5: Ministerial Approval
- Production Policy 6: Public/Community Land Trusts (*This policy may fulfill either the housing production or preservation requirement, but not both.*)
- Production Policy 7: Development Certainty and Streamlined Entitlement Process.

A jurisdiction may meet the requirements with existing adopted policies, or as needed, adopt new policies by the TOC Policy compliance deadline. At minimum, policies must apply in TOC areas. Jurisdictions may choose to apply policies beyond the TOC area(s), which could include the entirety of the jurisdiction (i.e., adopting a jurisdiction-wide policy). See Section 2 of the guidance document for more information about these requirements.

Production Policy 1: Inclusionary Zoning

Description from TOC Policy Resolution: Requires that 15% of units in new residential development projects above a certain number of units be deed-restricted affordable to low-income¹ households. A lower percentage may be adopted if it can be demonstrated by a satisfactory financial feasibility analysis that a 15% requirement is not feasible.

Purpose

Inclusionary zoning requires new residential construction projects to contribute to a jurisdiction's affordable housing stock. Inclusionary zoning can enable jurisdictions to leverage private dollars for affordable housing, bringing affordable units online faster and in greater numbers than relying exclusively on public funding streams. Inclusionary zoning also helps ensure new affordable housing units are developed in the same neighborhoods as new market-rate development, furthering the goal of economic integration.

Typically, a city or county will adopt an inclusionary zoning policy to both add more affordable homes to its inventory and ensure lower-income households can live in high-opportunity neighborhoods where they would otherwise be priced out. Inclusionary zoning can be a method to address historic patterns of exclusion and segregation by ensuring housing is available for lower-wage workers, guarding against concentrations of poverty and affluence, and making it possible for lower-income households to live in higher-resource neighborhoods. An effective inclusionary zoning policy will establish affordability requirements and standards for affordable units, as well as provide incentives and compliance alternatives for developers.

Relevant State Law

AB 1505 (2017)

[AB 1505 \(2017\)](#) outlines state requirements for a jurisdiction's inclusionary zoning ordinance. The law requires jurisdictions to allow alternative means to comply with requirements, such as in-lieu fees, building affordable units off-site, or dedicating land for the construction of affordable housing. Under certain circumstances, the law also allows HCD to review a local ordinance that requires more than 15% affordable units.²

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's inclusionary zoning policy must meet the following minimum requirements:

¹ In some contexts, state and federal agencies use the term "low-income" to refer to the more specific category of households earning between 50% of AMI and 80% of AMI. However, the use of the term "low-income households" in MTC Resolution No. 4530 is assumed to be synonymous with the broader category of "lower-income," or all households below 80% of AMI.

² For more information about Assembly Bill (AB) 1505 (2017) and the state legal framework governing inclusionary zoning policies, see [this memorandum prepared by the Public Interest Law Project](#).

- The policy must apply to newly constructed residential or mixed-use residential projects. The policy must apply to ownership and rental units.
- The policy may exempt properties with fewer than 11 units, student housing, 100% affordable housing, senior housing, or other special housing types.
- The policy must require at least 15% of units be deed-restricted affordable housing units.
- For rental units, the policy's affordability requirements must require the income mix of affordable units to average out to 80% of AMI or less, with no affordable rental units available to households above 120% of AMI. For ownership units, the policy's affordability requirements must require the income mix of affordable units to average out to 120% of AMI or less, with no affordable ownership units available to households above 150% of AMI. Jurisdictions should require deeper levels of affordability where feasible or through offering additional incentives.
- The policy may require less than 15% affordable units if:
 - The jurisdiction provides an analysis showing that an alternative requirement is economically equivalent to the 15% standard (for example, a policy that required fewer units at a deeper affordability level, such as 10% of units affordable to households earning less than 50% of AMI).

OR

- A financial feasibility analysis (completed within 24 months of the date that inclusionary zoning policy was adopted) found that a 15% requirement was not feasible.
- The policy may require more than 15% affordable units.³
- Affordable units must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing or at least 45 years for ownership housing.
- Per state law, inclusionary zoning must allow for alternative means of compliance (e.g., paying in-lieu fees to support affordable housing development, building affordable units off-site, or dedicating land for the construction of affordable housing). For compliance with the TOC Policy, a jurisdiction with an in-lieu fee that typically results in a payment of less than \$100,000 per affordable unit, must provide a justification for why the fee will result in at least as many restricted affordable housing units as would be required of a project providing onsite units.

³ State Law (AB 1550) allows HCD to request a feasibility study for requirements greater than 15%, but does not require that such a feasibility study be completed prior to adoption of the ordinance.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- If the inclusionary zoning policy requires less than 15% affordable units, an analysis showing economic equivalency of the alternative standard (e.g., fewer units at deeper levels of affordability) or a financial feasibility analysis showing a 15% requirement is not feasible for the jurisdiction's local market conditions. MTC has developed a [spreadsheet illustrating the analysis of economic equivalency](#). Jurisdictions may fill in the template spreadsheet or create/commission a comparable analysis to show that the jurisdiction's requirements are comparable to the cost of providing 15% of rental units affordable to 80% of AMI and/or 15% or ownership units to 120% of AMI.
- If the policy allows payment of an in-lieu fee, documentation (e.g., municipal ordinance citation or program guidelines) demonstrating that the fee will typically exceed \$100,000 per required onsite affordable unit. MTC has developed a [spreadsheet to help determine whether an in-lieu fee is equivalent to at least \\$100,000 per required onsite affordable unit](#). If the in-lieu fee paid per affordable unit is typically less than \$100,000, the jurisdiction must provide an analysis showing the in-lieu fee will be sufficient to produce at least as many restricted affordable housing units as the number that would have been required for onsite compliance.
- A management plan that outlines procedures for annual monitoring to ensure residents are income-eligible and rents are consistent with program guidelines.

Production Policy 2: Affordable Housing Funding

Description from TOC Policy Resolution: Dedicated local funding for production of deed-restricted affordable housing.

Purpose

Dedicated, ongoing funding provided by local jurisdictions for the creation of deed-restricted affordable housing is a central piece of a comprehensive and inclusive affordable housing strategy. In addition to helping to make projects financially feasible, local financial support is a critical factor in securing outside subsidy. Without local funding, it can be difficult for projects to compete for the necessary state and federal funding. These funds are often collected into a housing trust fund or other dedicated account to be dispersed as subsidies and/or low-cost loans to developers. Effective affordable housing funding programs will pool and disperse funds, which are made available to developers through a single application process.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's affordable housing funding program must meet the following minimum requirements:

- The jurisdiction must have a program with secured funding⁴ that provides ongoing allocations to the program at or above the level identified in Appendix B. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.
- Funding must be locally generated.
 - Potential local funding sources include commercial linkage fees and housing impact fees, taxes (such as an employee head tax or real estate transfer tax), local bond measures, successor agency funds, business/gross receipts tax on rental property, and general fund allocations.
 - Jurisdictions may include county or regional bond funds expended with the jurisdiction's participation on affordable housing projects within its boundaries.
 - Jurisdictions may include grants from philanthropic organizations or private contributions made by businesses or individuals.
 - In-kind contributions to developments in the form of fee waivers for building permit fees, impact fees, and other fees can also be counted toward the required amount of local affordable housing funding. Staff hours are not eligible for consideration.
 - If a jurisdiction is also using inclusionary zoning (Production Policy 1) for the TOC Policy's production requirement, funding generated by collecting in-lieu fees from inclusionary zoning cannot be counted toward the funding minimums required for this affordable housing funding policy (Production Policy 2). If the jurisdiction has inclusionary zoning but does not use it to satisfy the TOC Policy's affordable housing production requirement, the funding generated by collecting in-lieu fees may be counted towards satisfying Production Policy 2.
 - **NOTE:** Federal and state funding (such as HOME/CDBG or PLHA) that is passed through a jurisdiction is **not** counted as local funding.
- Jurisdictions that have an existing balance in a housing funding program when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed affordable housing funds prior to submitting final documentation for TOC Policy compliance may count expended funds

⁴ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

toward the required total so long as at least one of the following conditions is met:

- The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to an affordable housing project that will be constructed during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- The program must establish a standard set of financing terms, including affordability requirements. The program's affordability requirements must define affordable units as rental housing available to lower-income households earning 80% of AMI or less, and ownership housing to lower- and moderate-income households earning 120% of AMI or less. Jurisdictions should incentivize deeper levels of affordability where feasible or through offering additional incentives.
- Affordable units must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing and at least 45 years for ownership housing.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the program's financing terms if they are not included in an ordinance or other documents establishing the program. Financing terms must indicate the income limits/affordability levels and required affordability period, and the terms must identify a legal mechanism for enforcement of affordable housing requirements (e.g., deed restriction, regulatory agreement, etc.).
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered "secured."
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the four-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Production Policy 3: Affordable Housing Overlay Zones

Description from TOC Policy Resolution: Area-specific incentives, such as density bonuses and streamlined environmental review, for development projects that include at least 15% of units as deed-restricted affordable housing; exceeds any jurisdiction-wide inclusionary requirements or benefits from state density bonus.

Purpose

Changes to local land use law and other regulatory reforms can both enable and incentivize the construction of affordable housing. Zoning incentives can increase the cost-effectiveness of building affordable homes. An Affordable Housing Overlay Zone (AHOZ) is a general term reflecting a variety of potential approaches that provide a package of incentives to developers who include units in their projects that are affordable to lower-income households. They are called “overlay” zones because they layer on top of established base zoning regulations, offering additional benefits to projects that increase the supply of affordable homes. AHOZ incentives may include increased density, relaxed height limits, reduced parking requirements, fast-tracked permitting, and exemptions from mixed-use requirements.

AHOZs are a mechanism through which cities can incentivize affordable housing development to specific zones. In addition, jurisdictions can expedite the approval and permit processes for affordable housing projects. Unlike inclusionary zoning policies that *require* either the building of affordable housing or the payment of an in-lieu fee, AHOZs are *optional* and incentive-based, offering developers key concessions in exchange for producing affordable housing. An effective AHOZ policy will provide meaningful incentives to projects that provide affordable housing and establish minimum affordability requirements at levels that reflect the jurisdiction’s need.

Relevant State Laws

State Density Bonus Law

State law ([California Government Code Chapter 4.3 Density Bonuses and Other Incentives](#)) dictates that a developer who meets certain requirements is entitled to a density bonus, including up to a 50% increase in density depending on the amount of affordable housing provided, and an 80% increase for completely affordable projects. This law includes incentives such as reduced parking requirements and concessions for reduced setbacks and minimum square footage requirements.⁵

SB 35 (2017) and SB 423 (2023)

[SB 35 \(2017\)](#) dictates that a developer can request a streamlined, ministerial approval process for multifamily developments which include specified levels of affordable

⁵ For more information, including the full density bonus chart that outlines the percentage density bonus given for each level of affordability, see [this guide on state Density Bonus Law prepared by Meyers Nave Legal Services](#).

housing in jurisdictions that have not met their prorated Regional Housing Needs Allocation (RHNA). Projects that comply with the jurisdiction's objective design standards and existing zoning are exempt from California Environmental Quality Act (CEQA) review and public hearings. Depending on the number of units, the timeline for determining eligibility is either 60 or 90 days and the final decision must be issued between 90 and 180 days from application submittal.⁶

[SB 423 \(2023\)](#) extends SB 35's streamlined, ministerial approval process for qualifying multifamily developments until January 1, 2036. SB 423 also expands some provisions of SB 35, such as applying SB 35 to previously exempted coastal zone areas that are already zoned for housing.

Requirements for TOC Policy Compliance

Note: *Production Policy 3 (Affordable Housing Overlay Zones), Production Policy 5 (Ministerial Approval), and Production Policy 7 (Development Certainty and Streamlined Entitlement Process) are related and contain overlapping requirements. As a result, jurisdictions may only count one of these policies for the purpose of TOC compliance for production policies.*

To comply with the TOC Policy, a jurisdiction's AHOZ policy must meet the following minimum requirements:

- The AHOZ policy must offer incentives for projects with at least 15% affordable housing. The policy's required share of affordable units must exceed any jurisdiction-wide inclusionary zoning requirements and what is otherwise incentivized by state law for any given income category. The policy could incentivize any higher proportion of affordable housing up to and including 100% (e.g., only provide incentives to 100% affordable projects).
- To incentivize greater shares of affordability than otherwise incentivized by State Law, the AHOZ policy must provide qualifying projects with greater development potential in the form of:
 - Density bonus: the policy must offset greater affordability with residential density greater than what is available under the state Density Bonus Law.
 - Additional "concessions" or "incentives": the policy must provide qualifying projects with at least one additional "concession" or "incentive" than what is already available under the state Density Bonus Law. Incentives or concessions could include ministerial approval, some other form of streamlining, or modifications to other planning code requirements. Incentives and concessions must result in an actual and identifiable cost reduction for the project.

⁶ For more information, see [this fact sheet on Senate Bill 35 prepared by the City of San Leandro](#).

- The policy's affordability requirements must define affordable units as rental housing available to lower-income households earning 80% of AMI or less, and ownership housing to lower- and moderate-income households earning 120% of AMI or less. Jurisdictions should require deeper levels of affordability where feasible or through offering additional incentives.
- Affordable units must have recorded documents that set binding maximum rent and price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing and at least 45 years for ownership housing.

Production Policy 4: Public Land for Affordable Housing

Description from TOC Policy Resolution: Policies to prioritize the reuse of publicly owned land for affordable and mixed-income housing that go beyond existing state law, typically accompanied by prioritization of available funding for projects on these sites.

Purpose

High land costs can make it difficult to create new affordable housing for low- or moderate-income households, particularly in high-value, amenity-rich locations. Local jurisdictions can help overcome this obstacle by identifying public property (including surplus government agency property and tax delinquent/seized property) that can be repurposed for residential use and making it available to developers who commit to creating and maintaining ongoing affordability.⁷ Utilizing public land can increase feasibility for developing affordable housing. Jurisdictions may donate land; sell land at a deep discount; or transfer land using a below-market, long-term ground lease to affordable housing developers or community land trusts. Jurisdictions can also incentivize the use of public land for affordable housing through zoning, fee waivers, and/or permit streamlining. This policy tool can be used effectively in all communities and is particularly important in communities where vacant land appropriate for residential use is scarce. Effective actions to prioritize the reuse of publicly owned land for affordable housing will include creating an inventory of publicly owned sites, noticing practices aimed towards maximizing affordable housing development, and collaboration with other public agencies.

Relevant State Law

Surplus Lands Act

The [Surplus Lands Act \(Government Code Sections 54220 – 54234\)](#) requires local agencies to make findings that property is either surplus or exempt surplus land before disposing of it. If the property is not exempt, the local agency must provide written

⁷ For more information, see the brief "[Use of publicly owned property for affordable housing](#)" prepared by Local Housing Solutions.

notice to housing developers to give them the first chance to purchase and develop surplus agency-owned land for affordable housing. If one of these interested parties purchases the land, then at least 25% of units developed must be affordable. However, if 90 days pass without reaching an agreement with one of these interested parties, then the affordability requirement for whatever development occurs on the land is 15% if 10 or more residential units are developed. The Surplus Land Act also includes penalties for local agencies that violate the Act when disposing of surplus lands.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction must meet the following minimum requirements for prioritizing the reuse of publicly owned land for affordable housing:

- The jurisdiction must have a program or policy in the Housing Element that describes the redevelopment of publicly owned land for affordable housing and aligns with the other requirements described below.
 - In the absence of a Housing Element policy/program, the jurisdiction must adopt a public lands policy that includes a set of principles and standards for planning, leasing, and disposing of publicly owned land, as well as a program of implementation actions.
- The jurisdiction must provide evidence of a recent, ongoing, or planned housing development project on a public land site that meets the requirements of this policy. Though jurisdictions should prioritize affordable housing development on public land within the TOC area, a public lands project does not need to be within the TOC area to receive credit toward TOC Policy compliance.
 - If the jurisdiction does not have an ongoing or planned public lands project, staff must demonstrate that at least one publicly owned parcel in the jurisdiction has been deemed suitable for affordable housing development.
- If the recent, ongoing, or planned housing development project on a public land site is not on land owned by the jurisdiction, the jurisdiction must provide evidence of financial support for the project. Financial support could be a grant/loan to the project or an in-kind contribution in the form of waivers for building permit fees, impact fees, and other fees. At their discretion, MTC staff may allow a jurisdiction to count a non-monetary benefit provided to a project in lieu of financial support.
- For both rental and ownership projects, eligible developments on publicly owned land must exceed the Surplus Lands Act requirement to have at least 25% of units affordable to lower-income households earning 80% of AMI or less. Additional affordable units beyond the 25% for lower-income households can target both lower- and moderate-income households earning up to 120% of AMI. Jurisdictions should require higher percentages of affordable units and/or deeper levels of affordability where feasible or through offering additional incentives.
- Affordable units must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents

and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing and at least 45 years for ownership housing.

- Building on its Housing Element sites inventory and supplementary data provided by MTC/ABAG (if needed), the jurisdiction must create a comprehensive inventory of publicly owned sites to identify opportunities to produce affordable or mixed-income housing. The site inventory must include both land that qualifies as “surplus” under the Surplus Lands Act and other currently underutilized sites owned by the jurisdiction and other public agencies (e.g., state, county, and local agencies, as well as other public entities such as school districts).
- The jurisdiction must demonstrate it has dedicated staff or consultant time for monitoring and advancing the public lands program, including periodic review and evaluation of the inventory of publicly owned sites suitable for affordable housing development, outreach to affordable housing developers, and updates to City Council/Board of Supervisors.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A site inventory that meets the requirements described above.
 - At least one of the following:
 - Documentation of a Housing Element policy/program for public land redevelopment that meets the standards described above.
- OR**
- An adopted public lands policy that meets the requirements described above.
 - Evidence (such as an RFQ/RFP) of a recent, ongoing, or planned housing development project on public lands that meets the standards outlined above.
 - In the absence of an ongoing or planned public lands project, evidence that the jurisdiction has at least one publicly owned land site suitable for affordable housing development.
 - Documentation of dedicated staff or consultant for monitoring and advancing the public lands program or project, including anticipated full-time equivalent (FTE).

Production Policy 5: Ministerial Approval

Description from TOC Policy Resolution: Grant ministerial approval of residential developments that include, at a minimum, 15% affordable units if projects have 11 or more units, or that exceed inclusionary or density bonus affordability requirements and do not exceed 0.5 parking spaces per unit.

Purpose

“Ministerial approval” means a process for development approval involving little or no subjective judgment by a public official or commission. A public agency or commission merely ensures the proposed development meets all the objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time the application is submitted to the local government. Developments under ministerial approval are exempt from the California Environmental Quality Act (CEQA), which eliminates the costs and time for environmental review.⁸ An effective ministerial approval policy will significantly reduce the turnaround time of housing projects by expediting the approval process, reduce development risk by providing more certainty in the approval process, and thereby lead to faster construction of housing with decreased carrying costs.

Relevant State Laws

SB 35 (2017) and SB 423 (2023)

Jurisdictions that have not met their pro-rated Regional Housing Needs Allocation (RHNA) targets must offer a streamlined (ministerial) approval process for multi-family developments per [SB 35](#). The ministerial approval process applies to infill developments that comply with existing residential and mixed-use zoning and objective design standards. Affordability requirements vary depending on the jurisdiction’s progress in meeting its RHNA targets or the submittal status of its Annual Progress Report. Developments of 10 units or fewer are not subject to the affordability requirements. Furthermore, jurisdictions cannot impose parking standards on developments within 0.5 miles of transit and other circumstances. While SB 35 only applies to jurisdictions that have not met their RHNA targets and for infill projects, language from SB 35 may be helpful for jurisdictions to include in their adopted ministerial approval policy.

[SB 423 \(2023\)](#) extends SB 35’s streamlined, ministerial approval process for qualifying multifamily developments until January 1, 2036. SB 423 also expands some provisions of SB 35, such as applying SB 35 to previously exempted coastal zone areas that are already zoned for housing.

State Density Bonus Law

[Government Code Chapter 4.3 Density Bonuses and Other Incentives](#) states that eligible developments are entitled to a density bonus, including up to a 50% increase in density depending on the amount of affordable housing provided, and an 80% increase for completely affordable projects. This law includes incentives such as reduced parking requirements and concessions for reduced setbacks and minimum square footage requirements.⁹

⁸ For more information, see Caltrans’ overview of [Chapter 34 - Exemptions to CEQA](#).

⁹ For more information, see [this guide on the state Density Bonus Law prepared by Meyers Nave Legal Services, which](#) includes the full density bonus chart that outlines the percentage density bonus given for each level of affordability.

Requirements for TOC Policy Compliance

Note: *Production Policy 3 (Affordable Housing Overlay Zones), Production Policy 5 (Ministerial Approval), and Production Policy 7 (Development Certainty and Streamlined Entitlement Process) are related and contain overlapping requirements. As a result, jurisdictions may only count one of these policies for the purpose of TOC compliance for production policies.*

To comply with the TOC Policy, a jurisdiction's ministerial approval policy must meet the following minimum requirements:

- For projects with 11 or more units, the policy must do **ONE** of the following:
 - Grant ministerial approval to any project where at least 15% of units are deed-restricted affordable housing units.
- **OR**
- Grant ministerial approval for projects whose share of affordable units exceeds any existing local inclusionary zoning requirements and provides more affordable housing units or deeper affordability than would be required under state density bonus rules (given the bonus density obtained by the project).
- The policy's affordability requirements must define affordable units as rental housing available to lower-income households earning 80% of AMI or less, and ownership housing to lower- and moderate-income households earning 120% of AMI or less. Jurisdictions should require deeper levels of affordability where feasible or through offering additional incentives.
- Affordable units must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing and at least 45 years for ownership housing.
- At minimum, jurisdictions must provide ministerial approval to projects with 11 or more units meeting the affordability standards described above. This does not preclude jurisdictions from applying ministerial approval to a broader range of projects, such as all multifamily housing regardless of affordability.
- Projects eligible for ministerial review cannot include more parking than is allowed by the parking space requirements outlined in Table 12 of MTC's TOC Policy Administrative Guidance.

Production Policy 6: Public/Community Land Trusts

Description from TOC Policy Resolution: Investments or policies to expand the amount of land held by public- and non-profit entities such as co-operatives, community land trusts, and land banks with permanent affordability protections. This policy may be used to fulfill either the housing production or preservation requirement, but not both.

Purpose

Community Land Trusts (CLTs) are typically nonprofit organizations that acquire and steward land on behalf of community members. They contribute to the affordable housing stock by maintaining land ownership to ensure the housing built on land they own remains affordable to future renters or buyers. Community control of land through CLTs has high potential to prevent displacement in a variety of housing markets and around transit.^{10, 11}

Land banks are public authorities or non-profit organizations occasionally created through local ordinances to acquire, hold, manage, and sometimes redevelop property to return these properties to productive use to meet community goals, such as increasing affordable housing.^{12, 13}

Housing cooperatives are democratically controlled corporations established to provide housing for members. Limited Equity Housing Cooperatives offer long-term affordable homeownership opportunities for low- and moderate-income households. The development of these types of cooperatives is often funded with a combination of private and public funds.¹⁴

The acquisition and rehabilitation of housing by CLTs, land banks, and cooperatives can help preserve a range of housing types, stabilize housing costs, and expand housing choice for low- and moderate-income households.¹⁵ Support for CLTs, land banks, and cooperatives not only serves as an anti-displacement measure, but also represents a place-based community development strategy for disinvested neighborhoods and communities with concentrated poverty, as jurisdictions can provide funding for these entities to acquire and rehabilitate vacant and distressed properties or maintain existing affordable housing options. This policy intends to set aside funding for CLTs, land banks, and cooperatives to remove land from the speculative market and ensure long-term affordability.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's affordable housing production funding program focused on public/community land trusts must meet the following minimum requirements:

¹⁰ See Table 1. Literature Review Summary Table in [White Paper on Anti-Displacement Strategy Effectiveness](#) (Chapple and Loukaitou-Sideris, 2021).

¹¹ Chapple et al. 2022. [Examining the Unintended Effects of Climate Change Mitigation](#). Institute of Governmental Studies, UC Berkeley.

¹² Local Housing Solutions. [Land Banks](#).

¹³ Center for Community Progress. [Land Bank FAQ's](#).

¹⁴ California Center for Cooperative Development. [Housing Co-ops](#).

¹⁵ Yelen, J. 2020. [Preserving Affordability, Preventing Displacement](#). Enterprise Community Partners.

- The jurisdiction must have a program with secured funding¹⁶ that provides ongoing allocations to the program at or above the level identified in Appendix B. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.
- Funding must be locally generated.
 - Potential local funding sources include commercial linkage fees, housing impact fees (but see note below if the impact fees are part of an inclusionary zoning ordinance), taxes (such as an employee head tax or real estate transfer tax), local bond measures, successor agency funds, business/gross receipts tax on rental property, and general fund allocations.
 - Jurisdictions may include county or regional bond funds expended with the jurisdiction's participation on affordable housing projects within its boundaries.
 - Jurisdictions may include grants from philanthropic organizations or private contributions made by businesses or individuals.
 - In-kind contributions to developments in the form of fee waivers for building permit fees, impact fees, and other fees can also be counted toward the required amount of local affordable housing funding. Staff hours are not eligible for consideration.
 - If a jurisdiction is also using inclusionary zoning (Production Policy 1) for the TOC Policy's production requirement, funding generated by collecting in-lieu fees from inclusionary zoning cannot be counted toward the funding minimums required for this affordable housing funding policy (Production Policy 6). If the jurisdiction has inclusionary zoning but does not use it to satisfy the TOC Policy's affordable housing production requirement, the funding generated by collecting in-lieu fees may be counted towards satisfying Production Policy 6.
 - **NOTE:** Federal and state funding (such as HOME/CDBG or PLHA) that is passed through a jurisdiction is **not** counted as local funding.
- Jurisdictions that have an existing balance in a housing funding program when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).

¹⁶ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

- Jurisdictions that have committed affordable housing funds prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:
 - The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to a CLT to use for affordable housing production during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- The funding program must establish a standard set of financing terms, including affordability requirements. The program's affordability requirements must define affordable units as rental housing available to lower income households earning 80% of AMI or less, and ownership housing to lower- and moderate-income households earning 120% of AMI or less. Jurisdictions should require deeper levels of affordability where feasible or through offering additional incentives.
- Affordable units must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing and at least 45 years for ownership housing.
- The program's funds must be reserved for CLTs and/or cooperatives to use for affordable housing production, or the jurisdiction or other public entities can use the funding to acquire and hold property that will be used for production of affordable housing.
- **NOTE:** A jurisdiction whose policy meets the minimum requirements above cannot also count this policy for credit for Production Policy 2 (Affordable Housing Funding). However, if a jurisdiction has a funding program that meets requirements for Production Policy 2, and if this program additionally has set asides for public/community land trusts that meet the funding listed in Appendix B, then the program can also receive credit for Production Policy 6 (Public/Community Land Trusts). For example, a Tier A jurisdiction that has a production program with \$2,000,000 in secured funding during the relevant four-year OBAG cycle would receive credit for both Production Policy 1 and Production Policy 6 if the program has a set aside for CLTs of \$1,000,000, as these amounts meet the \$1,000,000 four-year minimum for both policies.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the program's financing terms if they are not included in an ordinance or other documents establishing the program. Financing terms must indicate the

income limits/affordability levels and required affordability period, and the terms must identify a legal mechanism for enforcement of affordable housing requirements (e.g., deed restriction, regulatory agreement, etc.)

- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered “secured.”
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the 4-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Production Policy 7: Development Certainty and Streamlined Entitlement Process

Description from TOC Policy Resolution: Include the vested rights and five hearing limit provisions currently outlined in SB330 (2019, Skinner) without a sunset date.

Purpose

In some cities, towns, and counties, the process associated with obtaining approval for new construction is so time-consuming or costly that it dampens the amount of new development and adds significantly to its costs. Permit streamlining and other improvements in the regulatory environment can make cities more attractive to developers of both market-rate and affordable housing, helping to increase the housing supply over the long term and moderate price increases.¹⁷

Relevant State Law

Housing Crisis Act of 2019

The [Housing Crisis Act of 2019](#) was established by [SB 330 \(2019\)](#) and amended by [SB 8 \(2021\)](#). State law establishes vested rights through a preliminary application—a project is only subject to the ordinances, policies, and standards adopted and in effect when this application is submitted. State law requires timely processing of housing permits that follow existing local zoning rules (must issue written determination of consistency with objective standards within 30 days for 150 or fewer units or 60 days for more than 150 units). SB 330 requires that no more than five total hearings be allowed for residential development projects and the final decision on a residential project must be made within 90 days after certification of an EIR for a development project, or 60 days for a development project where at least 49% of the units in the development are

¹⁷ For more information, see the brief [“Streamlined permitting processes”](#) prepared by Local Housing Solutions.

affordable to very low or low-income households. The Housing Crisis Act of 2019 has a sunset date of January 1, 2030.

Requirements for TOC Policy Compliance

Note: *Production Policy 3 (Affordable Housing Overlay Zones), Production Policy 5 (Ministerial Approval), and Production Policy 7 (Development Certainty and Streamlined Entitlement Process) are related and contain overlapping requirements. As a result, jurisdictions may only count one of these policies for TOC compliance for production policies. However, if a jurisdiction implements all provisions from SB 330/SB 8 without a sunset date, then the jurisdiction meets the standards required by and can claim credit for both Production Policy 7 (Development Certainty and Streamlined Entitlement Process) and Protection Policy 2 (No Net Loss and Right to Return to Demolished Homes).*

To comply with the TOC Policy, a jurisdiction's development certainty and streamlined entitlement policy must meet the following minimum requirements:

- Adopt a local ordinance with no sunset date that provides the vested rights and five hearing limit provisions from SB 330.
- Adopt Protection Policy 2: No Net Loss and Right to Return to Demolished Homes, unless preempted by state or federal law.
 - If a jurisdiction does not adopt Protection Policy 2, staff must provide a detailed analysis of how the jurisdiction otherwise prevents displacement and protects tenants in areas where development certainty and streamlined approvals are available.

II. Affordable Housing Preservation Policy Options

To comply with the TOC Policy, a jurisdiction must adopt **at least two** of the affordable housing preservation policies listed below:

- Preservation Policy 1: Funding to Preserve Unsubsidized Affordable Housing
- Preservation Policy 2: Tenant/Community Opportunity to Purchase
- Preservation Policy 3: Single-Room Occupancy (SRO) Preservation
- Preservation Policy 4: Condominium Conversion Restrictions
- Preservation Policy 5: Public/Community Land Trusts *(This policy may fulfill either the housing production or preservation requirement, but not both.)*
- Preservation Policy 6: Funding to Support Preservation Capacity
- Preservation Policy 7: Mobile Home Preservation
- Preservation Policy 8: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities *(This policy may fulfill either the housing preservation or protection requirement, but not both.)*

A jurisdiction may meet the requirements with existing adopted policies or as needed, adopt new policies by the TOC Policy compliance deadline. At minimum, policies must apply in TOC areas. Jurisdictions may choose to apply policies beyond the TOC area(s), which could include the entirety of the jurisdiction (i.e., adopting a jurisdiction-wide policy). See Section 2 of the guidance document for more information about these requirements.

Preservation Policy 1: Funding to Preserve Unsubsidized Affordable Housing

Description from TOC Policy Resolution: Public investments to preserve unsubsidized housing affordable to lower- or moderate-income residents (sometimes referred to as "naturally occurring affordable housing") as permanently affordable.

Purpose

Most lower-income households in the Bay Area rent in the private market without any form of housing assistance. The private market properties offering rents that lower-income people can afford without subsidy are known as unsubsidized or “naturally occurring” affordable housing. Without subsidy, lower-income tenants are particularly vulnerable to rent increases as well as poorly maintained housing, and in the Bay Area’s competitive housing market these properties may be targeted by investors seeking to update units and raise rents. Lower-income homeowners are also vulnerable to market pressures that can result in displacement and loss of affordable homes. Preservation programs for unsubsidized affordable housing typically engage community organizations to help identify and monitor at-risk properties while also providing funding to support rehabilitation needs as well as acquisition and conversion to long-term affordable housing. Effective public investments to preserve unsubsidized housing will have funds available to secure unsubsidized affordable housing (rental or ownership), eligibility criteria for receiving funds, regulatory restrictions to maintain affordability of preserved units, and an anti-displacement strategy for existing tenants.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction’s funding program to preserve unsubsidized affordable housing must meet the following minimum requirements:

- The jurisdiction has at least one funding program dedicated to the preservation of existing affordable housing, where preservation of unsubsidized affordable housing is explicitly identified as an eligible use.
- The jurisdiction must have a program with secured funding¹⁸ that provides ongoing allocations to the program at or above the level identified in Appendix B. The

¹⁸ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years’ funding may require

amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.

- Funding must be locally generated.
 - Potential local funding sources include commercial linkage fees, housing impact fees (but see note below if the impact fees are part of an inclusionary zoning ordinance), taxes (such as an employee head tax or real estate transfer tax), local bond measures, successor agency funds, business/gross receipts tax on rental property, and general fund allocations.
 - Jurisdictions may also include county or regional bond funds expended with the jurisdiction's participation on preservation projects within its boundaries.
 - Jurisdictions may include grants from philanthropic organizations or private contributions made by businesses or individuals.
 - When relevant, in-kind contributions to developments in the form of fee waivers for building permit fees, impact fees, and other fees can also be counted toward the required amount of local affordable housing funding. Staff hours are not eligible for consideration.
 - If a jurisdiction is also using inclusionary zoning (Production Policy 1) for the TOC Policy's production requirement, funding generated by collecting in-lieu fees from inclusionary zoning cannot be counted toward the funding minimums for this policy (Preservation Policy 1). If the jurisdiction has inclusionary zoning but does not use it to satisfy the TOC Policy's affordable housing production requirement, the funding generated by collecting in-lieu fees may be counted toward satisfying Preservation Policy 1.
 - **NOTE:** Federal and state funding (such as HOME/CDBG or PLHA) that is passed through a jurisdiction is **not** counted as local funding.
- Jurisdictions that have an existing balance in a housing preservation funding program when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed affordable housing preservation funds prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:
 - The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to an unsubsidized

future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

affordable housing preservation project that will be completed during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- The jurisdiction must establish criteria for borrower eligibility that require funding recipients to have experience with affordable housing preservation.
- The program must establish a standard set of financing terms, including affordability requirements.
 - For rental properties, the average rent for all units at each preserved property at the time of acquisition must be affordable to households earning no more than 80% of AMI. After acquisition, new residents must be income qualified and earn less than 120% of AMI, and the building must maintain an average income of no more than 80% of AMI. Existing residents of acquired buildings shall not be displaced, even if the household's income exceeds the AMI thresholds noted above.
 - All ownership units preserved as affordable housing (e.g., a single-family home acquired by a community land trust) must be sold to lower- and moderate-income households earning 120% of AMI or less.
 - Units acquired through the program must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing and at least 45 years for ownership housing.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the program's eligibility and financing terms if they are not included in an ordinance or other documents establishing the program. These terms must indicate the criteria for borrower eligibility to ensure funding recipients have experience with affordable housing preservation, income limits/affordability levels and required affordability period, and the terms must identify a legal mechanism for enforcement of affordable housing requirements (e.g., deed restriction, regulatory agreement, etc.).
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered "secured."
- A schedule of expected funding to be received by the fund over the 4-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the four-year planning period

(expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Preservation Policy 2: Tenant/Community Opportunity to Purchase

Description from TOC Policy Resolution: Policies or programs that provide tenants or mission-driven nonprofits the right of first refusal to purchase a property at the market price when it is offered for sale, retaining existing residents and ensuring long-term affordability of the units by requiring resale restrictions to maintain affordability.

Purpose

A Tenant (or Community) Opportunity to Purchase Act (TOPA/COPA) policy can give tenants and nonprofits sufficient time to compete to purchase a property. TOPA/COPA policies aim to prevent displacement of lower-income communities, long-term renters, and other marginalized residents by preserving currently affordable housing and creating pathways for long-term affordability. A TOPA/COPA policy can also facilitate homeownership for tenants by creating limited equity housing cooperatives or other ownership models, enabling increased wealth building opportunities for communities who may have historically been denied access to homeownership. For these reasons, jurisdictions throughout the Bay Area have identified TOPA/COPA as key preservation tools to combat displacement.¹⁹ Effective TOPA/COPA policies will identify what housing types are subject to the policy, what organizations are qualified to purchase a property, noticing procedures for the sale of property, a consistent local funding source, a reasonable timeline to respond to the intent to sell, and an anti-displacement strategy for existing residents.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's TOPA and/or COPA policy must meet the following minimum requirements:²⁰

- The jurisdiction can meet TOC Policy requirements with either a TOPA or COPA ordinance, or both.
- The TOPA/COPA ordinance defines eligible and exempt properties.
- The ordinance establishes the legal right of first refusal that gives tenants and/or nonprofits the first right to purchase a covered property.
- The ordinance establishes timelines for notice of sale, offer period, time to close, and time to counter-offer under TOPA/COPA.²¹

¹⁹ Bay Area Housing Element Advocacy Working Group. [“Leveraging the Housing Element to Advance Tenant & Community Opportunity to Purchase Policies.”](#)

²⁰ The requirements are derived from key components of: (1) [OPA Policy described by Partnership for the Bay's Future. 2022. Opportunity to Purchase Act Campaign Playbook](#) (p.22) and (2) Public Advocates, [“Key Considerations for Designing Tenant and Community Opportunity to Purchase Policies.”](#)

²¹ [San Jose Community Opportunity to Purchase \(COPA\) Proposed Program Summary – January 2023 Update.](#)

Preservation Policy 3: Single-Room Occupancy (SRO) Preservation

Description from TOC Policy Resolution: Limits the conversion of occupied SRO rental units to condominiums or other uses that could result in displacement of existing residents.

Purpose

Single Room Occupancy (SRO) units are a unique form of affordable rental housing that does not exist in all communities. SROs are generally comprised of small, furnished single rooms within multi-tenant buildings with shared kitchens and/or bathrooms. SROs do not typically require a security deposit, credit references, proof of income, or a long-term lease agreement. For these reasons, SROs have provided low-cost housing for vulnerable populations with unstable finances, very low incomes, or limited access to credit. In some cases, SROs are used as transitional housing for people who are in between more permanent housing arrangements.

In the absence of preservation policies, housing market pressures leave SRO units vulnerable to demolition or conversion to tourist hotels, condominiums, or market-rate apartments, resulting in displacement and potential homelessness for low-income SRO residents. The purpose of SRO unit conversion regulations is to ensure the retention of existing SRO units and to assist SRO tenants that will be displaced by demolition, conversion, or rehabilitation of these units. An effective SRO preservation policy will limit the number of units that can be converted, ensure housing stability for SRO tenants, and monitor at-risk properties.

Requirements for TOC Policy Compliance

To receive compliance credit for this policy, a jurisdiction must have an existing supply of SRO buildings owned by private entities other than mission-driven nonprofit organizations. Due to the heightened vulnerability of both SRO housing stock and the residents who occupy it, a jurisdiction with an adopted SRO preservation policy that applies to all at-risk SROs may receive credit for this policy even if none of the SRO building are located within TOC areas.

To comply with the TOC Policy, a jurisdiction's SRO preservation policy must meet the following minimum requirements:

- The policy must limit the number of SRO units approved to be converted in a given calendar year to no more than the number of equivalent rental units completed the previous calendar year. "Equivalent rental units" shall be defined as low-cost SRO units or any income-restricted housing affordable to households with incomes at 30% of AMI or less.

- At the time of application for conversion of units, require applicants to produce a Tenant Relocation Assistance Plan²² spelling out tenant protections, benefits and required relocation payments for any temporarily or permanently displaced residents.
- Exemptions to the conversion restrictions can be made for conversion of SRO buildings to 100% affordable units for tenants at 50% of AMI or less. However, affordable housing developers need to provide existing tenants with a first right of refusal for new units. Rents for these tenants must be based on their incomes, though rents for their units could reset at 50% of AMI upon turnover. Developers also need to produce the Tenant Relocation Assistance Plan referenced above for any temporarily or permanently displaced tenants.
- If none of the at-risk SROs in a jurisdiction are located within a TOC area, then the jurisdiction must apply this policy jurisdiction-wide.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit documentation of the presence of SRO units owned by private entities other than mission-driven nonprofit organizations that would be protected by the policy.

Preservation Policy 4: Condominium Conversion Restrictions

Description from TOC Policy Resolution: Require that units converted to condominiums be replaced 1:1 with comparable rental units, unless purchased by current long-term tenants or converted to permanently affordable housing with protections for existing tenants.

Purpose

The conversion of rental housing to condominiums presents a risk to maintaining a supply of rental housing, which typically serves a wider range of households than ownership units in condominiums. Establishing criteria for the conversion of rental housing to condominiums can help preserve much-needed rental housing stock, reduce the risk of displacement of existing tenants in rental units, and ensure continued housing stability for tenants who are displaced in the event of conversions. Effective condominium conversion policies will include restrictions on conversion, right to purchase protections and relocation assistance, and the promotion of affordable housing through comparable replacement units.

²² Relocation Assistance Plan: A plan outlining the benefits and protections afforded to tenants to minimize displacement and support relocation, including at a minimum: no penalty for the tenant to terminate a lease, payment of tenant reasonable moving expenses, relocation assistance payments in an amount that is at least three times the monthly fair market rent of the unit that the resident is being relocated out of, and tenants that experience temporary displacement must be guaranteed protection against unreasonable rent increases upon returning to their unit.

Relevant State Law

Subdivision Map Act

The [Subdivision Map Act \(Gov Code 66410-66424.6\)](#) requires developers to provide notices of condominium conversion to tenants at every stage of the process.

Requirements for TOC Compliance

To comply with the TOC Policy, a jurisdiction's condominium conversion policy must meet the following minimum requirements:

- Require 1-for-1 replacement of existing units with comparable rental units, when permitted by law. A program may allow or require replacement units be provided through payment of a fee in an amount approximately sufficient to provide the local share of subsidy for one income-restricted rental unit serving lower-income households (earning 80% of AMI or less) and, in no case less than \$100,000 per rental unit being converted. Jurisdictions may allow the following exemptions:
 - Conversions where at least 90% of condominium units are purchased by current tenants.
 - Conversions to 100% housing units with long-term affordability restrictions for households earning 120% of AMI or less.
- Provide existing tenants the first right to purchase a unit at the same price offered to the general public consistent with the Subdivision Map Act.²³
- At the time of application for conversion of units, require applicants to produce a Tenant Relocation Assistance Plan²⁴ spelling out tenant protections, benefits and required relocation payments for any temporarily or permanently displaced residents.

Preservation Policy 5: Public/Community Land Trusts

Description from TOC Policy Resolution: Investments or policies to expand the amount of land held by public- and non-profit entities such as co-operatives, community land trusts, and land banks with permanent affordability protections. This policy may be used to fulfill either the housing production or preservation requirement, but not both.

Purpose

Community Land Trusts (CLTs) are typically nonprofit organizations that acquire and steward land on behalf of community members. They contribute to the affordable housing stock by maintaining land ownership to ensure the housing built on land they

²³ This is a right under the Subdivision Map Act (Gov Code 66410-66424.6).

²⁴ Relocation Assistance Plan: A plan outlining the benefits and protections afforded to tenants to minimize displacement and support relocation, including at a minimum: no penalty for the tenant to terminate a lease, payment of tenant reasonable moving expenses, relocation assistance payments in an amount that is at least three times the monthly fair market rent of the unit that the resident is being relocated out of, and tenants that experience temporary displacement must be guaranteed protection against unreasonable rent increases upon returning to their unit.

own remains affordable to future renters or buyers. Community control of land through CLTs has high potential to prevent displacement in a variety of housing markets and around transit.^{25, 26}

Land banks are public authorities or non-profit organizations occasionally created through local ordinances to acquire, hold, manage, and sometimes redevelop property to return these properties to productive use to meet community goals, such as increasing affordable housing.^{27, 28}

Housing cooperatives are democratically controlled corporations established to provide housing for members. Limited Equity Housing Cooperatives offer long-term affordable homeownership opportunities for low- and moderate-income households. The development of these types of cooperatives is often funded with a combination of private and public funds.²⁹

The acquisition and rehabilitation of housing by CLTs, land banks, and cooperatives can help preserve a range of housing types, stabilize housing costs, and expand housing choice for lower-income households.³⁰ Support for CLTs, land banks, and cooperatives not only serves as an anti-displacement measure but also represents a place-based community development strategy for disinvested neighborhoods and communities with concentrated poverty, as jurisdictions can provide funding for these entities to acquire and rehabilitate vacant and distressed properties or maintain existing affordable housing options. This policy intends to set aside funding for CLTs, land banks, and cooperatives to remove land from the speculative market and ensure long-term affordability.

Relevant State Law

SB 1079 (2020): Residential Property: Foreclosure

[SB 1097 \(2020\)](#) grants “eligible bidders” including CLTs certain rights and priorities to make bids on a foreclosed property after the initial trustee sale and potentially to purchase it as the last and highest bidder.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction’s affordable housing preservation funding program focused on public/community land trusts must meet the following minimum requirements:

²⁵ See Table 1. Literature Review Summary Table in [White Paper on Anti-Displacement Strategy Effectiveness](#) (Chapple and Loukaitou-Sideris, 2021).

²⁶ Chapple et al. 2022. [Examining the Unintended Effects of Climate Change Mitigation](#). Institute of Governmental Studies, UC Berkeley.

²⁷ Local Housing Solutions. [Land Banks](#).

²⁸ Center for Community Progress. [Land Bank FAQ's](#).

²⁹ California Center for Cooperative Development. [Housing Co-ops](#).

³⁰ Yelen, J. 2020. [Preserving Affordability, Preventing Displacement](#). Enterprise Community Partners.

- The jurisdiction must have a program with secured funding³¹ that provides ongoing allocations to the program at or above the level identified in Appendix B. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.
- Funding must be locally generated.
 - Potential local funding sources include commercial linkage fees, housing impact fees (but see note below if the impact fees are part of an inclusionary zoning ordinance), taxes (such as an employee head tax or real estate transfer tax), local bond measures, successor agency funds, business/gross receipts tax on rental property, and general fund allocations.
 - Jurisdictions may include county or regional bond funds expended with the jurisdiction's participation on preservation projects within its boundaries.
 - Jurisdictions may include grants from philanthropic organizations or private contributions made by businesses or individuals.
 - When relevant, in-kind contributions to developments in the form of fee waivers for building permit fees, impact fees, and other fees can also be counted toward the required amount of local affordable housing funding. Staff hours are not eligible for consideration.
 - If a jurisdiction is also using inclusionary zoning (Production Policy 1) for the TOC Policy's production requirement, funding generated by collecting in-lieu fees from inclusionary zoning cannot be counted toward the funding minimums for this policy (Preservation Policy 5). If the jurisdiction has inclusionary zoning but does not use it to satisfy the TOC Policy's affordable housing production requirement, the funding generated by collecting in-lieu fees may be counted toward satisfying Preservation Policy 5.
 - **NOTE:** Federal and state funding (such as HOME/CDBG or PLHA) that is passed through a jurisdiction is **not** counted as local funding.
- Jurisdictions that have an existing balance in a housing preservation funding program for CLTs when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed affordable housing preservation funds for CLTs prior to submitting final documentation for TOC Policy compliance may count

³¹ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

expended funds toward the required total so long as at least one of the following conditions is met:

- The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to a CLT to use for acquiring and preserving an unsubsidized affordable housing property during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- The program's funds must be reserved for CLTs and/or cooperatives to use for affordable housing preservation.
- The jurisdiction must establish criteria for borrower eligibility that require funding recipients to have experience with affordable housing preservation.
- The funding program must establish a standard set of financing terms, including affordability requirements.
 - For rental properties, the average rent for all units at each preserved property at the time of acquisition must be affordable to households earning no more than 80% of AMI. After acquisition, new residents must be income qualified and earn less than 120% of AMI, and the building must maintain an average income of no more than 80% of AMI. Existing residents of acquired buildings shall not be displaced, even if the household's income exceeds the AMI thresholds noted above.
 - All ownership units preserved as affordable housing (e.g., a single-family home acquired by a community land trust) must be sold to lower- and moderate-income households earning 120% of AMI or less.
 - Units acquired through the program must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing and at least 45 years for ownership housing.
- **NOTE:** A jurisdiction whose policy meets the minimum requirements above cannot also count this policy for credit for Preservation Policy 1 (Funding to Preserve Unsubsidized Affordable Housing). However, if a jurisdiction has a funding program that meets requirements for Preservation Policy 1, and if this program additionally has set asides for public/community land trusts that meet the funding amounts listed in Appendix B, then the program can also receive credit for Preservation Policy 5 (Public/Community Land Trusts). For example, a Tier A jurisdiction that has a preservation program with \$800,000 in secured funding during the relevant four-year OBAG cycle would receive credit for both Preservation Policy 1 and Preservation Policy 5 if the program has a set aside for

CLTs of \$400,000, as these amounts meet the \$400,000 four-year minimum for both policies.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the program's eligibility and financing terms if they are not included in an ordinance or other documents establishing the program. These terms must indicate the eligibility, income limits/affordability levels and required affordability period, and the terms must identify a legal mechanism for enforcement of affordable housing requirements (e.g., deed restriction, regulatory agreement, etc.)
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered "secured."
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the 4-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Preservation Policy 6: Funding to Support Preservation Capacity

Description from TOC Policy Resolution: Dedicated local funding for capacity building or other material support for community land trusts (CLTs) or other community-based organizations (CBOs) engaged in affordable housing preservation.

Purpose

Capacity refers to an organization's ability to deliver a service or product. For organizations such as CBOs and CLTs which are engaged in affordable housing preservation, capacity may refer to having adequate staffing, organizational knowledge, and material or financial resources to effectively preserve affordable housing. By providing capacity funding to smaller organizations such as CBOs and CLTs, these entities are better equipped to secure properties and financing necessary to preserve affordable housing in a competitive housing market. Key features of an effective funding source to support preservation capacity include pairing capital funds for preservation with grants for capacity building, established guidelines for eligible funding recipients, and supporting developer experience through joint-venture partnerships. Effective policies to support preservation capacity will commit to multi-year funding dedicated for CBOs and CLTs.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's funding to support preservation capacity must meet the following minimum requirements:

- The jurisdiction must have a dedicated funding program with secured funding³² that supports capacity building for CLTs and CBOs for housing preservation work. Funding must maintain project management staffing for a minimum of four years at approximately 0.5 full-time equivalent (FTE).
- The jurisdiction must define eligibility for financial awards to CLTs and CBOs.
- Funding for the program can come from any source that allows supporting staff capacity as an eligible use of funds. Potential funding sources could include, but are not limited to, local housing trust funds, county funds, state and federal funds passed through the jurisdiction, grants from philanthropic organizations, and private contributions from businesses or individuals.
- Jurisdictions that have an existing balance in a funding program to support preservation capacity when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed funds to support preservation capacity prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:
 - The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to CBO or CLT to support project management staffing during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- If a jurisdiction establishes a preservation funding program that meets requirements for Preservation Policy 1 (Funding to Preserve Unsubsidized Affordable Housing) and/or Preservation Policy 5 (Public/Community Land Trusts), the jurisdiction can use this program to also receive credit for Preservation Policy 6 (Funding to Support Preservation Capacity) if the program additionally has a set aside for capacity building that meets the requirements listed above.

³² Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- An explanation for how the jurisdiction determined the amount of funding necessary to maintain project management staffing for the four-year period.
- A copy of the program's eligibility criteria if they are not included in an ordinance or other documents establishing the program.
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered "secured."
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the four-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Preservation Policy 7: Mobile Home Preservation

Description from TOC Policy Resolution: Policy or program to preserve mobile homes from conversion to other uses that may result in displacement of existing residents.

Purpose

Mobile home parks provide a distinct type of naturally occurring affordable housing, due to the size of mobile homes, the type of construction, and a unique dynamic where residents typically own their mobile homes but rent the lots under them from mobile home park owners. While state law extends certain protections to mobile home units, mobile home parks are increasingly being acquired by speculative investors for potential future redevelopment. Such market pressures pose displacement risks to mobile home residents, many of whom live on fixed incomes and have limited alternative affordable housing options. Accordingly, a strategy to prevent displacement and promote community stability for mobile home residents is to regulate and limit the conversion of mobile home parks, and support residents and community organizations in purchasing the park to preserve affordability. An effective Mobile Home Preservation policy or program will either limit conversions through zoning rules or provide significant relocation assistance for park residents in the event of a closure.

Relevant State Law

Mobile Home Residency Law

The California [Mobile Home Residency Law](#) (California Civil Code Section 798 – 799.11) sets rules and regulations for mobile homes, specifically regulating the relationship between landlords and residents. The law states that in the case of a

change of use of the park, the management must follow specific noticing requirements and appear before a local governmental board, commission, or body to request permits for a change of use.

Requirements for TOC Compliance

To receive compliance credit for this policy, a jurisdiction must demonstrate there is at least one mobile home park (as defined by California's [Mobile Home Park Act](#)) within the jurisdiction. Due to the heightened vulnerability of mobile home parks and the residents who occupy them, a jurisdiction with an adopted mobile home preservation policy that applies to all mobile home parks may receive credit for this policy even if none of the parks are located within TOC areas. If none of the mobile home parks are located within a TOC area, then the jurisdiction must apply its policy jurisdiction-wide.

To comply with the TOC Policy, a jurisdiction must adopt a mobile home preservation policy that meets the minimum standards for **ONE** of the following options:

1. **Establish a Mobile Home Zoning District or Overlay Zone** over existing mobile home parks which limits or prohibits the redevelopment of existing parks.
 - A jurisdiction may allow 100% affordable housing projects to be considered in this zone, conditionally permitted and after public hearings. If a jurisdiction chooses to do this:
 - The policy's affordability requirements must define affordable units as rental housing available to lower-income households earning 80% of Area Median Income (AMI) or less, and ownership housing to lower- and moderate-income households earning 120% of AMI or less. Jurisdictions should require deeper levels of affordability where feasible or through offering additional incentives.
 - Affordable units must have recorded documents that set binding maximum rent or price restrictions to ensure affordability. These requirements must restrict rents and sales prices to affordable levels as defined by the rules of any applicable state or federal affordable housing program. These restrictions must also ensure affordability for at least 55 years for rental housing or at least 45 years for ownership housing.
 - The ordinance must provide existing mobile home residents with the right to return to a unit in the new development.
 - At the time of application for conversion of units, applicants must be required to produce a Tenant Relocation Assistance Plan³³ spelling out

³³ Relocation Assistance Plan: A plan outlining the benefits and protections afforded to tenants to minimize displacement and support relocation, including at a minimum: no penalty for the tenant to terminate a lease, payment of tenant reasonable moving expenses, relocation assistance payments in an amount that is at least three times the monthly fair market rent of the unit that the resident is being

tenant protections, benefits and required relocation payments for any temporarily or permanently displaced residents.

2. **Adopt a Mobile Home Closure Ordinance** that requires relocation assistance and conditional approval after public hearings.

- The ordinance must require owners to produce at the time of application a Tenant Relocation Assistance Plan spelling out tenant protections, benefits, and required relocation payments for any temporarily or permanently displaced residents.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit documentation of the presence of at least one mobile home park within the jurisdiction.

Preservation Policy 8: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities

Description from TOC Policy Resolution: Policies, programs, or procedures designed to minimize the risk of displacement caused by substandard conditions including through local code enforcement activities. This may include proactive rental inspection programs and assistance to landlords for property improvements in exchange for anti-displacement commitments. This policy may be used to fulfill either the housing preservation or protection requirement, but not both.

Purpose

Substandard conditions and physical deterioration represent a key threat to the region's rental housing stock and unsubsidized affordable housing units. These conditions create health and safety risks for tenants and can lead to condemnation, abandonment, and/or demolition of housing units. The remediation of substandard conditions in unsubsidized affordable housing is not only necessary to preserve this housing but also represents an important anti-displacement strategy. Code enforcement programs need to ensure habitability issues and needs for substantial property repairs do not lead to the permanent displacement of tenants, which also requires maintaining housing stability for tenants during any temporary displacement necessary for repairs. Code enforcement and other programs to address substandard conditions need to be centered in an anti-displacement framework, otherwise these activities can lead to the immediate displacement of vulnerable tenants if properties are deemed uninhabitable. An effective program which prevents the loss of housing stock due to code issues provides public support to landlords and low-income homeowners to maintain their properties.

relocated out of, and tenants that experience temporary displacement must be guaranteed protection against unreasonable rent increases upon returning to their unit.

Relevant State Law

California Health and Safety Code (HSC)

HSC [Section 17920.3](#) provides a definition of a substandard building, which includes inadequate sanitation such as a lack of plumbing, ventilation, or heating; structural hazards such as deteriorated floors, walls, or ceilings; faulty weather protection such as defective waterproofing and windows; and so on. [Section 17970 – 17972](#) requires that when a jurisdiction receives a complaint from a tenant, they must inspect the building, document any findings, prescribe a remedy to the property owner, and schedule a reinspection to verify the correction. [Section 17980 – 17992](#) states that once a building is determined to be substandard, the enforcement agency of the jurisdiction cannot require the vacating of residents unless it concurrently requires expeditious demolition or repair to comply with state law. If the tenant cannot safely reside in their unit due to repair, state law requires a property owner to provide affected tenants with compensation for moving expenses; the value of property lost, stolen or damaged in the process of moving; and costs associated with connection charges imposed by utility companies for starting service. The relocation benefit also includes two months of the established fair market rent for the area as determined by the U.S. Department of Housing and Urban Development, and the property owner must return the full security deposit to the tenant.

Requirements for TOC Compliance

To comply with the TOC Policy, a jurisdiction must adopt a policy to prevent displacement from substandard conditions that meets the minimum standards for at least **ONE** of the following options:

1. **Establish an amnesty program** to waive fines and fees for property owners with occupied units constructed without the proper permits in exchange for bringing the unit into compliance with health and safety codes.
 - Prior to making repairs, the property owner must complete a tenant habitability plan describing how they will maintain habitability for the tenant and any adjacent units while repairs are being performed. If the tenant needs to be relocated for repairs, the plan discusses how the landlord will assist with temporary relocation, which must include offering a nearby available unit at same rent (if landlord owns other properties), paying for moving expenses, and providing relocation assistance to pay for the cost of temporary housing.
 - As a condition of receiving amnesty for fines and fees, the property owner must agree to continue renting to the existing tenant after repairs are complete with reasonable limits on rent increases for that tenant.
2. **Create a low-or no-interest loan or grant program** to support lower-income homeowners (including seniors and people with disabilities) with making repairs or modifications to their residences.

- The program must limit funding to owner-occupied homes that are the homeowner's primary residence, which includes mobile homes where the mobile home owner rents the lot beneath the home.
- Funding for the program can come from any source that allows home rehabilitation as an eligible use of funds. Potential funding sources could include, but are not limited to, local housing trust funds, county funds, state and federal funds passed through the jurisdiction, grants from philanthropic organizations, and private contributions from businesses or individuals.
- Funding recipients must be below 80% of AML.
- The program must define other eligibility requirements for receiving a loan or grant, eligible uses for funds, and minimum/maximum loan or grant amounts.
- The minimum loan/grant amount must be at least \$10,000.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A template of the tenant habitability plan or a document outlining details that must be included in such a plan if a jurisdiction is selecting the amnesty program for unpermitted units.
- The home rehabilitation program's eligibility requirements and financing terms if a jurisdiction is selecting this option.

III. Affordable Housing Protection Policy Options

To comply with the TOC Policy, a jurisdiction must adopt **at least two** of the tenant protection/anti-displacement policies listed below:

- Protection Policy 1: "Just Cause" Eviction
- Protection Policy 2: No Net Loss and Right to Return to Demolished Homes
- Protection Policy 3: Legal Assistance for Tenants
- Protection Policy 4: Foreclosure Assistance
- Protection Policy 5: Rental Assistance Program
- Protection Policy 6: Rent Stabilization
- Protection Policy 7: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities (*This policy may fulfill either the housing preservation or protection requirement, but not both.*)
- Protection Policy 8: Tenant Relocation Assistance
- Protection Policy 9: Mobile Home Rent Stabilization
- Protection Policy 10: Fair Housing Enforcement
- Protection Policy 11: Tenant Anti-Harassment Protections.

A jurisdiction may meet the requirements with existing adopted policies or as needed, adopt new policies by the TOC Policy compliance deadline. At minimum, policies must apply in TOC areas. Jurisdictions may choose to apply policies beyond the TOC area(s), which could include the entirety of the jurisdiction (i.e., adopting a jurisdiction-wide policy). See Section 2 of the guidance document for more information about these requirements.

Protection Policy 1: “Just Cause” Eviction

Description from TOC Policy Resolution: Defines the circumstances for evictions, such as nonpayment of rent, violation of lease terms, or permanent removal of a dwelling from the rental market, with provisions that are more protective of tenants than those established by [AB 1482 \(2019, Chiu\)](#).

Purpose

Just cause ordinances prohibit landlords from ending a tenancy or evicting a tenant without a specific reason. Just cause protections are generally intended to shield tenants from arbitrary evictions that may occur due to economic incentives in a competitive rental market, retaliation against specific tenants, or other instances in which tenants are not at fault. Accordingly, research identifies just cause eviction as a policy with high potential to prevent residential displacement.³⁴ Though state law currently provides just cause protections for some tenants, these protections expire in 2030 and do not cover a wide range of tenancies and housing situations. Moreover, in the absence of local just cause policies and local government infrastructure to implement these protections, tenants may be unaware of their rights under state law and how to utilize them. As a result, multiple jurisdictions throughout the Bay Area and across California have adopted local just cause eviction ordinances that go beyond state law to better ensure stability for tenants. An effective just cause eviction ordinance will clearly define a limited set of recognized causes for eviction, provide protections for a wide range of tenants and most housing situations, and create processes for local implementation.

Relevant State Law

[AB 1482 \(Tenant Protection Act of 2019\)](#) and [SB 567 \(2023\)](#)

While some tenants now have just cause eviction protections due to [AB 1482](#) (the Tenant Protection Act of 2019), this law currently has a sunset of January 1, 2030. [SB 567 \(2023\)](#) modified the protections provided by AB 1482 by creating new requirements for landlords seeking to carry out two types of “no-fault” evictions: evictions for substantial remodels of units and owner move-in evictions. SB 567 also makes landlords who violate the Tenant Protection Act liable in civil court for damages and provides mechanisms for the Attorney General, city attorney, or county counsel to enforce the law.

³⁴ Chapple, K. et. al. (2022). [Housing Market Interventions and Residential Mobility in the San Francisco Bay Area](#). Federal Reserve Bank of San Francisco.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's just cause ordinance must meet the following minimum requirements:

- The ordinance must not have a sunset date.
- The ordinance must require landlords to file notices of termination of tenancy with a designated local government agency, such as a rent program/board or other city department.
- The ordinance must make the failure to file these notices with a designated agency an affirmative defense for a tenant in an eviction case.

Additionally, the ordinance must also expand on other aspects of statewide just cause protections in at least **ONE** of the following ways:

1. **Limit the legally recognized causes for eviction:** The "at-fault" and "no-fault" just causes for eviction allowed by state law can be found in [California Civil Code Section 1946.2\(b\)](#). If choosing this option, a jurisdiction's just cause policy must include fewer just causes for eviction or define them with greater restrictions to increase protections for tenants.
2. **Expand the types of housing and tenancies covered by just cause protections:** The protections provided by state law only apply after all tenants have lived in the unit for 12 months, or where at least one tenant has occupied the unit for 24 months. Additionally, [California Civil Code Section 1946.2\(e\)](#) exempts several unit types from these protections. If choosing this option, a jurisdiction's just cause policy must provide protections to a wider range of tenants and housing types, with the possibility of applying these protections to all renters in the jurisdiction and/or with no minimum period of tenancy to qualify.

Protection Policy 2: No Net Loss and Right to Return to Demolished Homes

Description from TOC Policy Resolution: Include the no net loss provisions currently outlined in SB 330 (2019, Skinner) without a sunset date. Require one-to-one replacement of units that applies the same or a deeper level of affordability, the same number of bedrooms and bathrooms, and comparable square footage to the units demolished. Provide displaced tenants with right of first refusal to rent new comparable units at the same rent as demolished units.

Purpose

The [Housing Crisis Act of 2019](#) was established by [SB 330 \(2019\)](#) and amended by [SB 8 \(2021\)](#). The no net loss provisions in the Housing Crisis Act prevent development projects that require demolition of existing residential structures from reducing the overall housing stock and supply of affordable housing. These provisions create safeguards to ensure that new development increases the housing supply and

maintains or improves existing levels of affordability. The Housing Crisis Act's right to return protections and relocation benefits aim to prevent permanent displacement of existing lower-income tenants by development projects that require demolition. These protections can enable lower-income tenants to maintain housing in their communities at affordable rents, which deters new development from contributing to displacement, housing instability, and homelessness for vulnerable renters.

Relevant State Law

Housing Crisis Act of 2019

The [Housing Crisis Act of 2019](#) prohibits a jurisdiction from approving a housing development that requires demolition unless the project creates at least as many units as will be demolished. The project must also replace all demolished occupied or vacant "protected units," which include units deed-restricted for lower-income households within the past five years, units subject to rent control within the past five years, units occupied by lower-income households within the past five years, or units withdrawn from the rental market via Ellis Act within the past 10 years.³⁵ The law also includes protections for existing tenants of units that will be demolished. All existing tenants must be allowed to remain until six months prior to the start of construction. Lower-income occupants are entitled to relocation benefits and a right of first refusal to rent or purchase a comparable unit in the new development at an affordable price. The amount of relocation assistance is defined by California Government Code Sections 7260 – 7277. The Housing Crisis Act of 2019 has a sunset date of January 1, 2030.

Requirements for TOC Policy Compliance

Note: *If a jurisdiction implements all provisions from SB 330/SB 8 without a sunset date, then the jurisdiction meets the standards required by and can claim credit for both Protection Policy 2 (No Net Loss and Right to Return to Demolished Homes) and Production Policy 7 (Development Certainty and Streamlined Entitlement Process).*

To comply with the TOC Policy, a jurisdiction's policy for no net loss and right to return must meet the following minimum requirements:

- Include all the no net loss provisions in the Housing Crisis Act with no sunset date, to the extent permitted by state or federal law. These provisions require replacing all demolished units with units of equivalent size³⁶ and replacing demolished protected units with units affordable to low-income households.³⁷
- Include all right of return provisions in the Housing Crisis Act with no sunset date, to the extent permitted by state or federal law. These provisions require providing

³⁵ For more information on "protected units" defined by state law, see [California Government Code Section 66300\(d\)\(2\)\(F\)\(vi\)](#).

³⁶ State law defines equivalent size as containing at least the same number of bedrooms as the units being replaced.

³⁷ For more information on the affordability requirements for replacing protected units, see subparagraphs (B) and (C) of paragraph (3) of subdivision (c) of [California Government Code Section 65915](#).

displaced lower-income tenants with relocation assistance and right of first refusal to a comparable unit at an affordable rent.³⁸

Protection Policy 3: Legal Assistance for Tenants

Description from TOC Policy Resolution: Investments or programs that expand access to legal assistance for tenants threatened with displacement. This could range from a “right to counsel”³⁹ to dedicated public funding for tenant legal assistance.

Purpose

Many tenant protections granted by state law can only be enforced by tenants using the court system to assert their rights, as is the case for the just cause and rent stabilization protections provided by AB 1482 as well as state anti-harassment laws. However, research and advocates have documented tenants’ lack of legal representation in eviction cases and disputes with landlords, while landlords are more commonly represented by attorneys. Legal representation for tenants can ensure greater fairness and due process and increase the likelihood of tenants keeping their housing. Providing legal assistance to tenants helps ensure that tenants have access to legal counsel and are better equipped to defend their rights in court. In recent years, there have been increasing efforts by cities to expand access to legal assistance for tenants facing eviction, which can promote housing stability and prevent homelessness. An effective tenant legal assistance program will include eligibility criteria, a definition of the legal services provided, dedicated funding, and outreach.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction’s tenant legal assistance program must meet the following minimum requirements:

- The jurisdiction must have a program with secured funding⁴⁰ that provides ongoing allocations to the program at or above the level identified in Appendix B. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.
 - The required funding amount by tier can be split among any two of the four Protection policies requiring funding, but the jurisdiction will only receive credit toward one policy. For example, a Tier A jurisdiction could choose to

³⁸ For more information on relocation assistance and right of refusal provided to lower-income households, see [California Government Code Section 66300\(d\)\(2\)\(D\)](#).

³⁹ “Right to counsel” extends the right to an attorney, required in criminal procedures, to tenants in eviction trials, which are civil procedures.

⁴⁰ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years’ funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

spend \$30,000 on fair housing enforcement and \$70,000 on a tenant legal assistance program, for a total of \$100,000. Alternatively, the jurisdiction could spend \$100,000 on tenant legal assistance. In either scenario, the jurisdiction would receive credit toward one policy for meeting the \$100,000 funding threshold for Protection policies.

- Funding for the program can come from any source that allows tenant legal assistance as an eligible use of funds. Potential funding sources could include, but are not limited to, local housing trust funds, county funds, state and federal funds passed through the jurisdiction, grants from philanthropic organizations, and private contributions from businesses or individuals.
- Jurisdictions that have an existing balance in a tenant legal assistance funding program when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed legal assistance funds prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:
 - The funds are used to support a program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to an organization to use for legal assistance services during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- The program's funding terms must define the situations in which a tenant receives legal assistance and set the eligible criteria for who receives assistance. At minimum, eligibility must include eviction and pre-eviction legal services for lower-income tenants.
- A jurisdiction must contract with one or more legal services organizations to provide legal assistance and representation for cases involving eviction and other eligible tenant issues.
- The jurisdiction must make information available for the public on its website regarding the legal service providers who are funded to assist residents.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the program's eligibility criteria if they are not included in the ordinance or other documents establishing the program.
- Documents demonstrating the jurisdiction has contracted or will contract with one or more legal services organizations.

- A link to a website where the jurisdiction has made information available about legal services for residents.
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered “secured.”
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the four-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Protection Policy 4: Foreclosure Assistance

Description from TOC Policy Resolution: Provide a dedicated funding source to support owner-occupied homeowners (up to 120% of Area Median Income (AMI)) at-risk of foreclosure, including direct financial assistance (e.g., mortgage assistance, property tax delinquency, HOA dues, etc.), foreclosure prevention counseling, legal assistance, and/or outreach.

Purpose

Foreclosures occur when homeowners are unable to make mortgage or other debt payments on a property and therefore must forfeit the rights to their home. Homeowners at risk of foreclosure, especially lower-income households, are also vulnerable to community displacement, homelessness, and may struggle to secure housing in the future due to foreclosure related credit issues. Accordingly, local policies providing foreclosure assistance actively seek to keep homeowners in their residence, which prevents displacement and promotes community and household stability. Foreclosure assistance activities may be administered directly by a jurisdiction, but often are administered in partnership with nonprofit organizations. An effective foreclosure assistance program will provide stable annual operating support to qualified partners to support homeowners facing foreclosure.

Relevant State Laws/Programs

California Homeowner Bill of Rights

The [California Homeowner Bill of Rights](#) provides some protections to homeowners facing foreclosure, which focus largely on requirements for how loan servicers must act during the foreclosure process.

California Mortgage Relief Program

The [California Mortgage Relief Program](#) provides financial assistance for homeowners who have fallen behind on housing payments or property taxes during the COVID-19

pandemic because of COVID-related hardships. Funds will be deployed from the program until they are all allocated, with an end date projected by 2025.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's foreclosure assistance program must meet the following minimum requirements:

- The jurisdiction must have a program with secured funding⁴¹ that provides ongoing allocations to the program at or above the level identified in Appendix B. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.
 - The required funding amount by tier can be split among any two of the four Protection policies requiring funding, but the jurisdiction will only receive credit toward one policy. For example, a Tier A jurisdiction could choose to spend \$30,000 on foreclosure assistance and \$70,000 on a rental assistance program, for a total of \$100,000. Alternatively, the jurisdiction could spend \$100,000 on foreclosure assistance. In either scenario, the jurisdiction would receive credit toward one policy for meeting the \$100,000 funding threshold for Protection policies.
- Funding for the program can come from any source that allows foreclosure assistance as an eligible use of funds. Potential funding sources could include, but are not limited to, local housing trust funds, county funds, state and federal funds passed through the jurisdiction, grants from philanthropic organizations, and private contributions from businesses or individuals.
- Jurisdictions that have an existing balance in a foreclosure assistance funding program when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed foreclosure assistance funds prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:
 - The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to an organization to use for foreclosure assistance services during the OBAG 4 cycle sometime between 2026 and 2030).

⁴¹ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

AND/OR

- The funds are expended after January 1, 2025.
- A jurisdiction must contract with one or more organizations to provide foreclosure assistance to homeowners earning up to 120% of AMI.
- Foreclosure assistance activities may include tax delinquency forgiveness, emergency direct financial assistance (loans, grants, or other investment), loan modification services, legal services, foreclosure counseling, and proactive, targeted outreach to eligible households.
- The jurisdiction must make information available for the public on its website regarding the foreclosure assistance providers who are funded to assist residents.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the program's eligibility criteria if they are not included in the ordinance or other documents establishing the program.
- Documents demonstrating the jurisdiction has contracted or will contract with one or more foreclosure assistance organizations.
- A link to a website where the jurisdiction has made information available about foreclosure assistance for residents.
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered "secured."
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the four-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Protection Policy 5: Rental Assistance Program

Description from TOC Policy Resolution: Provide a dedicated funding source and program for rental assistance to low-income⁴² households.

Purpose

⁴² In some contexts, state and federal agencies use the term "low-income" to refer to the more specific category of households earning between 50% of AMI and 80% of AMI. However, the use of the term "low-income households" in MTC Resolution No. 4530 is assumed to be synonymous with the broader category of "lower-income," or all households below 80% of AMI.

Health emergencies, job loss, or other unexpected expenses disproportionately impact lower-income households, and force renters to choose between paying rent and covering other necessary life expenses. Most eviction filings result from unpaid rent totaling less than the cost of one month, according to research from Princeton University's Eviction Lab.⁴³ For these reasons, rental assistance programs providing low-income tenants with emergency funds for rent are effective at preventing eviction and stopping displacement.⁴⁴ In addition to one-time assistance to prevent eviction, some rental assistance programs provide short-term assistance (e.g., six months to one year) to help residents experiencing homelessness become rehoused and achieve stability. Effective rental assistance programs provide one-time or short-term financial support to lower-income tenants at greatest risk of experiencing eviction and homelessness.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's tenant rental assistance program must meet the following minimum requirements:

- The jurisdiction must have a program with secured funding⁴⁵ that provides ongoing allocations to the program at or above the level identified in Appendix B. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.
 - The required funding amount by tier can be split among any two of the four Protection policies requiring funding, but the jurisdiction will only receive credit toward one policy. For example, a Tier A jurisdiction could choose to spend \$30,000 on fair housing enforcement and \$70,000 on a rental assistance program, for a total of \$100,000. Alternatively, the jurisdiction could spend \$100,000 on rental assistance. In either scenario, the jurisdiction would receive credit toward one policy for meeting the \$100,000 funding threshold for Protection policies.
- Funding for the program can come from any source that allows rental assistance as an eligible use of funds. Potential funding sources could include, but are not limited to, local housing trust funds, county funds, state and federal funds passed through the jurisdiction, grants from philanthropic organizations, and private contributions from businesses or individuals.

⁴³ Badger, Emily. (2019). [Many Renters Who Face Eviction Owe Less than \\$600](#). The New York Times.

⁴⁴ Chapple, K. et. al. (2022). [Housing Market Interventions and Residential Mobility in the San Francisco Bay Area](#). Federal Reserve Bank of San Francisco.

⁴⁵ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

- Jurisdictions that have an existing balance in a rental assistance funding program when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed rental assistance funds prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:
 - The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to an organization to use for rental assistance during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- The program must define the situations in which a tenant receives rental assistance and set the eligibility criteria for who receives assistance. Assistance must serve lower-income tenants (with incomes at 80% AMI or less), and jurisdictions may decide to target specific income groups or populations deemed most at risk of displacement and/or homelessness. The jurisdiction may choose to include additional eligibility requirements, such as the type(s) of documentation required for a tenant to establish eligibility (e.g., signed self-attestation form, etc.).
- Rental assistance can be distributed directly by the jurisdiction, or the jurisdiction can contract with nonprofits and/or community-based organizations to administer the funds.
- The jurisdiction must make information available for the public on its website regarding the rental assistance providers who are funded to assist residents.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the program's eligibility criteria if they are not included in the ordinance or other documents establishing the program.
- Documents demonstrating the jurisdiction has contracted or will contract with one or more rental assistance providers.
- A link to a website where the jurisdiction has made information available about rental assistance available for residents.
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered "secured."
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future

funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the four-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Protection Policy 6: Rent Stabilization

Description from TOC Policy Resolution: Restricts annual rent increases based upon a measure of inflation or other metric, with provisions exceeding those established by [AB 1482 \(2019, Chiu\)](#).

Purpose

Rent stabilization ordinances limit annual rent increases to protect tenants from displacement. Importantly, research finds that rent stabilization policies are effective in preventing displacement and promoting neighborhood stability, particularly when paired with condominium conversion restrictions and just cause eviction regulations.⁴⁶ By decreasing renter housing cost burden over time, rent stabilization leaves tenants with more money to spend on essential needs and in the local economy. The increased stability and affordability created by rent stabilization also has positive consequences for mental and physical health as well as children's educational outcomes.⁴⁷ Though state law currently caps rent increases for some tenants, these protections expire in 2030 and allow rent increases beyond what many tenants can afford.⁴⁸ Moreover, in the absence of local rent stabilization ordinances and local government infrastructure to enforce them, tenants may be unaware of their rights and how to utilize them. As a result, multiple jurisdictions throughout the Bay Area and across California have adopted local rent stabilization ordinances that go beyond state law to better ensure stability for tenants. An effective rent stabilization ordinance will define a maximum annual rent increase and create mechanisms for local enforcement.

Relevant State Laws

AB 1482 (Tenant Protection Act of 2019) and SB 567 (2023)

[AB 1482](#) (the Tenant Protection Act of 2019) limits annual rent increases to no more than 5% plus the local Consumer Price Index (a measure of the inflation rate) or 10%, whichever is lower. This law currently has a sunset of January 1, 2030. [SB 567 \(2023\)](#) makes landlords who violate the Tenant Protection Act liable in civil court for damages

⁴⁶ Chapple, K. et. al. (2022). [Housing Market Interventions and Residential Mobility in the San Francisco Bay Area](#). Federal Reserve Bank of San Francisco.

⁴⁷ PolicyLink. "[Rent Stabilization](#)."

⁴⁸ Research shows that the 8% rent cap in place in San Jose from 1979 to 2016 had little impact on displacement, leading the city to lower its rent cap to 5% in 2016. Accordingly, the 10% cap allowed in state law may be similarly ineffective at preventing displacement. For more information see the findings in "[Exploring The Effectiveness Of Tenant Protections In Silicon Valley](#)" by the Urban Displacement Project at UC Berkeley.

and provides mechanisms for the Attorney General, city attorney, or county counsel to enforce the law.

Costa-Hawkins Rental Housing Act

Local rent stabilization ordinances must adhere to the framework established in state law by the [Costa-Hawkins Rental Housing Act](#). This law establishes certain parameters for the policy features of local ordinances, such as prohibiting rent stabilization on single-family homes or buildings constructed after 1995, and allowing landlords to reset rents to market rate after a tenant leaves their unit (known as “vacancy decontrol”). Local ordinances retain significant room for policy flexibility to respond to local circumstances but must meet Costa-Hawkins’s standards.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction’s rent stabilization ordinance must meet the following minimum requirements:

- The ordinance must not have a sunset date.
- The ordinance must apply to multifamily rental housing with three or more units, while adhering to the parameters of the Costa-Hawkins Rental Housing Act. If the jurisdiction chooses, the ordinance may apply to additional housing types, such as duplexes.
 - The ordinance may allow for exemptions for special housing types (e.g., deed-restricted affordable housing, student housing, assisted living facilities).
- A rent stabilization ordinance must limit maximum annual rent increases to be less than those allowed under state law (see Relevant State Laws section above for more information).⁴⁹
- A jurisdiction must define a local enforcement mechanism (such as a rent board or administrative hearing) whereby tenants can dispute rent increases that exceed legally allowed maximums.⁵⁰

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit documents or regulations describing the processes for enforcing maximum allowable rent increases and deciding disputes regarding rent increases, if these processes are not described in the jurisdiction’s rent stabilization ordinance.

⁴⁹ The maximum annual rent increases allowed under state law are defined in [California Civil Code Section 1947.12](#).

⁵⁰ While state law provides some mechanisms for enforcement by the Attorney General and/or city attorney if a landlord raises rent in excess of the legally allowed increase, local administrative bodies like rent boards can provide more easily accessible processes for tenants to dispute rent increases that exceed legally allowed maximums.

Protection Policy 7: Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities

Description from TOC Policy Resolution: Policies, programs, or procedures designed to minimize the risk of displacement caused by substandard conditions including through local code enforcement activities. This may include proactive rental inspection programs and assistance to landlords for property improvements in exchange for anti-displacement commitments. This policy may be used to fulfill either the housing preservation or protection requirement, but not both.

Purpose

Substandard conditions and physical deterioration represent a key threat to the region's rental housing stock and unsubsidized affordable housing units. These conditions create health and safety risks for tenants and can lead to condemnation, abandonment, and/or demolition of housing units. The remediation of substandard conditions in unsubsidized affordable housing is not only necessary to preserve this housing but also represents an important anti-displacement strategy. Code enforcement programs need to ensure habitability issues and needs for substantial property repairs do not lead to the permanent displacement of tenants, which also requires maintaining housing stability for tenants during any temporary displacement necessary for repairs. Code enforcement and other programs to address substandard conditions need to be centered in an anti-displacement framework, otherwise these activities can lead to the immediate displacement of vulnerable tenants if properties are deemed uninhabitable. An effective program which prevents displacement due to code enforcement protects tenants from displacement when renovations are mandated by code enforcement actions by requiring plans for maintaining habitability and providing public support to landlords on the condition that they provide additional tenant protections.

Relevant State Law

California Health and Safety Code (HSC)

HSC [Section 17920.3](#) provides a definition of a substandard building, which includes inadequate sanitation such as a lack of plumbing, ventilation, or heating; structural hazards such as deteriorated floors, walls, or ceilings; faulty weather protection such as defective waterproofing and windows; and so on. [Section 17970 – 17972](#) requires that when a jurisdiction receives a complaint from a tenant, they must inspect the building, document any findings, prescribe a remedy to the property owner, and schedule a reinspection to verify the correction. [Section 17980 – 17992](#) states that once a building is determined to be substandard, the enforcement agency of the jurisdiction cannot require the vacating of residents unless it concurrently requires expeditious demolition or repair to comply with state law. If the tenant cannot safely reside in their unit due to repair, state law requires a property owner to provide affected tenants with compensation for moving expenses; the value of property lost, stolen or damaged in the process of moving; and costs associated with connection charges imposed by utility

companies for starting service. The relocation benefit also includes two months of the established fair market rent for the area as determined by the U.S. Department of Housing and Urban Development, and the property owner must return the full security deposit to the tenant.

Requirements for TOC Compliance

To comply with the TOC Policy, a jurisdiction must adopt a policy to prevent displacement from substandard conditions that meets the minimum standards for at least **ONE** of the following options:

1. **Offer grants or interest-free loans** to landlords to repair substandard or other dangerous/inadequate conditions in exchange for anti-displacement protections for tenants.
 - Funding for the program can come from any source that allows repairs of residential units as an eligible use of funds. Potential funding sources could include, but are not limited to, local housing trust funds, county funds, state and federal funds passed through the jurisdiction, grants from philanthropic organizations, and private contributions from businesses or individuals.
 - Prior to making repairs, the property owner must complete a tenant habitability plan describing how they will maintain habitability for the tenant and any adjacent units while repairs are being performed. If the tenant needs to be relocated for repairs, the plan discusses how the landlord will assist with temporary relocation, which must include offering a nearby available unit at same rent (if landlord owns other properties), paying for moving expenses, and providing relocation assistance to pay for the cost of temporary housing.
 - As a condition of receiving the grant or loan, the property owner must agree to continue renting to the existing tenant after repairs are complete with reasonable limits on rent increases for that tenant.
 - Jurisdictions may set income qualifications for landlords to receive this funding.
2. **Implement a rental escrow program** where tenants experiencing persistent habitability issues receive rent reductions and rental payments are deposited into an escrow account until code violations are addressed.
 - Prior to making repairs, the property owner must complete a tenant habitability plan describing how they will maintain habitability for the tenant and any adjacent units while repairs are being performed. If the tenant needs to be relocated for repairs, the plan discusses how the landlord will assist with temporary relocation, which must include offering a nearby available unit at same rent (if landlord owns other properties), paying for moving expenses, and providing relocation assistance to pay for the cost of temporary housing.
 - The tenant has the right to reoccupy the unit after repairs are complete.

- While rental funds are in escrow, the landlord can request access to them only for repairs, tenant relocation assistance, and other qualifying expenses.
 - The rental escrow program must clearly define the circumstances in which a tenant can safely withhold or reduce rent without fear of eviction.
3. **Require landlords to complete a tenant habitability plan** as part of the permitting process for repairs to address code issues.
- The plan must describe how the landlord will maintain habitability for the tenant and any adjacent units while repairs are being performed.
 - If the tenant needs to be relocated for repairs, the plan discusses how the landlord will assist with temporary relocation, which must include offering a nearby available unit at same rent (if landlord owns other properties), paying for moving expenses, and providing relocation assistance to pay for the cost of temporary housing.
 - The tenant has the right to reoccupy the unit after repairs are complete.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- The rehabilitation grant/loan program's eligibility requirements and financing terms if a jurisdiction is selecting this option.
- A template of the tenant habitability plan or a document outlining details that must be included in such a plan if a jurisdiction is selecting this option.

Protection Policy 8: Tenant Relocation Assistance

Description from TOC Policy Resolution: Policy or program that provides relocation assistance (financial and/or other services) to tenants displaced through no fault of their own, with assistance exceeding that required under state law.

Purpose

Relocation assistance can prevent undue burden and hardship for renters in the Bay Area's high-cost housing market. The majority of Bay Area tenants are lower-income, making less than 80% of Area Median Income (AMI), while nearly one-quarter of the region's renters are extremely low-income and make less than 30% of AMI.⁵¹ Consequently, most tenants are likely to require financial assistance to regain stability if they are displaced from their current housing due to demolition, code enforcement violations, no-fault or no-cause evictions, or other circumstances outside of their control. An effective relocation assistance policy includes clear definitions of tenant eligibility and required minimum compensation from landlord.

⁵¹ U.S. Department of Housing and Urban Development (HUD), [Comprehensive Housing Affordability Strategy \(CHAS\) ACS tabulation, 2013-2017 release](#).

Relevant State Laws

Multiple state laws govern situations that require property owners to provide tenants with relocation assistance, including the following:

- [Tenant Protection Act of 2019 \(AB 1482\)](#)
- [California Government Code Sections 7260-7277](#)
- [Housing Crisis Act of 2019](#), established by [SB 330 \(2019\)](#) and amended by [SB 8 \(2021\)](#)
- [California Health and Safety Code Sections 17975-17975.10](#)

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's relocation assistance policy must meet the following minimum requirements:

- Landlords must make relocation payments for all no-cause or no-fault evictions.⁵²
- Jurisdictions can choose to limit assistance to lower-income tenants (those at 80% of AMI or less) or lower- and moderate-income tenants (those at 120% of AMI or less).
- The amount of relocation assistance must be equal to at least three months' fair market rent, unless another law (e.g., local, state, federal) requires a higher minimum amount.

Protection Policy 9: Mobile Home Rent Stabilization

Description from TOC Policy Resolution: Restricts annual rent increases on mobile home residents based upon a measure of inflation or another metric.

Purpose

A mobile home rent stabilization policy can help protect the affordability and stability of mobile home communities. Mobile home parks are often a unique hybrid of rental housing and ownership housing: residents typically own their homes and rent the lots where the homes are located, which generally enables mobile homes to be purchased at much lower prices than other forms of homeownership. In some cases, a mobile home resident rents the actual mobile home, either from the mobile home owner or the mobile home park. Despite their name, mobile homes are rarely able to be moved off their lots, and so an unaffordable increase in lot rent could force the sale of the mobile home and displacement of the residents. In some communities, mobile home parks comprise a significant portion of unsubsidized affordable housing, and these neighborhoods are

⁵² No-fault evictions can occur for tenants covered by just cause eviction protections under state law (i.e., AB 1482) or local ordinances, and these no-fault circumstances are defined by the terms of these laws. For tenants who are not covered by just cause eviction protections under state law or local ordinances, no-cause evictions occur when a landlord chooses not to renew an annual lease or provides a notice to terminate the tenancy that is not required to state a reason.

increasingly being acquired by speculative investors.⁵³ Given these conditions, mobile home rent stabilization can promote longer-term community stability for mobile home residents and prevent displacement of lower-income residents who lack other housing options. An effective mobile home rent stabilization ordinance will include a limit on annual rent increases and processes for ensuring compliance with the policy.

Relevant State Law

SB 940 (2022)

While the [Mobile Home Residency Law](#) previously exempted “new construction” from local mobile home rent stabilization laws, [SB 940 \(2022\)](#) limits this exemption to 15 years. Additionally, SB 940 creates a distinction between mobile home parks and mobile home spaces. For individual mobile home spaces within an existing mobile home park, “new construction” is newly constructed spaces “initially rented” after January 1, 1990. For mobile home parks, “new construction” is defined as all spaces in a newly constructed mobile home park for which the permit to operate is first issued on or after January 1, 2023.

Requirements for TOC Policy Compliance

To receive compliance credit for this policy, a jurisdiction must demonstrate there is at least one mobile home park (as defined by California’s [Mobile Home Park Act](#)) within the jurisdiction. Due to the heightened vulnerability of mobile home parks and the residents who occupy them, a jurisdiction with an adopted mobile home rent stabilization policy that applies to all mobile home parks may receive credit for this policy even if none of the parks are located within TOC areas. If none of the at-risk mobile home parks in a jurisdiction are located within a TOC area, then the jurisdiction must apply this policy jurisdiction-wide.

To comply with the TOC Policy, a jurisdiction’s mobile home rent stabilization ordinance must meet the following minimum requirements:

- A mobile home rent stabilization ordinance must define maximum annual rent increases for both mobile home spaces (i.e., lot rent) and mobile homes as **ONE** of the following:
 - A flat rate increase of up to 5%. A jurisdiction may choose to set the maximum allowable rent increase below 5%.
 - A rate increase linked to the local CPI, which is a measure of inflation. A jurisdiction must set the maximum allowable rent increase no higher than 100% of CPI, or the jurisdiction could choose to set the maximum allowable rent increase at a smaller percentage of CPI.

⁵³ Arnold, C., Benincasa, R., and Childs, M. 2021. [How the government helps investors buy mobile home parks, raise rent and evict people](#). National Public Radio.

- Some combination of the two standards described above (e.g., a maximum annual rent increase limited to 60% of CPI or 5%, whichever is lower).
- Some form of vacancy control within constitutional limits.
- A jurisdiction must define a local enforcement mechanism (such as a rent board or administrative hearing) whereby mobile home residents can dispute rent increases that exceed legally allowed maximums.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- Documentation of the presence of at least one mobile home park within the jurisdiction.
- Documents or regulations describing the processes for enforcing maximum allowable rent increases and deciding disputes regarding rent increases if these processes are not described in the jurisdiction's rent stabilization ordinance.

Protection Policy 10: Fair Housing Enforcement

Description from TOC Policy Resolution: Policy, program, or investments that support fair housing testing, compliance monitoring, and enforcement.

Purpose

Fair housing laws aim to ensure that people have equal access to housing regardless of their race, national origin, family status, religion, sex, disability, or other characteristics that are known as “protected classes.”⁵⁴ Across the region, people of color, people with disabilities, and other protected classes are disproportionately represented in a number of indicators of housing need that put them at greater risk of displacement.⁵⁵ Consistent enforcement of existing fair housing law is a critical strategy to overcome patterns of segregation and foster inclusive communities. Local jurisdictions can further fair housing by supporting fair housing organizations who conduct fair housing testing, investigate complaints, and assist with filing complaints with the state and/or federal agencies who can take administrative action. In response to fair housing complaints, fair housing organizations can also provide mediation between housing providers and complainants, or file lawsuits against those found to be in violation of the law.

⁵⁴ The Fair Housing Act is a federal law passed in 1968 and amended several times thereafter that protects individuals from experiencing housing discrimination based on the following characteristics: race, color, national origin, religion, sex, familial status, and disability. California's Fair Employment and Housing Act expands on the protected classes defined by federal law by also prohibiting housing discrimination based on the following characteristics: sexual orientation, gender identity and gender expression, genetic information, marital status, source of income, citizenship, primary language, and immigration status.

⁵⁵ For more information on disparities in housing needs, see [ABAG's Housing Needs Data Packets](#).

Relevant State Laws

Fair Employment and Housing Act

California's [Fair Employment and Housing Act](#) prohibits those engaged in the housing business from discriminating against protected classes. The California Department of Fair Employment and Housing is responsible for enforcing state fair housing laws, which includes investigating and settling fair housing complaints.

AB 686

Affirmatively Furthering Fair Housing, established by [AB 686 \(2018\)](#), requires that local jurisdictions take meaningful actions that address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's fair housing enforcement policy/program must meet the following minimum requirements:

- The jurisdiction must have a program with secured funding⁵⁶ that provides ongoing allocations to the program at or above the level identified in Appendix B. The amount contributed can vary by year as long as the total for the relevant four-year OBAG cycle meets the specified target for the jurisdiction.
 - The required funding amount by tier can be split among any two of the four Protection policies requiring funding, but the jurisdiction will only receive credit toward one policy. For example, a Tier A jurisdiction could choose to spend \$30,000 on fair housing enforcement and \$70,000 on a tenant legal assistance program, for a total of \$100,000. Alternatively, the jurisdiction could spend \$100,000 on fair housing enforcement. In either scenario, the jurisdiction would receive credit toward one policy for meeting the \$100,000 funding threshold for Protection policies.
- Funding for the program can come from any source that allows fair housing enforcement as an eligible use of funds. Potential funding sources could include, but are not limited to, local housing trust funds, county funds, state and federal funds passed through the jurisdiction, grants from philanthropic organizations, and private contributions from businesses or individuals.

⁵⁶ Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

- Jurisdictions that have an existing balance in a fair housing enforcement funding program when submitting final documentation for TOC Policy compliance may count existing funds toward the required total so long as funds are available for expenditure during the four-year planning period (anticipated to align with the OBAG cycle).
- Jurisdictions that have committed fair housing enforcement funds prior to submitting final documentation for TOC Policy compliance may count expended funds toward the required total so long as at least one of the following conditions is met:
 - The funds are used to support a project or program occurring during the relevant four-year OBAG cycle (e.g., funds are committed to an organization to use for legal assistance services during the OBAG 4 cycle sometime between 2026 and 2030).

AND/OR

- The funds are expended after January 1, 2025.
- A jurisdiction must contract with one or more fair housing service providers to serve its constituents and provide fair housing enforcement. Alternatively, the jurisdiction can establish its own fair housing testing and enforcement program with staff who conduct fair housing testing on a regular basis,⁵⁷ investigate complaints of discrimination, provide information to tenants and landlords, and refer cases to the State Department of Fair Employment and Housing.⁵⁸
- The jurisdiction must make information available for the public on its website regarding the fair housing services available to assist residents.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- Documents demonstrating the jurisdiction has contracted or will contract with one or more fair housing enforcement organizations, if applicable.
- A link to a website where the jurisdiction has made information available about fair housing services for residents.
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered “secured.”
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting

⁵⁷ In 2017, the City of Seattle conducted their own [in-house civil rights testing program](#) where housing tests were conducted by email, phone and in-person.

⁵⁸ The City of Santa Barbara has a [Fair Housing Enforcement Officer](#) on staff who completes these actions.

compliance documentation to MTC. At the end of the four-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Protection Policy 11: Tenant Anti-Harassment Protections

Description from TOC Policy Resolution: Policy or program that grants tenants legal protection from unreasonable, abusive, or coercive landlord behavior.

Purpose

Despite existing state law prohibiting landlords from using threats or intimidation for the purpose of influencing tenants to vacate a unit, landlord harassment continues to be an issue of concern and driver of informal evictions in many communities across the Bay Area. State law lacks specific language defining harassing behavior, which can make violations difficult to prove in court. As a result, multiple jurisdictions throughout the Bay Area and across California have adopted anti-harassment ordinances that go beyond state law to better ensure stability for vulnerable tenants.⁵⁹

Informal evictions through tenant harassment are a persistent problem for low-income, undocumented, and/or limited English-speaking residents because these populations are especially vulnerable to landlord actions.⁶⁰ Anti-harassment ordinances can reduce such displacement pressures by clarifying what constitutes harassment and enabling affected tenants as well as jurisdictions to stop harassment. Anti-harassment policies can also support habitability improvements by reducing the risk of retaliation against tenants who report habitability issues to landlords, thereby improving the quality of housing. An effective tenant anti-harassment ordinance defines prohibited harassing behaviors and mechanisms for enforcement.

Relevant State Laws

California Civil Code Section 1940.2

State law prohibits a landlord from using “force, willful threats, or menacing conduct” to influence a tenant to vacate a dwelling. The law also prohibits a landlord from threatening to disclose information regarding the immigration or citizenship status of a tenant. Tenants are entitled to up to \$2,000 per violation if they prevail in a civil action.

⁵⁹ [Mercury News article](#) from June 15, 2022, reporting on tenant harassment in Concord and the ordinance passed in response by the City Council. [East Bay Times article](#) from July 13, 2021, reporting on tenant harassment in Richmond and the ordinance passed in response by the City Council.

⁶⁰ Desmond, M. (2012) Eviction and the Reproduction of Urban Poverty. *AJS*: 118(1) 88-133; Desmond, M. C. Gershenson, and B. Kiviat (2016) Forced Relocation and Residential Instability among Urban Renters. *Social Service Review* 89 (2). Greenberg, D. C. Gershenson and M. Desmond (2016) Discrimination in Evictions: Empirical Evidence and Legal Challenges. *Harvard Civil Rights-Civil Liberties Law Review* 51: 115-158.

California Civil Code Section 1942.5

[State law](#) prohibits a landlord from retaliating against a tenant for exercising their legal rights. Landlords who violate this prohibition are liable for actual damages, attorney's fees, and punitive damages of up to \$2,000 per retaliatory act.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's tenant anti-harassment policy must meet the following minimum requirements:

- The tenant anti-harassment policy must define harassing behaviors, which at minimum shall include behaviors prohibited by state law as well as the following:
 - Any behavior to prevent tenant organizing. Landlords may not impinge tenants' ability to engage in organizing activities regarding issues of common interest or concern to other tenants, including unreasonable restrictions on distributing literature to and/or meeting with other residents at properties owned by the same landlord.
 - Refusal to accept or acknowledge receipt of a tenant's lawful rent payment.
 - Requesting information or documentation relating to immigration or citizenship status, unless otherwise required by federal law.
 - Failing to perform repairs or maintenance or threatening to fail to perform repairs or maintenance required by contract or by state, county, or local housing, health, or safety laws.
- The policy must state that the city or county attorney as well as the impacted tenant may bring a civil action or request an injunction in response to harassment.
- The policy must establish penalties for landlords found to be in violation, including fines, attorneys' fees, and punitive damages. The policy shall also define a violation of the ordinance as an affirmative defense for a tenant in an eviction proceeding.
- The policy must establish noticing requirements for landlords to provide each tenant with an information sheet outlining anti-harassment protections and any other tenant protections in the jurisdiction (e.g., rent stabilization, just cause, relocation assistance). The sheet must include links to the city website and at least one local tenant legal services organization.

IV. Commercial Stabilization Policy Options

To comply with the TOC Policy, a jurisdiction must adopt **at least one** of the commercial stabilization policies listed below:

- Commercial Stabilization Policy 1: Small Business and Non-Profit Overlay Zone
- Commercial Stabilization Policy 2: Small Business and Non-Profit Preference Policy

- Commercial Stabilization Policy 3: Small Business and Non-Profit Financial Assistance Program
- Commercial Stabilization Policy 4: Small Business Advocate Office

A jurisdiction may meet the requirements with existing adopted policies or as needed, adopt new policies by the TOC Policy compliance deadline. At minimum, policies must apply in TOC areas. Jurisdictions may choose to apply policies beyond the TOC area(s), which could include the entirety of the jurisdiction (i.e., adopting a jurisdiction-wide policy). See Section 2 of the guidance document for more information about these requirements.

Commercial Stabilization Policy 1: Small Business and Non-Profit Overlay

Description from TOC Policy Resolution: Establish boundaries designated for an overlay, triggering a set of protections and benefits should development impact small businesses (including public markets) or community-serving non-profits.

Purpose

To prevent displacement caused by transit-oriented development, jurisdictions can protect existing small businesses and community-serving non-profits by affording protections and benefits beyond what is available jurisdiction-wide. A jurisdiction may select this policy to preserve the rich community of small businesses and non-profits located in areas that are subject to new development. An “overlay zone” is a district that superimposes additional regulations over existing zoning districts.⁶¹ A successful overlay zone offers benefits such as an operating subsidy, eviction protections, and relocation requirements.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction’s small business and non-profit overlay policy must meet the following minimum requirements:

- Jurisdictions must define “small business” and “community-serving non-profit” to establish the minimum requirements to qualify for protections.
- Offer at least one protection or benefit specific to the community and expected to prevent displacement.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit a copy of the policy’s eligibility criteria and description of protections and/or benefits provided, if they are not included in the ordinance or other documents establishing the program.

⁶¹ Planetizen Planopedia. [“What is an Overlay District?”](#)

Commercial Stabilization Policy 2: Small Business and Non-Profit Preference Policy

Description from TOC Policy Resolution: Give priority and a right of first offer to local small businesses and/or community-serving non-profits when selecting a tenant for new market-rate commercial space.

Purpose

Transit-oriented development has the potential to displace existing small businesses and non-profits as new development may increase commercial rent costs. This policy would require that owners or managers of applicable commercial spaces provide a preference to small businesses and/or community-serving non-profits when selecting tenants by offering them the right of first offer. A jurisdiction would select this policy to protect their existing community of non-profits and small businesses from displacement.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's small business and non-profit preference policy must meet the following minimum requirements:

- Jurisdictions must define "small business" and "community-serving non-profit" to establish the minimum requirements to qualify for preference.
- Establish a preference policy that prioritizes small businesses and non-profits when selecting new tenants by offering them the right of first offer. Jurisdictions may apply such a policy on publicly-owned properties, as part of the entitlement process for a new development, as a condition of a small business support program, or in other applicable circumstances.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit a copy of the policy's eligibility criteria and preference details, if they are not included in the ordinance or other documents establishing the program.

Commercial Stabilization Policy 3: Small Business and Non-Profit Financial Assistance Program

Description from TOC Policy Resolution: Dedicated funding program for any impacted small business and community-serving non-profits.

Purpose

As jurisdictions promote transit-oriented development in their communities, they must also take steps to prevent displacement and gentrification in these areas. By providing direct financial assistance, jurisdictions can support small businesses and non-profits through any community-wide transition that comes with new transit-oriented development. Jurisdictions may choose this policy to protect their small businesses and community-serving non-profits that enrich the fabric of their community.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's small business and non-profit financial assistance program must meet the following minimum requirements:

- Jurisdictions must define "small business" and "community-serving non-profit" to establish the minimum requirement to qualify for financial assistance.
- The jurisdiction must have a program with secured funding⁶² that provides financial assistance to stabilize small businesses and non-profits located in the TOC areas. The jurisdiction could choose to offer this assistance to businesses and non-profits in additional areas as well.
- Provide technical assistance and up-to-date information online regarding funding opportunities and deadlines.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the eligibility criteria and program details if they are not included in the ordinance or other documents establishing the program.
- Documents demonstrating the jurisdiction has secured funding that meets the minimum requirements for being considered "secured."
- A schedule of expected funding allocated to the program over the four-year period. MTC understands that projections of future funding may be imprecise, and the expectation is that a jurisdiction will provide a reasonable projection of future funding based on the best information available at the time of submitting compliance documentation to MTC. At the end of the four-year planning period (expected to align with the OBAG cycle), MTC will expect documentation of actual funding received by the program and invested in projects, which may differ from initial projections.

Commercial Stabilization Policy 4: Small Business Advocate Office

Description from TOC Policy Resolution: Provide a single point of contact for small business owners and/or a small business alliance.

Purpose

A jurisdiction's small business economy is bolstered by technical assistance, educational workshops, advertising and exposure, and the development of a network of neighboring businesses. These types of support could be offered by a jurisdiction or an

⁶² Secured Funding: Housing program funds may be considered secured if they are included in a current budget from a source that is expected to continue and where the use of these funds for the program can be reasonably expected to be approved in subsequent years. The subsequent years' funding may require future budget approvals or may be dependent on uncertain but expected revenue sources, so long as there is not a known sunset date or other limit. For bond proceeds or other one-time investments, funding can be considered secured if it will be available for investment at the required level at any point in the four-year planning period, expected to align with the OBAG cycle.

outside contractor and are best utilized when there is a single point of contact. A jurisdiction may choose this policy to commit to the resilience of their small business community.

Requirements for TOC Policy Compliance

To comply with the TOC Policy, a jurisdiction's small business advocate office policy must meet the following minimum requirements:

- Provide a single point of contact for small business owners to connect with a technical support resource. The single point of contact could be a jurisdictional staff member or an outside contractor. Outside contractors could be a staff member of the nearest Small Business Center (SBC) or Small Business Development Center (SBDC)⁶³ In the case of an outside contractor, the jurisdiction must have dedicated staff oversight.

Submitting Additional Required Documentation

In addition to the standard submission requirements, a jurisdiction must submit:

- A copy of the eligibility criteria and program details if they are not included in the ordinance or other documents establishing the program.
- If an outside contractor is used as the point of contact, a description of the jurisdiction's approach for oversight of the contractor.

⁶³ SBCs are part of the [California Network of Small Business and Technical Assistance Centers](#), funded by CalOSBA, while SBDCs are part of a [nationwide network](#) funded by the [U.S. Small Business Administration](#).

Appendix B: Jurisdictions by Funding Tier

Table 1 lists the jurisdictions in each funding tier and the jurisdiction's required minimum four-year funding commitment for each policy selected that requires a funding commitment. *Note: all Bay Area jurisdictions are listed, although not all jurisdictions have TOC areas.*

For the policies in the Protection category, the required funding amount by tier can be split among any two of the four policies, but the jurisdiction will only receive credit toward one policy. For example, a Tier A jurisdiction could choose to spend \$30,000 on fair housing enforcement and \$70,000 on a rental assistance program, for a total of \$100,000. Alternatively, the jurisdiction could spend \$100,000 on a single policy, such as rental assistance. In either scenario, the jurisdiction would receive credit toward one policy for meeting the \$100,000 funding threshold for Protection policies.

Table 1: Jurisdictions by Funding Tier

Jurisdiction	Very Low- and Low- Income RHNA	Tier	Production 2 and Production 6	Preservation 1 and Preservation 5	Protection 3, Protection 4, Protection 5, and Protection 10
Yountville	30	A	\$1,000,000	\$500,000	\$100,000
Calistoga	50	A	\$1,000,000	\$500,000	\$100,000
Ross	54	A	\$1,000,000	\$500,000	\$100,000
Unincorporated Napa	61	A	\$1,000,000	\$500,000	\$100,000
Colma	69	A	\$1,000,000	\$500,000	\$100,000
Belvedere	77	A	\$1,000,000	\$500,000	\$100,000
Monte Sereno	83	A	\$1,000,000	\$500,000	\$100,000
Sebastopol	86	A	\$1,000,000	\$500,000	\$100,000
Cotati	94	A	\$1,000,000	\$500,000	\$100,000
Portola Valley	115	A	\$1,000,000	\$500,000	\$100,000
Unincorporated Solano	130	A	\$1,000,000	\$500,000	\$100,000
Cloverdale	141	A	\$1,000,000	\$500,000	\$100,000
Woodside	142	A	\$1,000,000	\$500,000	\$100,000
Atherton	148	A	\$1,000,000	\$500,000	\$100,000
St. Helena	163	A	\$1,000,000	\$500,000	\$100,000
Dixon	175	A	\$1,000,000	\$500,000	\$100,000
Pinole	190	A	\$1,000,000	\$500,000	\$100,000
Los Altos Hills	197	A	\$1,000,000	\$500,000	\$100,000
Fairfax	235	A	\$1,000,000	\$500,000	\$100,000
Hillsborough	244	A	\$1,000,000	\$500,000	\$100,000

<i>Jurisdiction</i>	<i>Very Low- and Low- Income RHNA</i>	<i>Tier</i>	<i>Production 2 and Production 6</i>	<i>Preservation 1 and Preservation 5</i>	<i>Protection 3, Protection 4, Protection 5, and Protection 10</i>
Suisun City	255	A	\$1,000,000	\$500,000	\$100,000
Piedmont	257	A	\$1,000,000	\$500,000	\$100,000
East Palo Alto	260	A	\$1,000,000	\$500,000	\$100,000
Clayton	267	A	\$1,000,000	\$500,000	\$100,000
San Pablo	273	A	\$1,000,000	\$500,000	\$100,000
American Canyon	278	A	\$1,000,000	\$500,000	\$100,000
Half Moon Bay	285	A	\$1,000,000	\$500,000	\$100,000
Healdsburg	299	A	\$1,000,000	\$500,000	\$100,000
Tiburon	303	A	\$1,000,000	\$500,000	\$100,000
Sausalito	315	A	\$1,000,000	\$500,000	\$100,000
Corte Madera	336	A	\$1,000,000	\$500,000	\$100,000
Benicia	339	A	\$1,000,000	\$500,000	\$100,000
San Anselmo	398	A	\$1,000,000	\$500,000	\$100,000
Mill Valley	413	B	\$1,400,000	\$600,000	\$200,000
Morgan Hill	413	B	\$1,400,000	\$600,000	\$200,000
Oakley	440	B	\$1,400,000	\$600,000	\$200,000
Larkspur	459	B	\$1,400,000	\$600,000	\$200,000
Albany	486	B	\$1,400,000	\$600,000	\$200,000
Brisbane	500	B	\$1,400,000	\$600,000	\$200,000
Moraga	501	B	\$1,400,000	\$600,000	\$200,000
El Cerrito	526	B	\$1,400,000	\$600,000	\$200,000
Hercules	542	B	\$1,400,000	\$600,000	\$200,000
Martinez	551	B	\$1,400,000	\$600,000	\$200,000
Orinda	587	B	\$1,400,000	\$600,000	\$200,000
Windsor	607	B	\$1,400,000	\$600,000	\$200,000
Rohnert Park	629	B	\$1,400,000	\$600,000	\$200,000
Brentwood	634	B	\$1,400,000	\$600,000	\$200,000
Emeryville	710	C	\$2,000,000	\$700,000	\$200,000
Saratoga	715	C	\$2,000,000	\$700,000	\$200,000
Newark	732	C	\$2,000,000	\$700,000	\$200,000
Belmont	769	C	\$3,000,000	\$700,000	\$200,000
Petaluma	787	C	\$2,000,000	\$700,000	\$200,000
Los Altos	789	C	\$2,000,000	\$700,000	\$200,000
Pittsburg	812	C	\$2,000,000	\$700,000	\$200,000
Foster City	819	C	\$2,000,000	\$700,000	\$200,000
Los Gatos	847	C	\$2,000,000	\$700,000	\$200,000
Pacifica	848	C	\$2,000,000	\$700,000	\$200,000
Pleasant Hill	892	C	\$2,000,000	\$700,000	\$200,000

<i>Jurisdiction</i>	<i>Very Low- and Low- Income RHNA</i>	<i>Tier</i>	<i>Production 2 and Production 6</i>	<i>Preservation 1 and Preservation 5</i>	<i>Protection 3, Protection 4, Protection 5, and Protection 10</i>
Novato	898	C	\$2,000,000	\$700,000	\$200,000
Millbrae	906	C	\$2,000,000	\$700,000	\$200,000
Lafayette	943	C	\$2,000,000	\$700,000	\$200,000
Danville	1,028	C	\$2,000,000	\$700,000	\$200,000
Gilroy	1,054	C	\$2,000,000	\$700,000	\$200,000
Vallejo	1,059	C	\$2,000,000	\$700,000	\$200,000
Vacaville	1,081	C	\$2,000,000	\$700,000	\$200,000
San Bruno	1,109	D	\$3,000,000	\$900,000	\$300,000
San Carlos	1,164	D	\$3,000,000	\$900,000	\$300,000
Menlo Park	1,166	D	\$3,000,000	\$900,000	\$300,000
Campbell	1,186	D	\$3,000,000	\$900,000	\$300,000
Napa	1,214	D	\$3,000,000	\$900,000	\$300,000
Antioch	1,248	D	\$3,000,000	\$900,000	\$300,000
Fairfield	1,256	D	\$3,000,000	\$900,000	\$300,000
Unincorporated San Mateo	1279	D	\$3,000,000	\$900,000	\$300,000
Unincorporated Santa Clara	1305	D	\$3,000,000	\$900,000	\$300,000
Richmond	1,325	D	\$3,000,000	\$900,000	\$300,000
San Rafael	1,349	D	\$3,000,000	\$900,000	\$300,000
San Leandro	1,357	D	\$3,000,000	\$900,000	\$300,000
Union City	1,358	D	\$3,000,000	\$900,000	\$300,000
Burlingame	1,360	D	\$3,000,000	\$900,000	\$300,000
South San Francisco	1,373	D	\$3,000,000	\$900,000	\$300,000
Unincorporated Sonoma	1,608	E	\$4,000,000	\$1,200,000	\$300,000
Hayward	1,692	E	\$4,000,000	\$1,200,000	\$300,000
Dublin	1,710	E	\$4,000,000	\$1,200,000	\$300,000
Unincorporated Marin	1734	E	\$4,000,000	\$1,200,000	\$300,000
Redwood City	1,758	E	\$4,000,000	\$1,200,000	\$300,000
Cupertino	1,880	E	\$4,000,000	\$1,200,000	\$300,000
Santa Rosa	1,919	E	\$4,000,000	\$1,200,000	\$300,000
Unincorporated Alameda	1,972	E	\$4,000,000	\$1,200,000	\$300,000
Concord	2,036	E	\$4,000,000	\$1,200,000	\$300,000
Livermore	2,075	E	\$4,000,000	\$1,200,000	\$300,000
Daly City	2,105	E	\$4,000,000	\$1,200,000	\$300,000
Alameda	2,239	E	\$4,000,000	\$1,200,000	\$300,000

<i>Jurisdiction</i>	<i>Very Low- and Low- Income RHNA</i>	<i>Tier</i>	<i>Production 2 and Production 6</i>	<i>Preservation 1 and Preservation 5</i>	<i>Protection 3, Protection 4, Protection 5, and Protection 10</i>
San Ramon	1,359	E	\$4,000,000	\$1,200,000	\$300,000
Palo Alto	2,452	E	\$4,000,000	\$1,200,000	\$300,000
Walnut Creek	2,611	E	\$4,000,000	\$1,200,000	\$300,000
Milpitas	2,655	E	\$4,000,000	\$1,200,000	\$300,000
Pleasanton	2,758	E	\$4,000,000	\$1,200,000	\$300,000
San Mateo	2,800	E	\$4,000,000	\$1,200,000	\$300,000
Unincorporated Contra Costa	3,266	F	\$8,000,000	\$2,400,000	\$400,000
Berkeley	3,854	F	\$8,000,000	\$2,400,000	\$400,000
Mountain View	4,370	F	\$8,000,000	\$2,400,000	\$400,000
Santa Clara	4,525	F	\$8,000,000	\$2,400,000	\$400,000
Sunnyvale	4,677	F	\$8,000,000	\$2,400,000	\$400,000
Fremont	5,736	F	\$8,000,000	\$2,400,000	\$400,000
Oakland	10,261	G	\$40,000,000	\$8,000,000	\$1,000,000
San Jose	23,775	G	\$40,000,000	\$8,000,000	\$1,000,000
San Francisco	32,881	G	\$40,000,000	\$8,000,000	\$1,000,000

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING
THAT THE CITY COUNCIL AUTHORIZE THE FILING OF AN
APPLICATION FOR FUNDING ASSIGNED TO MTC AND
COMMITTING ANY NECESSARY FUNDS AND STATING
ASSURANCE TO COMPLETE THE PROJECT**

WHEREAS, City of Santa Clara (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for TOC Technical Assistance grants to support local implementation of the Transit-Oriented Communities Policy (herein referred to as PROJECT) as a part of MTC's Housing Technical Assistance Program (herein referred to as PROGRAM);

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133);

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA);

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations

promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP);

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region;

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING;

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING;

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- The commitment of any required matching funds
- That the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING
- That the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised)
- The assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP)
- That the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application
- That the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM
- That APPLICANT has assigned, and will maintain a single point of contact for all FHWA-

and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT;

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds;

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT;

WHEREAS, APPLICANT authorizes its City Manager to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and,

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA RECOMMENDING THAT THE CITY COUNCIL RESOLVES AS FOLLOWS:

1. That the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding.
2. That APPLICANT will provide any required matching funds.
3. That APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING.
4. That APPLICANT understands the funding deadlines associated with these funds and

will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT.

5. That PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP.

6. That APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application.

7. That PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM.

8. That, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC ResolutionNo. 3866, revised.

9. That, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104.

10. That, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency.

11. That APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING

funded projects.

12. That APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT.

13. That there is no legal impediment to APPLICANT making applications for the funds.

14. That there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.

15. That APPLICANT authorizes its City Manager or their designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution.

16. That a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

17. That the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6th DAY OF NOVEMBER, 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference: None

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City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

24-1100

Agenda Date: 11/6/2024

REPORT TO PLANNING COMMISSION

SUBJECT

Planning Commission Meeting Minutes of October 23, 2024

RECOMMENDATION

Approve the Planning Commission Meeting Minutes of the October 23, 2024 Meeting.



City of Santa Clara

Meeting Minutes

Planning Commission

10/23/2024

6:00 PM

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

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

- Via Zoom:
 - o <https://santaclaraca.zoom.us/j/91729202898> Webinar ID: 917 2920 2898 or
 - o Phone: 1(669) 900-6833
- Via the City's eComment

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

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

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

6:00 PM REGULAR MEETING

Call to Order

Chair Saleme called the meeting to order at 6:02 p.m.

Pledge of Allegiance and Statement of Values

Secretary Crutchlow read the Statement of Values.

Roll Call

Present 7 - Commissioner Yashraj Bhatnagar, Commissioner Nancy A. Biagini, Commissioner Priya Cherukuru, Commissioner Qian Huang, Vice Chair Mario Bouza, Chair Lance Saleme, and Commissioner Eric Crutchlow

DECLARATION OF COMMISSION PROCEDURES

Secretary Crutchlow read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

Chair Saleme requested that Item 4, RTC 24-987, on the Public Hearing Calendar be moved to the first item to be heard under Public Hearing.

CONSENT CALENDAR

A motion was made by Commissioner Crutchlow, seconded by Commissioner Biagini to approve Item 1 on the Consent Calendar.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

1. [24-1055](#) Planning Commission Meeting Minutes of October 9, 2024

Recommendation: Approve the Planning Commission Meeting Minutes of the October 9, 2024 Meeting

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

4. [24-987](#) PUBLIC HEARING: Continuance from September 11, 2024, for Action on Conditional Use Permit (PLN23-00148) for a New Unmanned AT&T Telecommunication Facility with the Installation of a 60-Foot-Tall Monotree at 3111 Benton Street

Recommendation:

1. **Determine** that the project is categorically exempt from formal environmental review per Section 15303(d), New Construction of Utility Extensions, of the CEQA Guidelines; and
2. **Adopt** a Resolution to approve a Conditional Use Permit for a new unmanned AT&T wireless telecommunication facility with the installation of a 60-foot-tall monotree at 3111 Benton Street, subject to findings and conditions of approval.

Planning Manager Lesley Xavier provided the staff presentation.

Steve Proo, representing AT&T provided the applicant presentation.

Assistant City Attorney Alexander Abbe spoke on the Planning Commission's areas of purview in taking actions on this item and that a continuance was not an option on this item due to the Tolling Agreement/Shot Clock expiration date of November 15, 2024. However; should the applicant agree, the expiration of the Tolling Agreement could be extended if agreed to by the applicant.

David Witkowski, Joint Venture Silicon Valley, representing the applicant spoke on the Real Estate and Property Value Study.

Public Speakers:

Lee Benton
Anya K.
Xaio Ling
Shari
Maria Barbox
Ken Kratz
Nicholas Rossi
Public Speaker
Satish
Satya Mantha
Jason Morrow

Commissioners had a robust discussion on several issues including the location of the tower, compensation to the church, setback issues, tower collapse study, the need for a master plan for unmanned wireless towers, review of a previous design plan submitted which had 3 shorter cell towers

Applicant provided closing remarks and stated he is happy to come back at the next meeting with the previous design and extending the Tolling Agreement Shot Clock.

A motion was made by Commissioner Crutchlow, seconded by Commissioner Cherukuru to close Public Hearing

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

Meeting went into recess at 8:01 and reconvened at 8:12 p.m.

A motion was made by Commissioner Saleme, seconded by Commissioner Cherukuru to continue item to December 4, 2024 in order for the applicant to provide an alternate design that includes three shorter poles located in the parking lot.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, and Chair Saleme

Nay: 1 - Commissioner Crutchlow

2. [24-122](#) PUBLIC HEARING: Action on an Environmental Impact Report and Mitigation Monitoring and Reporting Program, General Plan Amendment, Planned Development Rezone, Vesting Tentative Subdivision Map, and Development Agreement for the Mission Point by Kylli Mixed-Use Project Located at 3005 Democracy Way to Allow the Development of up to 1,800 Multi-Family Residential Units; 3 million Square Feet of Office/Research-and-Development (R&D); up to 100,000 Square Feet of Commercial Retail; and Open Space

Recommendation:

1. Adopt a resolution to recommend the City Council certify the Final EIR prepared for the Mission Point Project (SCH # 2018072068) and adopt a Mitigation Monitoring and Reporting Program, CEQA Findings, and a Statement of Overriding Considerations.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment to add 2 new land use designations, Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU and UCMP.
3. Adopt a resolution to recommend the City Council approve the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development.
4. Adopt a resolution to recommend the City Council approve a Vesting Tentative Subdivision Map.
5. Adopt a resolution to recommend the City Council adopt an ordinance to approving the Development Agreement.

Planning Manager Lesley Xavier provided the staff presentation.

Commissioner Biagini announced she has met with the Developer.

Assistant City Attorney Alexander Abbe announced that resolutions had been updated on this item and introduced a panel of experts: Patrick Maley, ICF CEQA Consultant, Michelle Hunt, Hexagon, outside counsel David Snow, EDQ., and , Chelsea O'Sullivan, RWG Law. Mr. Abbe also addressed the correspondence received from Adams, Broadwell that morning.

Michelle Hunt spoke regarding Levi's Stadium parking in relation to the correspondence from Adams Broadwell.

Commissioners discussed various aspects of the project including the terms of the Development Agreement, including the amount and length of extensions to the Agreement. They also asked questions about the use of roof top space, all electric usage, sound mitigation from stadium noise, amount of parking and the location of schools.

Assistant City Attorney Elizabeth Klotz provided details on the initial term of the Development Agreement.

Brant Trinall - Gensler, representing the applicant, spoke and provided details on the project.

Public Speakers:

Mary Grizzle
Brian Goldenberg
Alex Shoor, Catalyze SV
Anne Kepner
Mike Moran
Robert Fitch
Ruban Camacho
Jaime Vasques, Nor Cal Carpenters
Matt Sweeney
Rick Franco, Adams Broadwell
Josh Schumsky
Daniel Meyberg
Doug Bloch, Adams Broadwell
Will Smith - IBEW
Ali
Manuel, SV@Home
Andrew Siegler
Jason Morrow
Elizabeth Conlan
Mike

Assistant City Attorney Alexander Abbe announced at 10:22 p.m. that he had just been notified by the applicant that they would like to inquire if the Commission would approve an additional 800 housing items for this project.

Meeting went into recess at 10:35 p.m. and reconvened at 10:45 p.m.

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to close Public Hearing.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

A motion was made by Commissioner Cheirukuru, seconded by Commissioner Huang to approve Staff Recommendation 1 with the revised resolution.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

A motion was made by Commissioner Biagini, seconded by Commissioner Cherukuru to reopen Public Hearing.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Chair Saleme, and Commissioner Crutchlow

Nay: 1 - Vice Chair Bouza

A motion was made by Commissioner Crutchlow, seconded by Commissioner Biagini to close Public Hearing.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to rescind approval of staff recommendation 1 with the revised resolution.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

Meeting went into Recess

Meeting Reconvened

A motion was made by Commissioner Cherukuru, seconded by Commissioner Crutchlow, to continue this item to the November 6, 2024 Planning Commission Meeting to allow for the project to be renoticed with the alternative to add 800 housing units and reduce office square footage.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

3. [24-958](#) Public Hearing: Action on an Initial Study and Mitigated Negative Declaration, Variance, and Conditional Use Permit (PLN22-00282) to Allow the Construction of a New Four-Story, 111,978 Square Foot Data Center at 1231 Comstock Street.

- Recommendation:**
1. **Adopt** a Resolution adopting the Initial Study and Mitigated Negative Declaration.
 2. **Adopt** a Resolution approving a Conditional Use Permit for the demolition of the existing building and the construction of a new four-story, 111,978 square foot data center at 1231 Comstock, subject to findings and conditions of approval.
 3. **Adopt** a Resolution approving the Variance to height, parking, and front setback for the new four-story, 111,978 square foot data center at 1231 Comstock, subject to findings and conditions of approval.

Associate Planner Daniel Sobczak provided the staff presentation.

Chris Sumpter, Prime Data Centers provided the Applicant presentation.

Commissioners discussed power needs for data centers, concerns of long term planning and land usage and the impact of additional data centers, revenue for the city generated by data centers, usage of nuclear fuel.

Public Speakers:

Corey Quevedo
Jeff Pratt - Devcon
Erica Valentine - UA Local 393
Public Speaker
Scott Thomas
Doug Bloch
Rigo Gallardo - Norcal Carpenters Union 405
Ruben Galvin

A motion was made by Commissioner Cherukuru, seconded by Commissioner Crutchlow to waive rule 2.8 of the Planning Commission Charter to conduct a hearing after 10 p.m.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

A motion was made by Chair Saleme, seconded by Commissioner Biagini to close Public Hearing.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to deny Staff Recommendation 3.

Aye: 4 - Commissioner Biagini, Commissioner Cherukuru, Vice Chair Bouza, and Chair Saleme

Nay: 3 - Commissioner Bhatnagar, Commissioner Huang, and Commissioner Crutchlow

A motion was made by Commissioner Cherukuru, seconded by Commissioner Bouza to amend the motion just passed to include findings that there are no special conditions of the site for which to support a variance.

Aye: 4 - Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, and Chair Saleme

Nay: 3 - Commissioner Bhatnagar, Vice Chair Bouza, and Commissioner Crutchlow

A motion was made by Commissioner Cherukuru, seconded by Commissioner Bouza to amend the motion just passed to include findings that there are no special conditions of the site for which to support a variance.

A motion was made by Commissioner Cherukuru, seconded by Commissioner Bouza to deny Staff Recommendation 2 with findings: that the operation of the use at the location proposed would be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare.

Aye: 4 - Commissioner Biagini, Commissioner Cherukuru, Vice Chair Bouza, and Chair Saleme

Nay: 3 - Commissioner Bhatnagar, Commissioner Huang, and Commissioner Crutchlow

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Chair Saleme requested that Commissioners send questions to Planning Manager Lesley Xavier for an upcoming Study Session on Data Centers.

2. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Staff Aide II Elizabeth Elliott provided budget updates.

2. Upcoming Agenda Items

Planning Manager Lesley Xavier provided updates.

3. City Council Actions

Planning Manager Lesley Xavier provided updates.

ADJOURNMENT:

The meeting adjourned at 12:19 a.m. The next regular scheduled meeting is Wednesday, November 6, 2024 at 6 p.m.

Aye: 7 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Cherukuru, Commissioner Huang, Vice Chair Bouza, Chair Saleme, and Commissioner Crutchlow

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

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

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

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

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

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

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



Agenda Report

24-1095

Agenda Date: 11/6/2024

REPORT TO PLANNING COMMISSION

SUBJECT

PUBLIC HEARING CONTINUANCE: Action on a Recommendation to City Council with respect to: an Environmental Impact Report and Mitigation Monitoring and Reporting Program, General Plan Amendment from High-Intensity Office/Research-and-Development to newly created Urban Center Mixed Use and Urban Center Residential Mixed Use land use designations, a Rezoning to PD - Planned Development, a Vesting Tentative Subdivision Map, and a Development Agreement for a Mixed Use Project at 3005 Democracy Way comprised of up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development, approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities ("Option A"), with a project alternative ("Option B") that allows for the flexibility of to up an additional 800 dwelling units (for a total of up to 2,600 residential units) with a corresponding reduction in office/research and development square footage to 2.2 million square feet.

BACKGROUND

On October 23, 2024, the Planning Commission considered the Mission Point by Kylli development proposal, which includes an Environmental Impact Report (EIR), General Plan Amendment, Rezoning to Planned Development, Tentative Map, and Development Agreement to allow Development of up to 1,800 Multi-Family Residential Units; 3 million Square Feet of Office/Research-and-Development (R&D); up to 100,000 Square Feet of Commercial Retail; and Open Space. The development is proposed in four site plan areas called Area A, B, C, & D. The current development plan allows for housing in Area D only Attachment 22 is the staff report (RTPC24-122) prepared for the October 23, 2024 Planning Commission meeting and includes the original proposal.

At the October 23rd meeting, the applicant's presentation shared a plan alternative that had been studied in the EIR, but was not part of the description in the project application, to allow an additional 800 units of residential development in Area C, beyond the 1,800 units of what was initially proposed in area D. Before they acted on the project, the Planning Commission deliberated on the merits of adding another 800 residential units to the development program. Their discussion included the adequacy of parkland and parking, as well as affordable housing. The Planning Commission voted to continue the project until their next meeting on November 6, 2024 in order for the alternative development option, which would include an additional 800 units for a total of 2,600 units, to be more specifically noticed with documents updated, and more analysis conducted and presented on the alternate scenario.

DISCUSSION

The project site is divided into four development areas with the following approximate acreages: Area A (13.3 acres), Area B (8.9 acres), Area C (12.7 acres), and Area D (13.7 acres). Area D is proposed for the new Urban Center Mixed-Use General Plan land use designation that allows for high-density residential mixed-use requiring a residential density range of 60 to 250 dwelling units per acre. Areas

A, B, and C are proposed for the new Urban Center Mission Point General Plan land use designation that allows for office and R&D uses, light manufacturing, and commercial retail uses requiring a minimum Floor Area Ratio of 1.5.

As described above, the project that was reviewed by City staff and proposed by the applicant included residential units only in Area D. At the October 23, 2024 Planning Commission meeting, the applicant proposed the addition of an “Option B” to the project description, which would allow for the flexibility to develop up to an additional 800 dwelling units (for a grand total of up to 2,600 residential units) with a corresponding reduction in office square footage in Area C. The applicant is not proposing to change any other aspects of the proposed Planned Development Zoning plans.

For “Option B” the reduction in office square footage and the increase in residential units for the site is consistent with the General Plan as the mix of uses still supports high-density and intensity development within a quarter mile of transit hubs and stations, minimizing vehicle miles traveled, and is compatible with existing and proposed surrounding uses.

The request was also determined to be fiscally neutral when compared with “Option A”. It would result in environmental impacts that are the same as or similar to those of the proposed project (“Option A”), with some Air Quality and Population and Housing impacts being less than those caused by the proposed project. No impacts under “Option B” would be greater than the proposed project.

Development Agreement

The project proposal includes a Development Agreement (DA) between the City and the property owner, Kylli, Inc. With the addition of the alternative development proposal (Option B), the applicant is proposing to add the following community benefits to the DA that was presented on October 23, 2024: (1) commitment to deliver a minimum of 1.5 acres of parkland in Area C upon development of residential on the site. This is in addition to the minimum of 1.5 acres of parkland in Area D at 500 units that is currently in the DA for “Option A”; (2) require a residential parking ratio of 1 space per residential unit on Area C and Area D of which up to twenty-five percent (25%) of these minimum parking spaces may be provided through shared parking; and (3) specify that projects proposed on Area B without a grocery store must demonstrate that the grocery will not be limited or precluded by the development. All other items in the DA would remain the same as with Option A.

ENVIRONMENTAL REVIEW

An Environmental Impact Report was prepared in accordance with the California Environmental Quality Act (CEQA) and circulated for a 45-day public review between November 17, 2023 and January 2, 2024. A total of eight comments were received during the comment period. Seven were from local/regional agencies: Caltrans, California Department of Toxic Substances Control, Santa Clara Unified School District, Santa Clara Valley Water District, San Jose Mineta International Airport, San Francisco Public Utilities Commission, and Santa Clara Valley Transportation Authority. The eighth letter received was from a law firm representing Silicon Valley Residents for Responsible Development. None of the comment letters provided substantial evidence that the CEQA analysis is otherwise inadequate and recirculation of the EIR is therefore not required. Responses to the Draft EIR comments, as well as minor text changes and clarifications, in the form of a Final EIR, were made available to the public through the City’s website on March 13, 2024 and have been forwarded on to any commenters on the Draft EIR. A website link to the Final EIR, Mitigation, Monitoring and Reporting Program (MMRP), CEQA Findings, and Response to Comments is provided in Attachment

2 to this report.

The EIR identified potential environmental impacts associated with project and identified traffic, greenhouse gas, energy, biology, geology and soils, cultural resources, tribal cultural resources, utilities, water quality, and hazards and hazardous materials as having impacts that with the incorporation of mitigation measures would be reduced to less than significant. The EIR also identified air quality and noise as having a significant unavoidable impact with mitigation incorporated. Attachment 3 includes a Statement of Overriding Considerations regarding impacts that cannot be mitigated.

A detailed discussion of the potential impacts and mitigation measures to be applied are specified in the EIR and would be implemented through project conditions of approval and the MMRP for the proposed project.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time and expense to prepare this report.

COORDINATION

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

PUBLIC CONTACT

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

ALTERNATIVES

1. Adopt a resolution to recommend the City Council certify the Final EIR prepared for the Mission Point Project (SCH # 2018072068) and adopt a Mitigation Monitoring and Reporting Program, CEQA Findings, and a Statement of Overriding Considerations.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment to add new land use designations, Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU (on Area D) and UCMP (on Areas A, B, and C).
3. Adopt a resolution to recommend the City Council approve a General Plan amendment to add new land use designations, Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU (on Areas C and D) and UCMP (on Areas A and B).
4. Adopt a resolution to recommend the City Council approve the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development with land use "Option A".
5. Adopt a resolution to recommend the City Council approve the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned

Development, with land use “Option A” and “Option B”.

6. Adopt a resolution to recommend the City Council approve a Vesting Tentative Subdivision Map.
7. Adopt a resolution to recommend the City Council adopt an ordinance approving the Development Agreement.
8. Recommend the City Council deny a General Plan Amendment to add 2 new land use designations Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and decline to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU and UCMP.
9. Recommend the City Council deny the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development.
10. Recommend the City Council deny a Vesting Tentative Subdivision Map.
11. Recommend the City Council decline to adopt an ordinance approving the Development Agreement.

RECOMMENDATION

Alternative:

1. Adopt a resolution to recommend the City Council certify the Final EIR prepared for the Mission Point Project (SCH # 2018072068) and adopt a Mitigation Monitoring and Reporting Program, CEQA Findings, and a Statement of Overriding Considerations.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment to add 2 new land use designations, Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU (Area D) and UCMP (Areas A, B, and C).
3. Adopt a resolution to recommend the City Council approve the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development.
4. Adopt a resolution to recommend the City Council approve a Vesting Tentative Subdivision Map.
5. Adopt a resolution to recommend the City Council adopt an ordinance to approving the Development Agreement.

Prepared by: Lesley Xavier, Planning Manager

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Acting Director of Community Development

ATTACHMENTS

1. Land Use Table
2. Web Links to the PD Rezoning, Final Environmental Impact Report, Mitigation, Monitoring, and Reporting Program, CEQA Findings, Response to Comments
3. Final EIR Resolution Option A
4. CEQA Findings and Statement of Overriding Considerations Option A
5. Final EIR Resolution Option B
6. CEQA Findings and Statement of Overriding Considerations Option B
7. Final EIR Attachment 3 Impacts of Option B
8. General Plan Amendment Resolution Option A
9. General Plan Amendment Resolution Option B

10. PD Rezoning Resolution Option A
11. PD Rezoning Conditions of Approval Option A
12. PD Rezoning Resolution Option B
13. PD Rezoning Conditions of Approval Option B
14. Tentative Subdivision Map Resolution Option A
15. Tentative Subdivision Map Resolution Option B
16. Tentative Subdivision Map Conditions of Approval
17. Development Agreement Resolution Option A
18. Development Agreement Option A
19. Development Agreement Resolution Option B
20. Development Agreement Option B
21. Public Correspondence
22. October 23, 2024 Planning Commission Staff Report

Land Use by Development Area

Option A (Project)

Area	Size (acres)	Height	Accessible Open Space/Private Open Space	Development Type	Building Area (square feet)
A	13.3	123 feet	Up to 3.2/2.5 acres	Office	1,176,000
				Retail	30,000
				Community	3,000
				<i>Area A Total</i>	<i>1,209,000</i>
B	9	153 feet	Up to 2.9/1.4 acres	Office	1,034,000
				Retail	43,000
				<i>Area B Total</i>	<i>1,077,000</i>
C	12.7	132 feet	Up to 5.2/2.4 acres	Office	790,000
				Retail	19,000
				<i>Area C Total</i>	<i>809,000</i>
D	13.7	202 feet	Up to 4.8/3.9 acres	Residential	1,800,000
				Retail	8,000
				Childcare	10,000
				<i>Area D Total</i>	<i>1,818,000</i>
<i>Total</i>	<i>48.6</i>		<i>Up to 16.2/10.2 acres</i>		<i>4,913,000</i>

Option B (Revised Project)

Area	Size (acres)	Height	Accessible Open Space/Private Open Space	Development Type	Building Area (square feet)
A	13.3	123 feet	Up to 3.2/2.5 acres	Office	1,176,000
				Retail	30,000
				Community	3,000
				<i>Area A Total</i>	<i>1,209,000</i>
B	9	153 feet	Up to 2.9/1.4 acres	Office	1,034,000
				Retail	43,000
				<i>Area B Total</i>	<i>1,077,000</i>
C	12.7	132 feet	Up to 5.2/2.4 acres	Office	0
				Retail	9,000
				Residential	800,000
				<i>Area C Total</i>	<i>809,000</i>
D	13.7	202 feet	Up to 4.8/3.9 acres	Residential	1,800,000
				Retail	8,000
				Childcare	10,000
				<i>Area D Total</i>	<i>1,818,000</i>
<i>Total</i>	<i>48.6</i>		<i>Up to 16.2/10.2 acres</i>		<i>4,913,000</i>

Web Links

Planned Development Zoning Development Plan:

<https://www.santaclaraca.gov/home/showpublisheddocument/85262/638648596393300000>

Vesting Tentative Subdivision Map

<https://www.santaclaraca.gov/home/showpublisheddocument/85278/638652004602270000>

Environmental Impact Report (EIR), MMRP, CEQA Findings, Response to Comments:

<https://www.santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/499/3649?alpha=M>

Mission Point City Website:

<https://www.santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/245/2495?alpha=K>

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING APPROVAL AND CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT, RECOMMENDING ADOPTION OF CEQA FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS WITH RESPECT THERETO, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MISSION POINT PROJECT

SCH No.: 2018072068
Mission Point Project Environmental Impact Report

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly owned subsidiary Innovation commons Owner, LLC (“Owner”) made an application for a General Plan Amendment in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Project approvals will include a General Plan Amendment to change the General Plan land use designation from High-Intensity Office/Research & Development to the newly created designations of Urban Center Mixed Use and Urban Center Mission Point; a Rezoning of the Project Site from High-Intensity Office/Research and Development (“HO-RD”) to Planned Development (“PD”); a Vesting Tentative Subdivision Map to subdivide the property into five lots, with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, the “Project”);

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15081, this Project was determined after an Initial Study to identify potentially significant effects on the environment, resulting in the

preparation of an Environmental Impact Report (“EIR”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, the City distributed a Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) for the Project on July 27, 2018 and a revised version on October 1, 2018 and April 18, 2022, and in each instance, the City posted the Notice of Preparation at the Santa Clara County Clerk's office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR; and

WHEREAS, in conformance with CEQA, the EIR was noticed and circulated for a 45-day public review period to the State Office of Planning and Research, Santa Clara County Clerk's Office, interested parties, and property owners within one quarter mile of the Project Site from November 17, 2023 to January 2, 2024 (“Comment Period”), where during that period comment letters were received from Caltrans, the California Department of Toxic Substances Control, Santa Clara Unified School District, Santa Clara Valley Water District, City of San Jose Airport Planning and Development, San Francisco Public Utilities Commission, Santa Clara Valley Transportation Authority, and a law firm representing Silicon Valley Residents for Responsible Development;

WHEREAS, the City prepared written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report (“FEIR”). The FEIR consists of a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, and copies of comment letters. The FEIR was distributed for a 10-day review period beginning on March 13, 2024;

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project as proposed;

WHEREAS, the EIR outlined various mitigation measures that would substantially lessen or avoid the Project's significant effects on the environment, as well as alternatives to the Project as proposed that would provide some environmental advantages;

WHEREAS, the City is required, pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

WHEREAS, Public Resources Code Section 21081, subdivision (a) requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, the “CEQA Findings” attached to this Resolution is a set of Findings of Fact and a Statement of Overriding Considerations prepared in order to satisfy the requirements of Public Resources Code Section 21081, subdivision (a);

WHEREAS, the Planning Commission has determined the No Project alternative and the Reduced Density alternative, which is the environmentally superior alternative, would not sufficiently satisfy the Project Objectives and that other alternatives in the EIR are not environmentally superior alternatives. The details supporting these determinations are set forth in the CEQA Findings;

WHEREAS, in taking this course, the Planning Commission has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

WHEREAS, many of the significant and potentially significant environmental effects associated with the Project can either be substantially lessened or avoided through the inclusion of mitigation measures specified in the EIR and the MMRP;

WHEREAS, the Planning Commission, in reviewing the Project, recommends that the City Council adopt all mitigation measures set forth in the EIR;

WHEREAS, notice of the October 9, 2024 public hearing on the EIR was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on August 29, 2024, notices of the October 9, 2024 public hearing to consider the EIR mailed to all property owners within one quarter mile of the property, according to the most recent Assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing for the Project, and then immediately voted to continue the hearing to the October 23, 2024 meeting;

WHEREAS, on October 23, 2024 the Planning Commission conducted a duly noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting of November 6, 2024;

WHEREAS, on October 25, 2024, additional notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds the EIR has been presented to the Commission, which reviewed and considered the information and analysis contained therein

before making its determination, and that the EIR reflects the Commission's independent judgment and analysis.

3. That the Planning Commission hereby finds that the EIR is complete and prepared in compliance with CEQA.

4. That the Planning Commission hereby finds that many of the potentially significant environmental impacts that could directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the EIR and MMRP.

5. That the Planning Commission hereby finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that the proposed mitigation measures described in the EIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest as conditions of approval when the Project is approved.

6. That the Planning Commission hereby finds that none of the Project Alternatives set forth in the EIR would both be feasible and substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures.

7. That the Planning Commission hereby finds that the EIR set forth program and cumulative environmental impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Planning Commission finds that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those impacts, as detailed in the "CEQA Findings & Statement of Overriding Considerations" attached hereto.

8. That, in order to comply with Public Resources Code Section 21081.6, the Planning Commission recommends that the City Council adopt the Mitigation Monitoring and Reporting Program as set forth in the attached MMRP. The MMRP is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP

identifies, for each mitigation measure, the action to be taken and the party responsible for implementation.

9. That the Planning Commission hereby recommends that the City Council certify the EIR, adopt the CEQA Findings & Statement of Overriding Considerations, and adopt the MMRP for the Project as required by the CEQA Guidelines.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigation Monitoring and Reporting Program (MMRP)
2. CEQA Findings & Statement of Overriding Considerations
3. Development Plans

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION
REGARDING THE ENVIRONMENTAL IMPACT REPORT
FOR THE MISSION POINT PROJECT**

City of Santa Clara Project Nos. PLN2017-12924, PLN2018-13400,
PLN21-15386, and PLN21-15387

State Clearinghouse No. 2018072068

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE MISSION POINT PROJECT

City of Santa Clara Project Nos. PLN2017-12924, PLN2018-13400,
PLN21-15386, and PLN21-15387

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I. Introduction

The California Environmental Quality Act of 1970 (CEQA), Public Resources Code Section 21081 *et seq*, and the Guidelines for Implementation for the California Environmental Quality Act, Title 14, California Code of Regulations, Section 15091 *et seq* (State CEQA Guidelines), require a public agency to consider the environmental impacts of a project before the project is approved and make specific findings. Furthermore, Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by” CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” However, “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” PRC Section 21002.

The mandate and principles in Public Resources Code Section 21002 are implemented, in part, through a requirement for agencies to adopt findings before approving projects for which environmental impact reports (EIRs) are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding, supported by substantial evidence, reaching one or more of three permissible conclusions. State CEQA Guidelines Section 15091 specifically provides as follows:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

State CEQA Guidelines Section 15093 further provides as follows:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action, based on the final EIR and/ or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Under CEQA and the State CEQA Guidelines, “feasible” is defined to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (State CEQA Guidelines Section 15364; Public Resources Code Section 21061.1; see also *Citizens of Goleta Valley v. Bd. of Supervisors* [1990] 52 Cal. 3d 553, 565 [*Goleta II*]). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (see *City of Del Mar v. City of San Diego* [1982], 133 Cal. App. 3d 401, 417; *Sierra Club v. County of Napa* [2004], 121 Cal. App. 4th 1490, 1506–1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; and *California Native Plant Society v. City of Santa Cruz* [2009], 177 Cal. App. 4th 957, 1001 [*CNPS*] “[an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’]” (quoting Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont. Ed. Bar 2d ed. 2009] [*Kostka*], Section 17.30, p. 825). In re *Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008), 43 Cal. 4th 1143, 1165, 1166 (*Bay-Delta*) (“[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives;” “a

lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”). Moreover, “‘feasibility,’ under CEQA, encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (see *City of Del Mar, supra*, 133 Cal. App. 3d at p. 417; *CNPS, supra*, 177 Cal. App. 4th at p. 1001 [“an alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible”] [quoting *Kostka, supra*, Section 17.29, p. 824]; and *San Diego Citizenry Group v. County of San Diego* [2013] 219 Cal. App. 4th 1, 17).

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. Although State CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been “avoided” (i.e., reduced to a less-than-significant level).

CEQA requires the lead agency to adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines Section 15091[a], [b]).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations, setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects” (State CEQA Guidelines Sections 15093, 15043[b]; see also Public Resources Code Section 21081[b]). The California Supreme Court has stated that “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta II, supra*, 52 Cal. 3d at p. 576). The EIR for the Mission Project Project (Project) concluded that it would create significant and unavoidable impacts; thus, a statement of overriding considerations was required.

These findings of fact (sometimes referred to herein as “findings”) constitute the City of Santa Clara’s (City’s) evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to ensuring that these measures are implemented by the appropriate party(ies). These findings, in other words, are not merely informational but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project. In addition, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project. The City will use the MMRP to track compliance with Project’s mitigation measures and project design features. The MMRP will remain available for public review during the compliance period. The final MMRP is attached to and incorporated into the environmental document approval resolution and approved in conjunction with certification of the EIR and adoption of these findings of fact.

Having received, reviewed, and considered the draft EIR and the final EIR for the Project, State Clearinghouse No. 2018072068, as well as other information in the record of proceedings on this

matter, the City Council, in its capacity as the decision-making body of the CEQA lead agency, hereby finds, determines, and declares the following findings and facts, in accordance with Section 21081 of the Public Resources Code. These findings set forth the environmental basis for the discretionary actions to be undertaken by the City of Santa Clara for development of the Project. These actions by the City are listed in Section II.C.

A. Document Format

These findings have been organized into the following sections:

- (1) Section I provides an introduction to the findings.
- (2) Section II provides a summary of the Project, an overview of the discretionary actions required for approval of the Project, and a statement of the Project's objectives.
- (3) Section III provides a summary of the environmental review related to the Project and a summary of public participation in the environmental review for the Project
- (4) Section IV sets forth findings regarding the potential impact areas identified in the EIR. This section details findings regarding impacts for which the City has determined that there is no impact or the impact is less than significant, and thus, no mitigation is required; findings regarding potentially significant environmental impacts identified in the EIR that the City has determined can be feasibly mitigated to a less-than-significant level through the imposition of mitigation measures; and findings regarding those significant or potentially significant environmental impacts identified in the EIR that will or may result from the Project and the City has determined will remain significant and unavoidable, despite the identification and incorporation of all feasible mitigation measures.

In order to ensure compliance and implementation, all mitigation measures will be included in the MMRP for the Project and adopted as conditions of the Project by the lead agency. Where potentially significant impacts can be reduced to a less-than-significant level through mitigation, the findings specify how the impacts would be reduced to an acceptable level.

- (5) Section V sets forth findings regarding alternatives to the Project.
- (6) Section VI sets forth findings regarding the growth-inducing impacts of the Project.
- (7) Section VII sets forth findings regarding recirculation of the Draft EIR.
- (9) Section VIII contains the findings pursuant to Public Resources Code Section 21082.1(c)(3).
- (10) Section IX contains the statement of overriding considerations for the Project pursuant to State CEQA Guidelines Section 15093.

B. Custodian and Location of Record

The Project EIR consists of:

1. The Draft EIR and Appendices 1 through 5, dated November 2023; and
2. The Final EIR, dated March 2024.

The following findings of fact are based in part on the information contained in EIR for the Project as well as additional facts found in the record of proceedings. The EIR is hereby incorporated by reference and is available for review at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, California, 95050 during normal business hours.

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code Section 21167.6, subdivision (e). The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR for the Project and all documents relied upon or incorporated by reference;
- All comments submitted on the Draft EIR by agencies or members of the public during the 46-day comment period;
- All comments and correspondence on the Draft EIR submitted to the City during the public comment period, in addition to all other timely comments;
- The Final EIR for the Project, including the Planning Commission staff report, minutes of the Planning Commission public hearing; City Council staff report; minutes of the City Council public hearing; comments received on the Draft EIR; the City's responses to the comments; technical appendices; and all documents relied upon or incorporated by reference;
- The MMRP for the Project;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Any minutes and/or verbatim transcripts of information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at information sessions, public meetings, and public hearings;
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to adoption of the resolutions;
- The City General Plan along with all updates and related environmental analyses;
- Matters of common knowledge to the City, including, but not limited to, federal, State of California (State), and local laws and regulations;
- The City Code;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The documents and other materials that constitute the administrative record for the City's actions related to the Project are at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, California, 95050. The City is the custodian of the administrative record for the Project.

The City has relied on all of the documents listed above in reaching its decisions on the Project, even if not every document was formally presented to the City Council or City staff members as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project (see *City of Santa Cruz v. Local Agency Formation Commission* [1978], 76 Cal. App. 3d 381, 391-392, and *Dominey v. Department of Personnel Administration* [1988], 205 Cal. App. 3d 729, 738, fn. 6). Other documents influenced the expert advice provided to City staff members or consultants, who then provided advice to the Planning Commission and the City Council as final decision-makers. For that reason, such documents form part of the underlying factual basis for the City's decisions related to approval of the Project (see Public Resources Code Section 21167.6[e][10]; *Browning-Ferris Industries v. City Council of City of San Jose* [1986], 181 Cal. App. 3d 852, 866; and *Stanislaus Audubon Society, Inc. v. County of Stanislaus* [1995], 33 Cal. App. 4th 144, 153, 155).

II. Project Summary

A. Project Location

The Project site is located on nine parcels (assessor's parcel numbers [APNs] 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, and 104-04-064), totaling approximately 46 acres, as well as Democracy Way, a privately owned street subject to an existing public right-of-way (ROW) easement that covers approximately 2.6 acres, for a combined total Project area of 48.6 acres. The Project site is generally located along the Great America Parkway corridor in Santa Clara. It is bounded by Tasman Drive to the north, Old Ironsides Drive to the east, the ROW associated with the Hetch Hetchy aqueduct to the south, and Patrick Henry Drive to the west.

The Project site is currently developed with four light industrial buildings, totaling approximately 142,050 gross square feet (gsf), on the northern portion of the site that were constructed in the late 1970s and a paved surface parking lot south of Democracy Way with approximately 5,081 parking spaces. Kylli, Inc. (Project Sponsor), the U.S. real estate subsidiary of Genzon Investment Group, currently occupies one of the buildings on the Project site; the other buildings are vacant. The current primary use on the Project site is temporary event parking for Levi's Stadium, which uses 3,300 parking spaces. The rest of the parking spaces are used by Amazon as training grounds for drivers. The Project site is designated in the General Plan as High-Intensity Office/Research and Development (R&D). The City Zoning Code currently designates the Project site as Light Industrial (ML). The City is in the process of updating the City's Zoning Code, the process for which will include rezoning the Project site to High-Intensity Office/R&D to be consistent with the Project site's existing General Plan designation.

Existing uses adjacent to the Project site include mostly low-intensity office/R&D uses within areas that have been zoned ML and Planned Development (PD). Businesses within the immediate vicinity of the Project site include Citrix, Silicon Valley Bank, Fabrinet West, PetaIO, Banpil Photonics, and National Instruments, among other companies. These are housed in office/industrial buildings that range from small single-story office buildings to mid-rise, multi-story buildings. Immediately south of the Project site, parcels with low-intensity office/R&D and light industrial uses are zoned PD. This area, referred to as the Patrick Henry Drive Specific Plan area, is bounded by the Hetch Hetchy ROW to the north, Great America Parkway to the east, Calabazas Creek Trail to the west, and Mission College Boulevard to the south. The Patrick Henry Drive Specific Plan was approved to convert industrial uses to high-density residential and/or office uses. San Francisco Bay is approximately 1 mile north of the Project site. California's Great

America amusement park and Levi's Stadium are approximately 0.3 and 0.45 mile east of the Project site, respectively.

B. Project Description

The Project Sponsor proposes a mixed-use development on a 48.61-acre site in Santa Clara, California. If approved by the City Council and applicable regulatory agencies, the Project would demolish existing office buildings and establish a new mixed-use neighborhood. The existing General Plan designation of High-Intensity Office/R&D would be changed to Urban Center Mixed Use, and existing zoning would be changed from ML to PD, providing a transit-oriented "live, work, socialize, and recreate" environment.

The Project would include up to 4,913,000 gsf of new development, including approximately 1.8 million gsf for residential uses (up to 1,800 units), approximately 3 million gsf of office/R&D¹ space, approximately 100,000 gsf for neighborhood retail uses, and approximately 10,000 gsf for childcare facilities, along with 3,000 gsf of community space. An approximately 27,000-square-foot electrical substation would also be constructed to support the Project.² Parking would be provided in a mix of subsurface and aboveground parking facilities. In addition, the Project would include up to approximately 16 acres of publicly accessible open space at grade level as well as approximately 10 acres of private open space for residential and office uses;³ new bicycle, pedestrian, and vehicular circulation routes; and upgraded and expanded infrastructure.

C. Discretionary Actions

Implementation of the Project would require, but not be limited to, the following discretionary approvals from the City:

- Certification of the final EIR
- Adoption of an MMRP
- General Plan Amendment
- Rezoning
- Tentative Subdivision Map and/or Vesting Tentative Subdivision Map
- Development Agreement
- Architectural Review
- Tree Removal
- Transportation Demand Management Plan
- Affordable Housing Plan
- Relevant permits and approvals for vacation of the public ROW easement for Democracy Way, relocation of public utility easements (including the potential for tunnels/utilities under and/or bridges/connections), and establishment of Kylli Drive East and Kylli Drive West as private streets, subject to public and emergency access easements.

¹ Although the end uses have not yet been determined, the Project may include lab/R&D uses. For CEQA purposes, up to 30 percent laboratory use has been assumed. All future references to "office" include permitted lab/R&D uses.

² The size, design, and location of the substation are subject to discussion with Silicon Valley Power.

³ Additional private open space would be provided on terraces, balconies, and rooftops. These spaces are not included as part of the calculations.

Prior to Project implementation, additional permits and/or approvals may be required from various governmental entities, including the following:

- Bay Area Air Quality Management District
- California Department of Transportation
- Federal Aviation Administration
- San Francisco Bay Regional Water Quality Control Board
- Santa Clara County Department of Public Health
- Santa Clara Fire Department
- Silicon Valley Power
- San Francisco Public Utility Commission

D. Statement of Project Objectives

The City identified the following Project objectives in the EIR, which are relevant to the physical impacts considered in this document:

- Support the City's North Santa Clara planning effort by converting an underutilized, single-use 48.6-acre site into a vibrant, pedestrian-oriented, high-intensity and very high-density mixed-use development that is sustainable and inclusive by design, with a range of building types, enriching connections between people, places, and open space.
- Broaden the housing supply and business opportunities in North Santa Clara through development of a human-centric, interconnected urban neighborhood that provides a diverse and complementary mix of residential, commercial, retail, and community space.
- Promote an active pedestrian realm with continuous access to at-grade, podium-level, and rooftop public and private open space with flexible programming.
- Promote and support local, regional, and State mobility and greenhouse gas (GHG) reduction objectives to reduce vehicle miles traveled and infrastructure costs through infill and mixed-use development in an existing urbanized and transit-rich area.
- Facilitate ridership of multimodal transportation and minimize vehicular infrastructure while providing efficient access to sufficient and flexible parking that meets current and future demand.
- Provide community benefits, including public open space, childcare facilities, and community space.
- Provide utility infrastructure to adequately support the Project.
- Meet the City's Affordable Housing Ordinance and Inclusionary Zoning requirements.
- Develop a model for urban growth that maximizes the Project site's economic, cultural, and ecological potential; generates tax revenue for the City; creates permanent and construction-related jobs; and contributes to achievement of the City's vehicle-miles-traveled goals.

The Project Sponsor identified the following additional objectives in the EIR:

- Redevelop the 48.6-acre site with up to 3 million gsf of office/R&D space, 100,000 gsf of neighborhood retail space, and 1,800 multifamily residences by consolidating, on a smaller portion of the property, the square footage for office/R&D previously assumed in the City's General Plan to accommodate new

multifamily housing, including affordable housing, public and private parks and open space, neighborhood-serving services and retail, a substation, and community amenity space.

- Allow flexibility and ensure an orderly build-out of the Project, based on projected market demand and other factors, such as local and regional growth, Project financing, and development of final construction plans to ensure the Project remains economically feasible throughout a multi-year development process.
- Create a vibrant, walkable new neighborhood with a diverse and complementary mix of uses that is sustainable by design and able to support the City's vehicle-miles-traveled goals while realizing a market return on the property reflecting the cost of development.
- Privatize existing Democracy Way while preserving appropriate public and emergency vehicle access.

III. Environmental Review and Public Participation

The Final EIR, dated March 2024, includes the Draft EIR dated November 2023; written comments on the Draft EIR that were received during the public review period; written responses to these comments; clarifications/changes to the Draft EIR; and the MMRP. In conformance with CEQA, the City conducted an extensive environmental review of the Project, as described below.

- The City issued an NOP for the draft EIR on April 18, 2022, to federal, State, regional, and local government agencies and interested parties to solicit comments and inform agencies and the public of the Project. The NOP was released for a 30-day public review period, beginning April 18, 2022, and ending May 18, 2022. One virtual public scoping meeting was held on May 4, 2022. The purpose of the NOP was to allow various private and public entities to transmit their concerns and comments on the scope and content of the Draft EIR, focusing on specific information related to each individual's or group's interest or agency's statutory responsibility early in the environmental review process.
- Based on the NOP and responses, a determination was made that the EIR would contain a comprehensive analysis of the following environmental issues, as identified in Appendix G of the State CEQA Guidelines: land use and planning, transportation, air quality, GHG emissions, energy, noise, cultural resources, biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials, population and housing, public services and recreation, tribal and cultural resources, utilities and service systems, and cumulative impacts. The Project would not result in any environmental impacts related to agricultural and forestry resources, mineral resources, or wildfire because none of these resources or risks, as is the case with wildfire, exist at the Project site. The Project would also not result in environmental impacts related to aesthetics because it is a qualifying infill project within a transit priority area. Under Public Resources Code Section 21099(d), aesthetic impacts are not considered significant impacts on the environment for qualifying infill projects.
- An EIR was prepared for the Project in accordance with the State CEQA Guidelines. As required by CEQA, the EIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the Project.
- A Draft EIR was prepared and circulated for a 46-day public review period, beginning on November 17, 2023, and ending on January 2, 2024. The Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding jurisdictions, interested parties, and other parties who requested a copy of the EIR, in accordance with California Public Resources Code Section 21092.
- The Draft EIR was available for public review on the City's webpage and, during normal business hours, at City Hall, located at 1500 Warburton Avenue, Santa Clara, CA, 95050. During this review period, the document was reviewed by various State, regional, and local agencies as well as interested organizations and individuals. Comment letters on the Draft EIR were received from seven public agencies and one

organization. Comment letters and responses to comments are included in the Final EIR, which was issued in March 2024.

IV. Findings Regarding Project Environmental Effects

The following potentially significant impacts were analyzed in the EIR, and the effects of the Project were considered.

A. Less-than-Significant Impacts that Do Not Require Mitigation

The Final EIR identified the below subtopics that would result in no impact or less-than-significant impacts. The City finds that, based on substantial evidence in the record, the following areas would result in impacts that were determined to be less than significant or no impact in the Final EIR. Therefore, no mitigation measures would be required for any of the following areas:

1. Land Use and Planning

- Impact LU-1: Physical Division of an Established Community.** There are no established residential communities on the Project site. The Project would create a cohesive urban center integrated into surrounding office, R&D and commercial uses and add new residential uses adjacent to the Patrick Henry Specific Plan area. Although Democracy Way would be vacated, the Project would not block any existing roads or sever connections between adjacent properties because it would incorporate extensive new vehicular, bicycle, and pedestrian access roads and circulations routes within the Project site to maintain access between sites. Thus, the Project would not physically divide or disrupt an established community and would not reduce access for adjacent properties, resulting in no impact.
- Impact LU-2: Conflicts with Adopted City Land Use Plans and Policies Regarding the Jobs/Housing Balance.** Project construction would not conflict with any policies aimed at improving the City's jobs/housing balance because no permanent jobs or residences would be added during construction. Project operation also would not conflict with City General Plan policies aimed at improving the City's jobs/housing balance. With the exception of the need to amend the land use designation and zoning, the Project is consistent with all applicable general plan policies. The Project could include up to 3 million gsf of office/R&D development, which was assumed as part of the "Approved/Not Constructed and Pending Projects" identified in Figure 2.3-1 and Table 8.6.2 of the General Plan. Therefore, the Project's office/R&D development is excluded from the General Plan's phasing limits and would not exceed the commercial caps outlined for Phases II and III. The Project maintains the same amount of office R&D space planned for in the City's General Plan and the Plan Bay Area. But, the Project would also provide additional housing units not already included in the City's Housing Element, which would improve the City's jobs/housing ratio. Further the Project is consistent with the general policy direction and key objections of Plan Bay Area 2050 because the Project is on an infill site near transit and would provide pedestrian and bicycle friendly streets. Therefore, there would be no conflict with policies regarding the jobs/housing ratio and the Project would result in no impact.
- Impact LU-3: Conflicts with Airport Land Use Plan (Construction).** The Project would have no impact due to a conflict with the Comprehensive Land Use Plan (CLUP) for San José International Airport during construction because no permanent structures would be constructed during this phase.

- **Impact LU-3: Conflicts with Airport Land Use Plan (Operation).** The Project would not result in a significant environmental impact due to a conflict with the CLUP for San José International Airport because the Project is outside any potentially applicable CLUP and is required to comply with all Regulation Part 77 notification requirements in the standard conditions of approval. Therefore, potential impacts related to conflicts with an Airport Land Use Plan during operation would be less than significant.
- **Impact LU-4: Conflicts with Other Adopted City Land Use Plans and Policies.** The Project would not result in a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect because the Project is generally consistent with applicable goals, policies and actions. The Project would include a General Plan amendment and a Zoning Code amendment to accommodate high-intensity, urban-oriented development, eliminating potential conflicts related to the site's land use classification. Therefore, potential impacts due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.
- **Impact C-LU-1: Cumulative Land Use Impacts.** The Project, in combination with other foreseeable development in the nine-county ABAG region, would not result in a significant cumulative environmental impact due to a conflict with some applicable land use plans, policies, and regulations because the Project is consistent with applicable land use plans, policies and regulations and would not contribute to a significant cumulative impact. The Project's proposed General Plan amendment and land use classifications meet the intent of the City's land use policies. Therefore, potential cumulative impacts related to any potential conflicts with the General Plan would be less than significant.

2. Transportation

- **Impact TRA-1: Consistency with Adopted Plans, Ordinances, and Policies Regarding Roadways (Operation).** During operation, the Project would be consistent with Plan Bay Area 2050 goals and performance targets for transportation system effectiveness because the Project would increase non-auto mode share. The Project would be largely consistent with applicable plans, ordinances, and policies that address the circulation system, and impacts would be less than significant. In addition, Project Design Feature TRA-1 would require the Project Sponsor to implement a Transportation Demand Management (TDM) plan, which will achieve the vehicle miles traveled (VMT) reductions set forth in the City's Climate Action Plan (CAP) (Action T-3-1), as part of the application for a building permit for each phase of the Project.

Project Design Feature TRA-1: Implement a Transportation Demand Management (TDM) Plan in Accordance with the City of Santa Clara 2022 Climate Action Plan. The Project Sponsor shall submit a Final TDM plan, subject to approval by the City, with the application for a building permit for each phase of the Project. The Final TDM plan will set forth a requirement for the Project Sponsor to form or join a Transportation Management Association (TMA) to facilitate the implementation of various TDM programs and services on behalf of multiple property owners and/or tenants. Furthermore, the TDM plan will set forth requirements for annual TDM monitoring and reporting. Examples of TDM measures that may be included in the Project's TDM plan include:

- Privately operated long-haul commuter shuttle service for office workers with onsite shuttle stops.
- Participation in a City-organized/-operated shuttle service to Caltrain and Bay Area Rapid Transit (BART) stations, with onsite shuttle stops available to all site workers and residents.
- Transit subsidy for office workers.
- Rideshare matching program.
- “Guaranteed ride home” program for all office workers.
- Preferential parking for carpools and vanpools.
- Unbundled parking for market-rate residential units.
- Participation in regional bikeshare and scooter program and/or establishment of onsite bicycle and scooter fleet.
- Bike repair stations and ample bicycle parking.
- Showers and lockers provided in office buildings.
- Real-time transit information displayed on screens throughout the site.
- Onsite parking spaces reserved for car-share service(s) (e.g., ZipCar or equivalent provider).
- Dedicated curb space for ride-hail and taxi-service passenger loading.
- Onsite transportation coordinator.
- Website and marketing program to disseminate information on commute options.
- High-speed internet infrastructure to enable telecommuting.
- Distribution of a TDM information packet to new employees and residents.
- Onsite bicycle and pedestrian network, linking buildings to transit stations and nearby trails.

The City of Santa Clara will review the Final TDM plan to ensure that the proposed TDM measures identified in the plan will achieve the following VMT reductions set forth in the 2022 CAP:

- A 25 percent reduction in Project-related VMT through active TDM measures for large employers with more than 500 employees, including aggressive regulations to reduce parking (Action T-3-1).
- A 20 percent reduction in VMT for multifamily residential, with a 10 percent reduction through active TDM measures, which may require parking maximums (Action T-3-1).

City approval of the Final TDM plan and issuance of a certificate of occupancy for each phase of the Project will be dependent upon the City finding that the Final TDM plan provides sufficient evidence to demonstrate that the proposed TDM measures will achieve the VMT reductions set forth in the 2022 CAP.

- **Impact TRA-2: Consistency with Adopted Plans, Ordinances, and Policies Regarding Transit (Operation).** During operation, the Project impact on transit services would be less than significant because the Project would not interfere or conflict with existing transit facilities, would comply with policies and goals regarding transit, and the Project would implement a TDM plan (Project Design Feature TRA-1), including transit subsidies and shuttles and other measures to increase public transportation ridership.
- **Impact TRA-3: Consistency with Adopted Plans, Ordinances and Policies Regarding Bicycle Facilities (Operation).** During operation, the Project's impact on bicycle facilities would be less than significant because the Project would improve bicycle facilities along the perimeter and within the Project site and provide safer conditions for bicyclists relative to existing conditions, consistent with the City's General Plan and the 2018 Bicycle Master Plan Update.
- **Impact TRA-4: Consistency with Adopted Plans, Ordinances and Policies Regarding Pedestrian Facilities (Operation).** During operation, the Project's impact on pedestrian facilities would be less than significant because the Project would improve pedestrian facilities within the Project site and along Project frontages, as well as provide safer conditions for pedestrians relative to existing conditions, consistent with the General Plan and the 2019 City Pedestrian Master Plan.
- **Impact TRA-5: Vehicle Miles Traveled.** Consistent with State CEQA Guidelines Section 15064.3(b), the Project would qualify as transit supportive and therefore would not exceed the applicable VMT threshold of significance and would have a less-than-significant environmental impact on VMT.
- **Impact TRA-6: Hazards Due to Design Features or Incompatible Uses (Operation).** During operation, the Project would not result in hazards due to design features or incompatible uses. The Project proposes an improved internal circulation network that would be designed to accommodate vehicular traffic and be balanced with other modes. Designs for intersections, driveways and multimodal facilities will be subject to City review, reducing potential conflicts between vehicles, bicyclists, pedestrians, buses, and incompatible uses. Therefore, the impact would be less than significant.
- **Impact TRA-7: Emergency Access (Operation).** During operation, the Project would not result in inadequate emergency access. Final Project designs for emergency vehicle access (EVA) roadways would be subject to City Fire Department review to ensure the adequacy of the circulation patterns and compliance with City EVA standards, such as minimum heights, as well as clearance along circulation routes. Therefore, the impact would be less than significant.
- **Impact C-TRA-2: Cumulative Vehicle Miles Traveled.** Consistent with State CEQA Guidelines Section 15064.3(b), the Project qualifies as transit supportive and therefore, in combination with other foreseeable development in the vicinity, would not exceed an applicable VMT threshold of significance. Efficiency metrics such as VMT per resident and VMT per employee ensure that, as long as each cumulative development is below the appropriate VMT threshold, the combined VMT per resident and VMT per employee would also be below the significance threshold. Thus, a less-

than significant impact finding for Project-level VMT implies a less-than-significant cumulative impact with respect to VMT. Therefore, because the Project would have a less-than-significant impact on VMT, the Project would have a less-than-significant cumulative environmental impact on VMT.

3. Air Quality

- Impact AQ-1: Consistency with the Applicable Air Quality Plan.** The Project would not conflict with or obstruct implementation of the Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan because Project design features support attainment of California Ambient Air Quality Standard (CAAQS) and National Ambient Air Quality Standards (NAAQS) and incorporates measures to reduce building emissions, increase carbon sequestration, and support water conservation, as well as measures for stationary-source, transportation, energy, and waste management controls. Therefore, the Project would have a less-than-significant impact.
- Impact AQ-3: Substantial Pollutant Concentration - Localized Carbon Monoxide Hot Spots.** The Project would not expose sensitive receptors to substantial concentrations of carbon monoxide because the 1-hour and 8-hour carbon monoxide concentrations would be well below the NAAQS and CAAQS (see Table 3.3-13). Therefore, the Project would have a less-than-significant impact related to carbon monoxide hot spots.
- Impact AQ-3: Substantial Pollutant Concentration - Criteria Air Pollutants.** Under conservative modeling assumptions described in Appendix 3.3-2, the health effects from the Project's contribution to air pollution would be minimal relative to background incidences. Therefore, the Project would have a less-than-significant impact related to regional criteria air pollutant emissions.
- Impact AQ-3: Substantial Pollutant Concentration - Asbestos.** Sensitive receptors would not be exposed to substantial asbestos risks because the Project would comply with BAAQMD asbestos emission controls. Therefore, the Project would have a less-than-significant impact related to asbestos emissions.
- Impact AQ-4: Odor Impacts.** The Project would not result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people because the Project does not propose any changes that would affect odor-generating facilities and any odors would be brief in duration and limited in scope and subject to compliance with BAAQMD regulations. Therefore, the Project would have a less-than-significant impact related to odors.
- Impact C-AQ-1: Cumulative Consistency with the Applicable Air Quality Plan.** The Project, in combination with other foreseeable development in the vicinity, would not conflict with or obstruct implementation of the BAAQMD 2017 Clean Air Plan. Therefore, the Project's contribution to cumulative impacts would not be considerable and cumulative impacts related to consistency with an applicable air quality plan would be less than significant.
- Impact C-AQ-4: Cumulative Odors.** The Project, in combination with other foreseeable development in the vicinity, would not result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people because any Project related odors would be brief in duration and limited in scope and subject to compliance with BAAQMD regulations and other nearby uses would not cause odor-generating uses. Therefore, the level of

odors emitted by the Project in combination with the level of odors associated with other nearby projects would result in a less-than-significant cumulative impact related to odors.

4. Greenhouse Gas Emissions

- **Impact GHG-1: Generate GHG Emissions (Operation).** The Project's operational GHG emissions would be less than significant because the Project would be consistent with the Santa Clara CAP through implementation of Project Design Feature GHG-1, which requires satisfaction of applicable and mandatory actions from the City's 2022 CAP checklist.
- **Impact GHG-2: Consistency with Applicable Plans and Policies.** The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs, including the Santa Clara CAP, California Air Resources Board (CARB) 2022 Scoping Plan, and Plan Bay Area 2050. Therefore, Project impacts would be less than significant.

5. Energy

- **Impact EN-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources (Operation).** Operation of the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during operation due to the Project's mix of uses and energy efficiency measures, including compliance with CALGreen, implementation of a TDM plan, as well as incorporation of Leadership in Energy and Environmental Design (LEED) or equivalent design requirements, use of recycled water for irrigation and non-potable water uses in commercial buildings, drought resistant landscaping, rooftop photovoltaic panels, and a new Silicon Valley Power (SVP) substation. Therefore, the Project would have a less-than-significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation.
- **Impact EN-2: Conflict with Energy Plan.** The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency because the Project would divert a minimum of 65 percent of construction waste and demolition material during construction, which would reduce the amount of fossil fuel consumed during construction and demolition waste, and operation of the Project would incorporate multiple sustainability, energy-saving, and TDM features. Therefore, the Project's impact would be less than significant.
- **Impact C-EN-1: Cumulative Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources.** The Project, in combination with other past, present and foreseeable development in the vicinity, would not cumulatively result in the wasteful, inefficient, or unnecessary consumption of energy resources during Project construction and operation because the Project and other future projects nearby would incorporate energy saving features during construction and operation. Therefore, the cumulative impact would be less than significant.
- **Impact C-EN-2: Cumulative Conflict with Energy Plan.** The Project, in combination with other past, present and foreseeable development in the vicinity, would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency during construction or operation because future projects would incorporate energy-saving features. Therefore, the cumulative impact would be less than significant.

6. Noise

- **Impact NOI-1: Construction Noise (Daytime Onsite Land Uses).** The Project would have a less-than-significant impact on onsite residential land uses during daytime hours because the construction activities would be temporary in nature, would not conflict with the City code, and comparison of the noise level experienced at future onsite sensitive land uses to existing ambient noise is not appropriate because future occupants are not currently onsite and thus do not experience the existing ambient noise level.
- **Impact NOI-1: Construction Noise (Construction Haul and Vendor Truck Noise).** The Project would have a less-than-significant impact related to haul and vendor truck trip noise because the addition of 686 haul truck trips per day would not result in an increase in traffic noise greater than 3 decibels (dB), which is considered “barely noticeable,” at any analyzed segment and therefore would not be perceptible.
- **Impact NOI-2: Operational Noise from Traffic.** The Project would result in increased traffic volumes on existing roadways in the Project area because new residences and places of employment would be added on the Project site. However, the Project would not result in a noticeable increase in traffic noise compared to no-Project conditions. Therefore, noise impacts related to increased traffic during operation would be less than significant.
- **Impact NOI-2: Operational Noise from Amplified Music.** Project operation could include the use of amplified music from events in the general green area of the Project site that may impact nearby uses. However, any such amplified music would be required to comply with applicable noise regulations. Therefore, impacts related to amplified noise during operation would be less than significant.
- **Impact NOI-2: Operational Noise from Truck Loading.** Impacts related to truck loading during Project operations would be less than significant because loading activities would be temporary, dispersed among many loading zones, and occur throughout the day.
- **Impact NOI-2: Operational Noise from Parking Garage.** Impacts related to parking garage use during Project operations would be less than significant because noise from parking garages would not be expected to exceed the City’s criteria of 55 A-weighted decibel (dBA) and 50 dBA at residential receptors during daytime and nighttime hours, respectively, or 60 dBA at commercial or office uses during nighttime hours.
- **Impact NOI-3: Ground-borne Vibration and Noise (Damage to Structures).** The Project would have a less-than-significant impact related to damage to structures from ground-borne vibration because the vibration levels at residential and commercial uses would be less than applicable damage criteria.
- **Impact NOI-3: Ground-borne Vibration and Noise (Daytime Construction Offsite Residential).** The Project would have a less than significant annoyance-related vibration impacts from daytime construction activities at offsite residences because the level of vibration would be barely perceptible.
- **Impact NOI-3: Ground-borne Vibration and Noise (Nighttime Construction Onsite and Offsite Land Uses).** The Project would have less than significant annoyance-related vibration impacts from nighttime construction activities at offsite residential uses because the level of vibration would not be perceptible. The level of vibration would be perceptible for offsite commercial uses and onsite commercial and residential uses, but based on Table 3.6-3 the

vibration would not be considered excessive. Therefore, annoyance-related vibration impacts from nighttime construction would be less than significant.

- **Impact NOI-3: Ground-borne Vibration and Noise (Operation).** The Project would have a less-than-significant impact related to ground-borne vibration and noise during operation because Project operation would not involve use of equipment that could generate excessive ground-borne vibration.
- **Impact NOI-4: Aircraft Noise.** The Project would not expose people residing or working in the Project area to excessive noise levels from aircraft because the Project site does not fall within the 60 dBA CNEL noise contour or the San Jose International Airport. Therefore, impacts would be less than significant.
- **Impact C-NOI-2: Cumulative Operational Noise from Traffic and Other Operational Noises.** The Project's contribution to the significant cumulative traffic noise impacts would be less than 3 dB for all analyzed segments. Therefore, the Project's contribution to cumulative impacts related to operational noise from traffic would not be cumulatively considerable and less than significant. Any future new residential units would be farther away than the distance used to evaluate impacts from other operational sources on onsite residential uses. Therefore, cumulative impacts related to other operational noises would be less than significant.
- **Impact C-NOI-3: Cumulative Ground-borne Vibration and Noise Levels (Operation).** The Project would have a less-than-significant cumulative impact related to ground-borne vibration and noise during operation because Project operation would not involve use of equipment that could contribute excessive ground-borne vibration.

7. Cultural Resources

- **Impact CUL-1: Built Environment.** There are no built-environmental historical resources present on the Project site. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines Section 15064.5 and there would be no impact on built environment historical resources.
- **Impact CUL-2: Archaeological Resources (Operation).** Archaeological deposits would not be encountered during Project operations, nor would Project operations result in an adverse change in a buried archaeological deposit that could qualify as a historical resource and/or unique archaeological resource. Therefore, there would be no impact related to buried archaeological deposits during Project operations.
- **Impact CUL-3: Human Remains (Operation).** Human remains would not be encountered during the Project operations, nor would Project operations disturb human remains. Therefore, there would be no impact to human remains from operation of the Project.
- **Impact C-CUL-1: Cumulative Impacts on Archaeological Resources and Human Remains (Operation).** Cumulative impacts on archaeological resources and human remains would not occur during operations of the Project or cumulative projects because cumulative impacts would occur during construction. Therefore, there would be no impact to buried archaeological deposits or human remains from Project operation under cumulative conditions.

8. Biology

- **Impact BIO-1: Loss or Damage to Special-Status Plants.** The Project would result in no impact on special-status plant species because no special-status plant species have been documented on the Project site and natural vegetation communities are not present on the Project site.
- **Impact BIO-1: Loss or Damage to Special-Status Species Other Than Nesting Birds and Bats.** The Project will have no impact on special-status species other than nesting birds and bats because no special-status species, other than nesting birds and bats, have been documented on the Project site and hydrological features supporting such species are not present on the Project site.
- **Impact BIO-1: Loss or Damage to Special-Status Species - Nesting Birds and Bats (Operation).** The Project would have less-than-significant impacts to nesting birds and bats during operations because any nesting birds and bats would become acclimated to the operational noise when choosing nesting or roosting sites or when birds are building nests on the Project site.
- **Impact BIO-2: Loss or Degradation of Riparian Habitat or Sensitive Natural Communities.** The Project would have no impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service because no such habitats or communities are present on the Project site.
- **Impact BIO-3: State or Federally Protected Wetlands.** The Project would not result in substantial adverse effects on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means because no federally protected wetlands occur on the Project site and compliance with the Stormwater Pollution Prevention Plan and Best Management Practices from the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit address any indirect impacts to nearby wetlands. Therefore, the Project will have less-than-significant impact.
- **Impact BIO-4: Interfere with Movement of Native Resident or Migratory Fish Species.** The Project would have no impact on the movement of fish species because there are no hydrological features onsite.
- **Impact BIO-4: Interfere with Wildlife Corridors.** The Project would have no impact on wildlife corridors because there are no known wildlife corridors on or directly adjacent to the Project site and wildlife will be able to move in and along Calabazas Creek during Project construction and operation.
- **Impact BIO-4: Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Nesting Birds During Operation).** The Project would have less-than-significant impacts on nesting birds during operation because any birds would become acclimated to the operational noise when choosing nesting sites and during building.
- **Impact BIO-5: Conflicts with Local Policies or Ordinances Protecting Biological Resources (Construction).** The Project would result in the removal and replacement of trees in compliance with City regulations; therefore, construction impacts related to conflicts with local policies or ordinances protecting biological resources would be less than significant.

- **Impact BIO-5: Conflicts with Local Policies or Ordinances Protecting Biological Resources (Operation).** During operation the Project would not result in conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance because all replacement trees would be planted during construction of the Project, and therefore there would be no impact.
- **Impact BIO-6: Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan.** The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan and no impact would occur, because the Project site is outside the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) permit area, the Project is not a covered activity and no species covered by the HCP/NCCP are expected to occur on the Project site.
- **Impact C-BIO-1: Cumulative Special-Status Species—Nesting Birds and Bats (Operation).** The Project and identified cumulative projects would have less-than-significant impacts on nesting birds and roosting bats during operations because any birds and bats would become acclimated to the operational noise when utilizing available habitat.
- **Impact C-BIO-2: Cumulative State or Federally Protected Wetlands.** The Project, in combination with other foreseeable development in the vicinity, would not result in substantial adverse effects on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means because the Project and other foreseeable development would be required to comply with the State requirements found in the Construction General Permit if more than 1 acre would be affected as well as requirements of the Regional Water Board, Bay Region, and the Municipal Regional Permit (MRP). The Project would protect water quality through BMPs during construction and until the site is stabilized and after construction by incorporating low-impact development practices into the design to prevent pollution from stormwater runoff, promote infiltration, and slow the volume of water coming from the Project site. Therefore, the Project would have less than significant cumulative impact.
- **Impact C-BIO-3: Cumulative Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Operation).** The Project and identified cumulative projects would have less-than-significant impacts on wildlife nursery sites, specifically birds and their active nests, during operations because any birds would become acclimated to the operational noise when utilizing available habitat.
- **Impact C-BIO-4: Cumulative Conflicts with Local Policies or Ordinances Protecting Biological Resources (Construction).** The Project, in combination with other foreseeable development in the vicinity, would not result in conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, because the Project would replace trees at a ratio that would be consistent with General Plan policies. Therefore, cumulative impacts would be less than significant.
- **Impact C-BIO-4: Cumulative conflicts with Local Policies or Ordinances Protecting Biological Resources (Operation).** The Project, in combination with other foreseeable development in the vicinity, would not result in conflicts with any local policies or ordinances protecting biological resources, such as the City's tree protection ordinance, during operation because all replacement trees would be planted during the construction phase of the cumulative projects and the Project. Therefore, there would be no cumulative impact.

9. Geology and Soils

- **Impact GEO-1: Landslides.** The Project would result in no impact related to landslides because the topography of the Project site and surrounding areas is relatively flat and not susceptible to landslides, and the Project site is not within or near a recognized Landslide Hazard Zone.
- **Impact GEO-1: Seismicity (Rupture of Known Earthquake Fault).** The Project would not directly or indirectly cause potential substantial or adverse effects, including the risk of loss, injury, or death, involving rupture of a known earthquake fault, strong seismic ground shaking, or seismically related ground failure, because the Project site is not within a Alquist-Priolo Earthquake Fault Zone or Santa Clara County Fault Hazard Zone and no known active or potentially active faults exist on the Project site. Therefore, the impact would be less than significant.
- **Impact GEO-1: Seismicity (Groundshaking and Liquefaction).** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving strong ground shaking, or seismically related ground failure because the Project would implement geotechnical recommendations of a design-level geotechnical report as required by the California Building Code and Santa Clara Municipal Code. Therefore, the Project would result in a less-than-significant impact.
- **Impact GEO-2: Erosion or Loss of Topsoil (Construction).** The Project would not result in substantial soil erosion or the loss of topsoil during construction because the Project will comply with the State Water Resources Control Board's Construction General Permit, including the Project's Stormwater Pollution Prevention Plan (SWPPP). Therefore, the Project would result in a less-than-significant impact.
- **Impact GEO-2: Erosion or Loss of Topsoil (Operation).** The Project would not result in substantial soil erosion or the loss of topsoil during operation because the Project site would be covered with buildings, pavement, and landscaping, which would minimize the potential for post-development erosion. Therefore, operation and maintenance of the Project would result in less-than-significant impacts.
- **Impact GEO-3: Soil Instability (Operation).** Operation of the Project would not result in unstable soil that could be subject to collapse because operations would not create new significant loads or require ongoing dewatering. Operation of the Project would result in no impacts related to static settlement, collapse or subsidence of unstable soil.
- **Impact GEO-3: Soil Instability (Lateral Spreading).** Potential impacts from lateral spreading due to construction of the Project would be less than significant because the potentially liquefiable layers under the Project site are not continuous and the soils have adequate cohesion.
- **Impact GEO-4: Expansive Soil.** The Project would not create substantial direct or indirect risks to life or property as a result of being located on expansive soil because the Project would be required to submit a design-level geotechnical report to the City for review and approval prior to the issuance of building and grading permits. The Project Sponsor would implement the geotechnical recommendations of the design-level geotechnical report to address expansive soil hazards and ensure the integrity of structures and other improvements. Accordingly, this impact would be less than significant.

- **Impact GEO-5: Septic Tanks and Alternative Wastewater Systems.** Sewer services at the Project site would be provided by the City of Santa Clara Sewer Utility. No septic tanks or alternative wastewater systems are proposed. The Project would not require soils that would be capable of supporting septic systems, resulting in no impact.
- **Impact GEO-6: Paleontological Resources (Operation).** There would be no impact on paleontological resources during Project operation because any impact on paleontological resources would occur during the construction phase of the Project.
- **Impact C-GEO-1: Cumulative Seismicity Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving rupture of a known earthquake fault, strong seismic ground shaking, or seismically related ground failure because potential impacts of the Project related to seismicity would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to seismicity would result from the Project under cumulative conditions.
- **Impact C-GEO-2: Cumulative Erosion or Loss of Topsoil.** The Project, in combination with other foreseeable development in the vicinity, would not result in substantial soil erosion or loss of topsoil because potential impacts of the Project related to erosion or loss of topsoil would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to erosion or loss of topsoil would result from the Project under cumulative conditions.
- **Impact C-GEO-3: Cumulative Collapse of Unstable Soil.** The Project, in combination with other foreseeable development in the vicinity, would not result in the collapse of unstable soil because potential impacts of the Project related to collapse of unstable soil would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to the collapse of unstable soil would result from the Project under cumulative conditions.
- **Impact C-GEO-4: Cumulative Settlement or Subsidence of Unstable Soil (Operation).** The Project, in combination with other foreseeable development in the vicinity, would not result in static settlement or subsidence during Project operation because the Project and cumulative projects would not create new significant loads that could trigger additional static settlement. The walls of the below-grade parking areas on the Project site would be waterproofed so that permanent dewatering would not be required during operation of the Project. Similar waterproofing would be required for structures extending below the groundwater table at the sites for cumulative projects, if any. Therefore, operation of the Project and cumulative projects would not result in the subsidence of unstable soil. Therefore, operation of the Project would result in no impacts related to static settlement or the subsidence of unstable soil under cumulative conditions.
- **Impact C-GEO-5: Cumulative Expansive Soil Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not create substantial direct or indirect risks to life or property as a result of being located on expansive soil because potential impacts of the Project related to expansive soil would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to expansive soil would result from the Project under cumulative conditions.

- **Impact C-GEO-6: Cumulative Paleontological Resources Impacts (Operations).** There would be no impact on paleontological resources during operation of any cumulative project or the Project; any impact on paleontological resources would occur during the construction phase of the Project. Therefore, there would be no impact during operation under cumulative conditions.

10. Hydrology and Water Quality

- **Impact WQ-1: Water Quality (Construction Discharge).** The Project would involve construction activities, including excavation and grading, which can increase the potential for erosion and sedimentation from stormwater runoff and for the leaching/transport of potential contaminants from disturbed soil. The Project would not violate any waste discharge requirements during construction because compliance with State, regional and local regulation would ensure protection of surface water and ground water quality during construction activities. Therefore, impacts related to discharges of construction dewatering effluent would be less than significant.
- **Impact WQ-3: Drainage Patterns (Erosion and Siltation).** Construction activities would involve excavation and grading, which could temporarily alter drainage patterns and expose soil to potential erosion. Compliance with the Construction General Permit would ensure that construction of the Project would result in less-than-significant impacts. During operation, the Project site would be covered by structures, pavement, and landscaping, with no ongoing soil exposure or disturbance that could result in erosion or siltation. Compliance with the MRP would have a beneficial effect on the quality of stormwater runoff from the Project site compared to the existing condition. Therefore, construction and operation of the Project would result in less-than-significant impacts related to erosion/siltation or creating other sources of polluted runoff.
- **Impact WQ-3: Drainage Patterns (Dam Failure).** The Project site is within the dam failure inundation areas of multiple dams operated by Valley Water. Although the Project could impede or redirect flooding from dam failure inundation, the likelihood of dam failure is low because these dams are regularly inspected by the Division of Safety of Dams (DSOD). Furthermore, reservoir restrictions are already in place for Anderson Dam, which was the only dam to be rated “poor” by DSOD. Therefore, the Project would result in less-than-significant impacts related to impeding or redirecting floodflows from dam failure inundation.
- **Impact WQ-4: Release of Pollutants Due to Inundation (Tsunami and Seiches).** No impacts related to the release of pollutants would occur due to a tsunami or seiches because the Project is not within a Tsunami Hazard Zone or an area subject to effects of seiches. The Project site is within the dam failure inundation areas of multiple dams operated by Valley Water. If a seiche were to occur in the reservoirs of any of these dams, it could cause overtopping of the dams and result in inundation of downstream areas. Because these dams are many miles upstream from the Project site, potential inundation caused by a seiche overtopping any of these facilities would be expected to remain within the creeks near the Project site.
- **Impact WQ-4: Release of Pollutants Due to Inundation (Flooding During Operation).** The Project would be designed to accommodate future flooding and sea-level rise (SLR). Therefore, the Project would not be at risk from pollutants being released due to inundation during operation and impacts would be less than significant.
- **Impact C-WQ-3: Cumulative Drainage Pattern Impacts (Erosion and Siltation).** Construction of the Project would involve excavation and grading that could temporarily alter drainage

patterns and expose soil to potential erosion. Compliance with the Construction General Permit would ensure that construction of the Project would not create cumulatively considerable impacts related to erosion and siltation or other sources of polluted runoff; the Project's contribution to cumulative impacts would not be considerable. During operation of the Project and cumulative projects, ground surfaces would be covered by structures, pavement, and landscaping, with no ongoing soil exposure or disturbance that could result in erosion and siltation. Required compliance with the MRP would also have a beneficial effect on the quality of stormwater runoff from the Project site and cumulative projects compared to existing conditions. Therefore, compliance with the MRP would ensure that operation of the Project would not create cumulatively considerable impacts related to erosion and siltation or other sources of polluted runoff; the Project's contribution to cumulative impacts would not be considerable. Cumulative impacts related to soil erosion are less than significant.

- **Impact C-WQ-4: Cumulative Release of Pollutants Due to Inundation (Tsunami and Seiches).** The Project site and the sites for cumulative projects are not within a Tsunami Hazard Area. The Project site would not be subject to inundation by seiches and cumulative projects would also not be subject to inundation by seiches for the same reasons. Therefore, no cumulative impacts related to the release of pollutants in the event of a tsunami or seiche would occur.
- **Impact C-WQ-4: Cumulative Release of Pollutants Due to Inundation (Flooding During Operation).** The Project and cumulative projects that are intersected by special flood hazard areas would be designed to accommodate future flooding conditions in accordance with Chapter 15.45 of the City Code. The Project has been designed to accommodate future flooding conditions and SLR. Therefore, operation of the Project would not result in a risk related to the release of pollutants due to flooding, and this cumulative impact would be less than significant.

11. Hazards and Hazardous Materials

- **Impact HAZ-1: Routine Transport, Use, or Disposal of Hazardous Materials.** Hazardous materials (e.g., fuel, oils, paints) would be routinely transported, stored, and used at the Project site during construction activities. Because the Project would result in land disturbance involving more than 1 acre, the management of soil and hazardous materials during construction activities would be subject to the requirements of the NPDES Construction General Permit, which requires preparation and implementation of a SWPPP that includes hazardous materials storage requirements. Construction of the Project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that could be classified as hazardous waste. Hazardous materials would be transported by a licensed hazardous waste hauler and disposed of at facilities that are permitted to accept such materials, as required by the Department of Transportation (DOT), Resource Conservation and Recovery Act (RCRA), and State regulations. Compliance with existing regulations would ensure that potential impacts related to the routine transport, use, or disposal of hazardous materials during construction of the Project would be less than significant. Operation of the Project would involve the routine storage and use of small quantities of commercially available hazardous materials for routine maintenance (e.g., painting and cleaning); this could also include the generation of medical wastes related to laboratories and research-and-development facilities. Any laboratory spaces on the Project site would be required to be designed, constructed, and operated in accordance with the California Fire Code, which includes requirements for the use and storage of hazardous or flammable materials as well as hazardous or flammable fumes and exhaust systems. If hazardous materials would be stored in excess of specific quantities during Project operation,

the Project would be required to comply with existing hazardous materials regulations, including preparation of a Hazardous Materials Business Plan (HMBP), which is enforced by the City's Community Risk Reduction Division. Compliance with Occupational Safety and Health Administration (OSHA) and Cal/OSHA regulations, the California Fire Code, California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, and federal, State, regional, and local regulations would ensure that the Project would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials. Such materials would be properly handled during construction and operation of the Project. Therefore, this impact would be less than significant.

- Impact HAZ-2: Accidental Releases of Hazardous Materials (Hazardous Building Materials).** Impacts related to the removal and disposal of hazardous building materials would be less than significant during Project construction and operation. Hazardous building materials removed prior to demolition activities must be transported in accordance with DOT regulations and disposed of in accordance with the RCRA, TSCA, CCR, and/or the California Universal Waste Rule at a facility permitted to accept the wastes. Compliance with Cal/OSHA's Construction Lead Standard and ACM regulations, CCR Title 8, Section 1532.1, Department of Health Services Regulation 17, CCR Sections 35001 through 36100, BAAQMD regulations under Rule 11-2, TSCA, DTSC hazardous waste rules, and other federal and State regulations (e.g., universal waste regulations), the Municipal Regional Stormwater NPDES Permit, and BASMAA protocols would ensure that potential construction and operational impacts of the Project related to the accidental release of hazardous building materials into the environment would be less than significant.
- Impact HAZ-2: Accidental Releases of Hazardous Materials (Spills, Leaks, or Improper Disposal of Hazardous Materials).** Impacts related to accidental spills, leaks, and improper disposal of hazardous materials would be less than significant during Project construction and operation. The Project would prepare and implement a SWPPP to reduce the risk of spills or leaks that might reach the environment, including procedures to address minor spills of hazardous materials. Measures to control spills, leakage, and dumping must be addressed through structural as well as nonstructural best management practices (BMPs). For example, equipment and materials for the cleanup of spills must be available onsite, and spills and leaks must be cleaned up immediately, with contaminated materials disposed of properly. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The transport of hazardous materials is subject to both federal and State regulations and if a discharge or spill of hazardous materials occurs during transportation, the transporter is required to take appropriate immediate action to protect human health and the environment (e.g., notify local authorities and contain the spill); the transporter is also responsible for the discharge cleanup. If significant quantities of hazardous materials would be stored at the Project site during operation, or if medical waste would be generated, compliance with City hazardous materials programs, as administered by the Community Risk Reduction Division, and compliance with DEH's Medical Waste Management Program would require hazardous materials and medical waste to be properly labeled, stored, and disposed of; training and planning would also be required to ensure appropriate responses to spills and emergencies. Compliance with existing regulations regarding the management, transport, and disposal of hazardous materials would ensure that potential impacts related to spills, leaks, or improper disposal of hazardous materials handled during construction and operation of the Project would be less than significant.

- **Impact HAZ-3: Hazardous Emissions within 0.25 Mile of Schools.** The Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school because the Project site is not within 0.25 of an active or pending school. Therefore, the Project would have no impact related to hazardous emissions within 0.25 mile of a school.
- **Impact HAZ-4: Government Code Section 65962.5.** The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. Therefore, the Project would have no impact related to listed hazardous sites.
- **Impact HAZ-5: Aviation Hazards.** The Project would not result in a safety hazard or excessive noise for people residing or working in the Project area due to proximity to San José International Airport because any proposed structure or building, including temporary construction cranes, on the Project site that could exceed an imaginary surface radiating at 100:1 (horizontal:vertical) from the runways of San José International Airport (this imaginary surface extends from approximately 168 feet above ground level (AGL) at the southeast portion of the Project site to approximately 185 feet AGL at the northwest portion of the Project site) would require submittal to the Federal Aviation Administration (FAA) for airspace safety review. For each building or structure with a maximum proposed height exceeding this imaginary surface, the Project must obtain a “Determination of No Hazard” from the FAA for each rooftop corner and any additional higher points. In addition, compliance with FAR Part 77 would ensure that the Project would be reviewed by the FAA and that any recommendations from the FAA for alteration of the Project’s designs, markings, or lighting would be implemented to ensure that operation of the Project would not create aviation hazards. Therefore, compliance with conditions set forth by the FAA in its determinations and FAR Part 77 would ensure that the Project would not create aviation hazards and potential construction and operational impacts of the Project related to aviation hazards would be less than significant.
- **Impact HAZ-6: Emergency Response and Evacuation.** The Project would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan because construction activities that would result in temporary roadway closures would require traffic permits from the City and a traffic control plan, which would maintain emergency response and evacuation access through appropriate traffic control measures and detours. The Project would not impair or interfere with the City’s ability to implement the emergency preparation or response actions described in the Local Hazard Mitigation Plan or Emergency Operations Plan (EOP). The Project would be built to adhere to all safety requirements required by the City and would not interfere with emergency response actions. Implementation of City General Plan policies related to emergency response and evacuation, including Policies 5.10.5-P1 through 5.10.5-P4 would ensure that the City would maintain an effective emergency response program that would account for development of the Project. Therefore, construction and operation of the Project would have a less-than-significant impact related to emergency response and evacuation.
- **Impact HAZ-7: Wildfire.** The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires because the Project site and surrounding areas are highly urbanized and not located near heavily vegetated areas or wildlands that could be susceptible to wildfire. The Project site and surrounding areas are in a Local Responsibility Area and not within or near a Very High Fire Hazard Severity Zone, as

mapped by the California Department of Forestry and Fire Protection (CAL FIRE). Therefore, the Project would have no impact related to wildland fire hazards.

- **Impact C-HAZ-1: Cumulative Routine Transport, Use, or Disposal of Hazardous Materials.** The Project, in combination with other foreseeable development in the vicinity, would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials because the Project and other foreseeable development in the vicinity would be required to comply with existing hazardous materials regulations, including OSHA and Cal/OSHA regulations; the California Fire Code; California Health and Safety Code Division 20, Chapter 6.5, Chapter 6.67, Chapter 6.7, and Chapter 6.95; CCR; DOT; RCRA; and federal, State, regional, and local regulations, which would ensure that the Project and cumulative projects would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials during construction or operation. Therefore, the Project would not result in cumulatively considerable impact related to the routine transport, use, or disposal of hazardous materials.
- **Impact C-HAZ-2: Cumulative Accidental Releases of Hazardous Materials (Operation).** The Project, in combination with other foreseeable development in the vicinity, would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment during operation because required compliance with existing hazardous materials regulations, including OSHA and Cal/OSHA regulations; the California Fire Code; California Health and Safety Code Division 20, Chapter 6.5, Chapter 6.67, Chapter 6.7, and Chapter 6.95; CCR; DOT; RCRA; and federal, State, regional, and local regulations, would ensure that the Project and cumulative projects, when operational, would not create a significant hazard to the public or the environment associated with an accidental release of hazardous materials. Therefore, the Project would not result in cumulatively considerable impact related to the accidental release of hazardous materials during operation.
- **Impact C-HAZ-3: Cumulative Aviation Hazards.** The Project, in combination with other foreseeable development in the vicinity, would not result in a safety hazard or excessive noise for people residing or working in the Project area due to proximity to San José International Airport because the Project and other foreseeable development in the vicinity would comply with FAR Part 77. Therefore, the Project would result in less-than-significant cumulative impacts related to aviation hazards.
- **Impact C-HAZ-4: Cumulative Emergency Response and Evacuation.** The Project, in combination with other foreseeable development in the vicinity, would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan because any construction activities that would result in temporary roadway closures would require traffic permits from the City and a traffic control plan, which would maintain emergency response and evacuation access through appropriate traffic control measures and detours. In addition, the Project and cumulative projects would not impair or interfere with the City's ability to implement the emergency preparation or response actions described in the Local Hazard Mitigation Plan or EOP. Implementation of the City's General Plan policies related to emergency response and evacuation, including Policies 5.10.5-P1 through 5.10.5-P4 would ensure that the City would maintain an effective emergency response program that would account for operation of the Project and cumulative projects. Therefore, construction and operational impacts from the Project would be less than significant and not cumulatively considerable.

12. Population and Housing

- Impact POP-1: Population Growth.** Implementation of the Project would not induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure) because the population within the city or county as a result of workers relocating is not anticipated to increase substantially during Project construction. As shown in Table 3.12-6, the Project would result in the construction of up to 1,800 residential units on the Project site, 15 percent of which would be affordable. This would generate approximately 3,870 new residents, based on a household generation rate of 2.15 residents per unit. The Project would account for approximately 17.3 percent of the city's population growth over this 15-year period. However, the Project is an infill development within an already-developed area of the city, and the employment growth under the Project is largely accounted for in the General Plan as well as regional growth plans, such as ABAG projections. The Project would increase the supply of housing in the city by providing 1,800 new housing units. Although the Project would generate 544 employees beyond what was assumed for the site under the General Plan, the indirect regional housing demand generated by these additional employees would constitute approximately 0.07 percent of household growth expected in the Bay Area between 2025 and 2040, which is minimal. Because the Project would construct housing anticipated housing demand in the city can be accommodated in the city, and the level on unanticipated housing demand in the region would be small. Therefore, the Project would not induce a substantial level of unplanned population growth, either directly or indirectly, and impacts would be less than significant.
- Impact POP-2: Displacement of Existing People or Housing.** The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere because, although the Project will demolish the four light industrial buildings present at the site, the Project would not demolish any residential housing, including the nearby Adobe Well Mobile Home Park. Therefore, the Project would not displace residents. The Project would result in no impact related to the displacement of housing.
- Impact C-POP-1: Cumulative Population and Housing Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not induce substantial unplanned population growth within Santa Clara and region because construction workers for the Project and construction workers associated with the cumulative projects would not be expected to relocate permanently for construction work and therefore would not substantially increase the population in the city or the county. Therefore, the cumulative projects and the Project would not result in a significant cumulative impact related to unplanned population growth during construction. In addition, the cumulative scenario for this EIR includes 3 million gsf of office development for the Project site, as identified in the General Plan, and therefore is included in ABAG growth projections. Because the office development was included in projections, it would not contribute to a cumulative impact related to unplanned population and housing growth. As shown in Table 3.12-6, retail, childcare, and residential uses would generate 544 employees who were not included in projections; however, within the cumulative context, this is a very small number and would not, in combination with other foreseeable development, significantly contribute to a cumulative impact. Therefore, the Project's contribution to a cumulative impact would be less than significant.

13. Public Services

- **Impact PS-1: Fire Services and Facilities.** The Project would not result in the need for new or physically altered fire service facilities because the Project's estimated 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and would be included with the service population of the Santa Clara Fire Department (SCFD). Additionally, a Fire Service Needs Assessment (Needs Assessment) was prepared for the Project in 2023. The Needs Assessment found that current service levels could be maintained with the operation of the Project, provided there was an increase in the personnel, the positions of Fire Protection Engineer and Deputy Fire Marshal were filled, and Fire Station 10 was completed and staffed. No specific need for additional facilities that could result in physical environmental impacts were identified in the Needs Assessment. Therefore, the Project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives. As such, the Project's construction and operational impacts related to fire protection would be less than significant.
- **Impact PS-2: Police Services and Facilities.** The Project would not result in the need for new or physically altered police service facilities because the Project's estimated 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and would not increase the Santa Clara Police Department's (SCPD's) existing service population in a way that would necessitate the expansion of SCPD facilities. In addition, the Project would not trigger the need for the construction of a new police facility or the expansion of the existing one. The SCPD participates in a mutual aid agreement with the other law enforcement jurisdictions in Santa Clara County, which could provide services to the Project site, as needed. Furthermore, the Project alone would not result in any impacts to the SCPD's response time objectives. The Project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Therefore, the construction and operation of the Project would result in a less-than-significant impact related to police services and facilities.
- **Impact PS-3: School Facilities.** The Project would not result in the need for new or physically altered school facilities because the Project's estimated 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and would be included with the anticipation student population of the Santa Clara Unified School District (SCUSD). In addition, capacity for additional students currently exists in Kathryn Hughes Elementary and Huerta Middle School, which would serve the Project area. Capacity for additional students at Kathleen MacDonald High School would be available by the time the Project is operational. The Project would be subject to Senate Bill (SB) 50 School Impact Fees. Therefore, Project construction and operation would not trigger a need for the construction of new schools or expansion of existing facilities, resulting in a less-than-significant impact.
- **Impact PS-4: Parks and Recreation Facilities.** The Project would not result in the need for new or physically altered parks and recreational facilities, would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would result, and would not include or require construction of recreational facilities that might have an adverse physical effect because the Project's estimated 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the

county and construction of the Project would not result in the need for new or physically altered park facilities. In addition, the Project would dedicate parkland and provide recreational space, avoiding the impact of new residents on existing park and recreational space. If the amount of acreage changes, a fee in lieu of parkland dedication could be required. Because the Project would provide public parkland and private recreational space that would meet the demands of Project residents, the Project would result in a less-than-significant impact related to parks and recreation facilities.

- **Impact PS-5: Library Facilities.** The Project would not result in the need for new or physically altered library facilities, because the Project's 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and therefore would not put additional strain on library services that would require rehabilitation or the construction of new library facilities. In addition, the Project's 3,870 residents and 12,544 employees would result in a population of 155,585, which would result in 0.67 square foot of library space per capita, still above the 0.3 square foot per capita that the American Planning Association (APA) suggests as the minimum for a city of this size. Therefore, the Project would result in a less-than-significant impact related to library facilities.
- **Impact C-PS-1: Cumulative Public Service Impacts.** The Project, in combination with other foreseeable development in the City, would not result in the need for new or physically altered public service facilities. The estimated 400 onsite construction workers associated with the Project and the construction workers associated with the cumulative projects would most likely be drawn from the existing and future labor market in the city and the county and included within the service population of the SCFD. In addition, construction workers would not increase the SCPD's existing service population in a way that would necessitate the expansion of SCPD facilities, would not increase the SCUSD's existing student population in a way that would necessitate the expansion of SCUSD facilities, would not increase the existing service population of the Parks Department in a way that would necessitate the expansion of park facilities, and would not put an additional strain on library services that would require the rehabilitation of existing facilities or the construction of new library facilities. A Needs Assessment prepared for the Project determined that with the completion of Fire Station 10, which would be operational by the time the Project would be constructed, and additional staffing, there would be no need for new facilities to maintain service ratios. The Project would also be built according to fire code standards, decreasing the likelihood of fire risk at the site. Because the Project, upon completion, would be close to a new fire station that would adequately serve the Project site, would not be located in a high-risk fire hazard zone, and would be constructed according to the most current fire code standards, the Project's operational contribution to cumulative fire protection impacts would not be cumulatively considerable. The Project would not trigger the need for the construction of a new police facility, the construction of which would cause significant environmental impacts. The Project's operational contribution to a cumulative police services impact would not be considerable. The SCUSD enacted development fees in accordance with the Leroy F. Greene School Facilities Act and levies the fees on development projects within its service area. Other projects would also be required to pay school impact fees, which are based on the amount of proposed residential and commercial space. This process, as well as the fee payment and SCUSD's Strategic Plan planning process discussed in the regulatory setting section above, would ensure that citywide growth would be reasonably accommodated within the cumulative context and the Project's operational contribution to cumulative impacts would not be considerable. Compliance with Santa Clara City Code Chapter 17.35 would ensure that

development projects would provide adequate park and recreational facilities or contribute a fee to meet the demand for recreational space generated by the projects. Therefore, the development projects would not increase the use of existing neighborhood parks such that physical deterioration of park facilities and overcrowding would occur or be accelerated. Therefore, the current development would not be expected to result in a significant cumulative impact related to parks and recreation. With the provision of adequate park and recreational land within the Project site and/or payment of a fee in lieu of dedication, the Project's operational contribution to cumulative impacts would not be considerable. The addition of the 3,870 residents generated by the Project would result in a population of 155,585, which would result in 0.67 square foot of library space per capita, still above the 0.3 square foot per capita APA suggests as the minimum for a city of this size. Therefore, the Project would not substantially contribute to the need for a new library facility. Therefore, operation of the Project would not result in a cumulatively considerable impact related to library services. Therefore, the Project would result in a less-than-significant cumulative impact related to public services.

14. Tribal Cultural Resources

- **Impact TRC-1: Tribal Cultural Resources (Operations).** Operation of the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is a) listed or eligible for listing in the CRHR or in a local register of historical resources, as defined in PRC Section 5020.1(k), or b) determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 because any impact on tribal cultural resources would occur during Project construction. Thus, no impact related to tribal cultural resources could result from operation of the Project.
- **Impact C-TCR-1: Cumulative Impacts on Tribal Cultural Resources (Operation).** Operation of the Project, in combination with other foreseeable development in the vicinity, would not result in impacts on tribal cultural resources because any impact on tribal cultural resources would occur during construction. Thus, no impact related to tribal cultural resources would result from operation under cumulative conditions.

15. Utilities and Service Systems

- **Impact UT-1: Utility Relocation, Construction, or Expansion (Other Than Stormwater Facilities).** The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, electricity, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects during construction or operation. Therefore, impacts related to relocation or construction of new or expanded water, wastewater treatment, electricity, natural gas or telecommunication facilities would be less than significant.
- **Impact UT-2: Water Supply.** The Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years because the Project is within the 2020 Urban Water Management Plan (UWMP) growth projections and implement sustainability features. Construction activities within the Project site would be served by existing recycled water systems and infrastructure. Because there is adequate recycled water service available at the Project site, construction activities that require water, such as for dust suppression and dewatering, would be met through either the use of onsite recycled water or use of recycled water conveyed by water trucks and tanks. Because the City determined that the Project's

water demand would be within the City's modeled 2020 UWMP growth projections, an adequate water supply would be available to serve the Project under normal-year, single dry-year, and five consecutive dry-year conditions, as described above for the City's water service reliability assessment. Similarly, projected water demand for reasonably foreseeable future development, including the Project, would also be met with the City's water supply; therefore, the supply is projected to be adequate with respect to meeting demand through 2045. In addition, because recycled water is currently available at the Project site and at some of the reasonably foreseeable future development sites, the Project and future development could connect to the existing recycled water system. In addition to using recycled water, the Project would also include a number of sustainability features to reduce water use. Such features would involve building and landscape rainwater capture and reuse; greywater reuse; the use of reclaimed wastewater onsite, low-flow plumbing fixtures, native drought-tolerant landscaping, and flow-through planters; and reductions in impermeable surfaces. All of these Project-specific sustainability features would help offset potable water demand from the Project. Therefore, because the Project's water demand would be within the 2020 UWMP growth projects, and given the sustainability features that would be implemented, the Project's construction and operational impact on water supply would be less than significant.

- **Impact UT-3: Wastewater Treatment Capacity.** The Project would result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments because portable restrooms would be temporarily installed onsite, construction is not anticipated to result in substantially elevated wastewater generation levels in the local sanitary sewer system, and dewatering discharge rates would be less than peak storm flows and within system capacity. Construction of the Project would not result in capacity deficiency in local or downstream sewers in the near term or future, according to the Project's Sanitary Sewer Capacity Evaluation (Sewer Study). Therefore, the San José/Santa Clara RWF would have adequate capacity to serve the Project's projected demand in addition to the wastewater facility's existing commitments. In addition, a Sewer Study evaluated wastewater treatment and sewer capacity projections for the Project, which found that both sewer options included in the Project would reduce the peak wet-weather flow reaching the Tasman Lift Station, and flows would not exceed the lift station's capacity. The wastewater treatment provider that serves the Project would have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, the Project would have a less-than-significant impact related to wastewater treatment capacity.
- **Impact UT-4: Solid Waste Capacity.** The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals because the Project would include a construction and demolition plan that would call for approximately 90 to 95 percent of demolition material to be recycled. The Project would use salvaged, recycled, and low-impact materials where appropriate and send them for treatment and reuse rather than to a landfill. During construction, the Project would reuse excavation materials, process demolition onsite, segregate waste streams, audit waste, and implement take-back schemes. Organic material cleared during construction could be reused as fill in future landscaped areas onsite or offsite. Therefore, because approximately 90 to 95 percent of demolition materials would be recycled, which is in excess of the 80 percent solid waste diversion goal in the City's CAP, the Project's construction impact would be less than significant. The Project would comply with the mandatory requirements of the Santa Clara Commercial and Residential Recycling Programs to help the City meet its waste diversion goal of 65 percent as well as City ordinances that regulate single-use carryout bags and

expanded polystyrene foam food-service ware. In addition, the Project would be served by a landfill with adequate permitted capacity and able to accommodate the Project's solid waste disposal needs. Therefore, the Project would have a less-than-significant impact on solid waste capacity.

- Impact UT-5: Solid Waste Regulations.** The Project would not result in the generation of unique types of solid waste that would conflict with applicable solid waste disposal and would be required to comply with City solid waste disposal requirements, including recycling, composting, and special materials disposal programs to comply with the provisions of AB 939. Therefore, the Project would have no impact related to compliance with applicable federal, State, and local statutes and regulations related to solid waste.
- Impact C-UT-1: Cumulative Utilities Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not require or result in the construction of new water, wastewater, stormwater treatment, electricity, or telecommunication facilities; result in a determination of inadequate wastewater treatment capacity; or generate solid waste in excess of State or local standards because construction of the cumulative projects would be temporary and would use existing utility connections for construction purposes to connect with water, wastewater, stormwater, electrical, and telecommunication systems. In addition, construction of the cumulative projects and the Project would not permanently increase wastewater generation or solid waste generation. Valley Water would assess whether changes to Valley Water's Water Supply Master Plan 2040 would be needed to adapt to changing supply and demand conditions, climate change, regulatory and policy changes, other risks, and uncertainty. Therefore, the Project would not result in cumulatively considerable impacts related to water supply facilities because the master plan accounts for facility planning, which includes the Project and Project region. Flows to the Tasman Lift Station decrease in future conditions under both options because a number of improvements to the sewer system are planned, which would be implemented by 2035. Therefore, a significant cumulative impact on wastewater treatment facilities and capacity would not occur. Development in the City would consist primarily of redevelopment, which would not substantially increase impervious surfaces in the City. Existing regulations require new projects to address the need for stormwater treatment. As such, there would be no cumulative impacts from development on the City's stormwater drainage facilities. The City has an arrangement with the Newby Island Landfill, as well as other landfills located outside of the county, to provide disposal capacity through 2041, according to CalRecycle. Therefore, there would be available capacity for the region, and no cumulative impacts related to solid waste would occur. The Project's proposed substation would be maintained by the City's public utility provider, SVP. As such, there would be no cumulative impacts from development on the City's electricity, natural gas, and telecommunications facilities. Therefore, the Project would result in a less than significant cumulative impact related to utilities.

B. Less-than-Significant Impacts that Require Mitigation

Potentially significant impacts have been determined by the City to be reduced to a level of less than significant through the environmental analysis of the Project and identification of Project design features; compliance with existing laws, codes, and statutes; and the identification and incorporation of feasible mitigation measures. For these impacts, the City has thus found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1)—that “[c]hanges or alterations have been

required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” (See also Public Resources Code Section 21081(a)(1).)

The Final EIR identified the significant impacts below that, with mitigation, can be reduced. Based on the findings in the Final EIR, as well as the evidence in the record, the impacts can be mitigated to a less-than-significant level, as discussed below.

1. Transportation

The topic of transportation was analyzed in Section 3.2 of the EIR. The EIR determined that the Project could result in significant impacts related to transportation and recommended mitigation measures, as discussed below.

Impact TRA-1: Consistency with Adopted Plans, Ordinances, and Policies Regarding Roadways (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce the construction impacts related to consistency with adopted plans, ordinances and policies regarding roadways to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. A Construction Management Plan would minimize disruptions to the roadway network caused by Project construction activities. The City hereby determines that any impacts related to consistency with adopted plans, ordinances, and policies regarding roadways from construction remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Typical activities related to construction of the Project could include lane narrowing and/or lane closures. Such activities could conflict with General Plan policies that require new development to provide streets that meet City goals and standards. Therefore, Project construction could conflict with an applicable plan, ordinance, or policy addressing the roadway network, resulting in a significant impact. Mitigation Measure TRA-1.1 would require the Project to prepare and submit a Construction Management Plan prior to issuance of any building permit and in the event of any type of closure, clear signage (e.g., closure and detour signs) must be provided to ensure that vehicles will be able to reach their intended destinations safely. With implementation of Mitigation Measure TRA-1.1, the Project would not conflict with an applicable plan, ordinance, or policy addressing the roadway network. This would reduce construction impacts related to consistency with adopted plans, ordinances, and policies regarding roadways to a less-than-significant level.

Mitigation Measure TRA-1.1: Construction Management Plan. Prior to the issuance of each building permit, the Project Sponsor shall prepare a construction management plan for review and approval by the Public Works Department. The plan, which shall be implemented during construction, shall include at least the following items and requirements:

- A comprehensive set of traffic control measures, including measures regarding detour signs, if required; lane closure procedures; sidewalk closure procedures; signs; cones for drivers; and designated construction access routes.
- Notification procedures for adjacent property owners, the public, transit operators, and public safety personnel regarding when detours and lane closures will occur.

- The location of construction staging areas for materials, equipment, and vehicles (must be located on the Project site).
- Identification of haul routes for the movement of construction vehicles to minimize impacts on vehicular, pedestrian, and transit vehicle traffic, circulation, and safety and provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected. Construction vehicles shall be required to use designated truck/haul routes.
- Provisions for the removal of trash generated by Project construction activity.
- A process for responding to and tracking complaints pertaining to construction activity.
- Parking restrictions—specifically, construction vehicles and construction workers shall not be allowed to park in adjacent residential neighborhoods, and construction vehicles shall be required to park in the construction zone or in temporary parking lots onsite.
- Provisions that address the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes.

Impact TRA-2: Consistency with Adopted Plans, Ordinances, and Policies Regarding Transit (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding transit to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any construction impacts related to consistency with adopted plans, ordinances, and policies regarding transit remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Project construction activities could temporarily impede light rail transit or bus operations or close the bus stop adjacent to the Project frontage on Tasman Drive. This would conflict with General Plan policies that encourage development of a multimodal transportation system. Therefore, Project construction could conflict with an applicable plan, ordinance, or policy addressing public transit, resulting in a significant impact. Any changes to light rail or bus operations during construction would require prior approval and adequate countermeasures approved by the Santa Clara Valley Transportation Authority (VTA). Mitigation Measure TRA-1.1 would include provisions to maintain these facilities and services. With implementation of Mitigation Measure TRA-1.1, the Project would not conflict with an applicable plan, ordinance, or policy addressing public transit. This would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding transit to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-3: Consistency with Adopted Plans, Ordinances and Policies Regarding Bicycle Facilities (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce construction impacts to bicycle facilities to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby

determines that any impacts related to consistency with adopted plans, ordinances, and policies addressing bicycle facilities remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Project construction activities could result in the temporary closure of bike lanes on Tasman Drive. This would conflict with General Plan policies that encourage development of a multimodal transportation system and 2018 Bicycle Plan Update Policy 2.C.4, which states that bicycle lanes shall be maintained next to construction zones whenever feasible. Therefore, Project construction could conflict with an applicable plan, ordinance, or policy addressing bicycle facilities, resulting in a significant impact. Any changes to existing bicycle facilities would require prior approval or adequate countermeasures approved by the Public Works Department. Mitigation Measure TRA-1.1 would include provisions to maintain bicycle connections within the Project vicinity during construction. With implementation of Mitigation Measure TRA-1, the Project would not conflict with an applicable plan, ordinance, or policy addressing bicycle facilities. This would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding bicycle facilities to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-4: Consistency with Adopted Plans, Ordinances and Policies Regarding Pedestrian Facilities (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies addressing pedestrian facilities to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any impacts related to consistency with adopted plans, ordinances, and policies regarding pedestrian facilities remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Project construction activities could result in the temporary closure of sidewalks and crosswalks. This would conflict with General Plan policies that encourage development of a multimodal transportation system and 2019 Pedestrian Master Plan Policy 2.C.4, which states that pedestrian lanes shall be maintained next to construction zones whenever feasible. Therefore, Project construction could conflict with an applicable plan, ordinance, or policy addressing pedestrian facilities, resulting in a significant impact. Any changes to existing pedestrian facilities would require prior approval or adequate countermeasures approved by the Public Works Department. Mitigation Measure TRA-1.1 would include provisions to maintain pedestrian connections within the Project vicinity. With implementation of Mitigation Measure TRA-1.1, the Project would not conflict with an applicable plan, ordinance, or policy addressing pedestrian facilities. This would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding pedestrian facilities to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-6: Hazards Due to Design Features or Incompatible Uses (Construction).

FINDINGS: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce the construction impacts related to hazards due to design features or incompatible uses to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any construction impacts related to hazards due to design features or incompatible uses remaining after Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities could temporarily infringe on the existing street right-of-way (ROW) adjacent to the Project site, creating substandard design elements such as narrow lane widths or inadequate sight distances that could pose a hazard to users. Therefore, Project construction could substantially increase hazards due to a geometric design feature, resulting in a significant impact. As part of Mitigation Measure TRA-1.1, the City will review temporary traffic control plans to ensure that travel lane closures, on-street parking, shoulders, bike lanes, bus stops, and sidewalks during construction comply with the *California Temporary Traffic Control Handbook*⁴ and the latest *California Manual on Uniform Traffic Control Devices*.⁵ With implementation of Mitigation Measure TRA-1, and adherence to the design standards in these publications, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses. This would reduce the construction impacts related to hazards due to design features or incompatible uses to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-7: Emergency Access (Construction).

FINDINGS: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce the construction impacts related to emergency access to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any construction impacts related to emergency access remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities could result in temporary closures along travel lanes, bike lanes, or roadway shoulders. Such closures could interfere with emergency access to the Project site or adjacent properties. Therefore, Project construction could result in inadequate emergency access, resulting in a significant impact. As part of Mitigation Measure TRA-1.1, a construction management plan would include provisions to maintain adequate emergency access during each phase of construction. With implementation of Mitigation Measures TRA-1.1, the Project would not result in inadequate emergency access. This would reduce the construction impacts on emergency access to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

⁴ California Inter-Utility Coordinating Committee. 2018. *California Temporary Traffic Control Handbook*. Seventh edition. May.

⁵ California Department of Transportation. 2023. *2014 California Manual on Uniform Traffic Control Devices, Revision 7*. March 10.

Impact C-TRA-1: Cumulative Adopted Plans, Ordinances, and Policies Addressing the Circulation System.

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce cumulative impacts related to adopted plans, ordinances, and policies addressing the circulation system to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any cumulative impacts related to consistency with adopted plans, ordinances, and policies regarding roadways remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project and other future developments that may be constructed within the Patrick Henry Specific Plan Area and the Freedom Circle Focus Area, as well as other approved and proposed developments in the vicinity of the Project site, would be required to comply with existing regulations, including General Plan policies and zoning regulations that have been enacted to minimize impacts related to transportation and circulation. However, without mitigation, Project construction, in combination with cumulative projects, could conflict with an applicable plan, ordinance, or policy addressing the roadway network, resulting in a significant cumulative impact. Construction management plans, similar to the construction management plan required under Mitigation Measure TRA-1.1 for the Project, would be required for all new developments, subject to review and approval by the Public Works Department, to ensure that all elements of the transportation network meet City goals and standards during construction. With implementation of Mitigation Measure TRA-1.1, the Project, in combination with other foreseeable development in the vicinity, would not conflict with an applicable plan, ordinance, or policy addressing the circulation system, including roadway, transit, bicycle, and pedestrian facilities. This would reduce the cumulative impacts related to adopted plans, ordinances, and policies to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact C-TRA-3: Cumulative Hazards Due to Design Features or Incompatible Uses.

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce impacts to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any cumulative impacts related to hazards due to design features or incompatible uses remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project combined with future developments would not substantially increase hazards due to a geometric design feature or incompatible uses. Overall, cumulative land use development, including future developments within the Patrick Henry Specific Plan Area and the Project site, would promote accessibility for people traveling to and through northern Santa Clara by conforming to General Plan and specific plan policies, zoning regulations, and City standards and adhering to planning principles that emphasize providing convenient connections and safe routes for people bicycling, walking, driving, or taking transit. However, Project construction activities could result in the temporary closure of bike lanes on Tasman Drive. Therefore, Project construction, in combination with other cumulative development, could result in hazards due to design features or incompatible uses, resulting in a significant cumulative impact. Plans would be reviewed by the City's Public Works Department to ensure that projects

are constructed according to City specifications. Construction management plans, similar to the construction management plan required under Mitigation Measure TRA-1.1 for the Project, would be required for all new developments, subject to review and approval by the Public Works Department, to ensure that temporary design features used during construction would not increase hazards, both individually and collectively. With implementation of mitigation, the Project, in combination with other foreseeable development in the vicinity, would not substantially increase hazards due to a geometric design feature or incompatible uses. This would reduce the cumulative impacts related to hazards due to design features or incompatible uses to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact C-TRA-4: Cumulative Emergency Access.

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce cumulative impacts related to emergency access to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any cumulative impacts related to emergency access remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Project construction activities could temporarily infringe on the existing street ROW adjacent to the Project site, creating substandard design elements such as narrow lane widths or inadequate sight distances that pose a hazard to users. Therefore, Project construction, in combination with cumulative development, could substantially increase hazards due to a geometric design feature, resulting in a significant cumulative impact. Designs for EVA roadways would be subject to City review. This would ensure the adequacy of circulation patterns and compliance with City EVA standards related to minimum heights, clearance along circulation routes, drive aisle width, vertical clearance, turning radius, and slope. Construction management plans, similar to the construction management plan required under Mitigation Measure TRA-1.1 for the Project, would be required for all new developments, subject to review and approval by the Public Works Department, to ensure that temporary closures of travel lanes, bike lanes, or roadway shoulders that may be planned during concurrent construction projects would not result in inadequate emergency access. With implementation of Mitigation Measure TRA-1.1, the Project, in combination with other foreseeable development in the vicinity, would not result in inadequate emergency access. This would reduce the cumulative impacts related to emergency access to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

2. Air Quality

The topic of air quality was analyzed in Section 3.3 of the EIR. The EIR determined that the Project could result in significant impacts related to air quality and recommended mitigation measures, as discussed below.

Impact AQ-2: Cumulatively Considerable Net Increase in Criteria Pollutants – Construction.

FINDING: Implementation of Mitigation Measures AQ-2.1 and AQ-2.2, which are hereby adopted and incorporated into the Project, would reduce construction impacts related to a cumulatively considerable net increase in criteria pollutants to a less-than-significant level. The City finds the use of clean diesel-powered or electric equipment during construction and implementation of BAAQMD basic construction

mitigation measures to be feasible. The City hereby determines that any impacts related to a cumulatively considerable net increase in criteria pollutants during construction remaining after implementation of Mitigation Measures AQ-2.1 and AQ-2.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities would generate emissions of criteria pollutants from the exhaust of off-road equipment, the exhaust of construction workers' vehicles and heavy-duty trucks traveling to and from the Project site, the application of architectural coatings, and paving. Fugitive PM₁₀ and PM_{2.5} dust would also be generated during soil movement and disturbance (e.g., grading and excavation) as well as demolition. The amount generated on a daily basis would vary, depending on the intensity and types of construction activities occurring simultaneously. The Project's emissions would exceed BAAQMD thresholds during 6 years of the Project's estimated 9 year construction timeframe. Exceedances would not necessarily occur on every day of construction for 6 years; rather, emissions in these 6 calendar years would exceed the thresholds on days when the worst-case scenario would occur. Regardless, the construction impact of the Project would be significant. In addition, BAAQMD's CEQA Air Quality Guidelines consider fugitive dust impacts to be significant prior to the application of BMPs to control dust. If BMPs are not implemented, then dust impacts would also be significant. Mitigation Measure AQ-2.1 would be implemented to reduce the Project's nitrogen oxide (NO_x) emissions by requiring EPA Tier 4 Final diesel engines. As shown in Table 3.3-8, for the mitigated scenario, implementation of Mitigation Measure AQ-2.1 (i.e., the requirement for EPA Tier 4 Final diesel engines) would reduce construction emissions of NO_x to a level below the BAAQMD threshold. In addition, Mitigation Measure AQ-2.2 would be incorporated to ensure that BAAQMD best management practices (BMPs), as well as additional recommended construction-related mitigation measures, would be implemented during Project construction. BMPs would be required and implemented to reduce impacts from construction-related fugitive dust emissions, including any cumulative impacts. With implementation of Mitigation Measures AQ-2.1 and AQ-2.2, the Project would not result in cumulatively considerable net increases in criteria pollutants during construction and any remaining construction impacts related to a cumulatively considerable net increase in criteria pollutants would be less-than-significant.

Mitigation Measure AQ-2.1: Use Clean Diesel-Powered or Electric Equipment during Construction to Control Construction-Related Emissions. The Project Sponsor shall ensure that all off-road diesel-powered equipment greater than 50 horsepower used during construction shall be equipped with EPA-approved Tier 4 Final engines or cleaner⁶ to reduce exhaust PM_{2.5} emissions. The construction contractor shall submit evidence of the use of EPA-approved Tier 4 Final engines or cleaner to the City of Santa Clara prior to the commencement of Project construction activities.

Mitigation Measure AQ-2.2: Implement BAAQMD Basic Construction Mitigation Measures to Reduce Dust Emissions. The Project Sponsor shall require all construction contractors to implement the BAAQMD Basic Construction Mitigation Measures as well as additional construction-related mitigation measures recommended by BAAQMD.⁷ The emissions reduction measures shall include, at a minimum, all of the items listed below. The Project Sponsor shall provide documentation to the City

⁶ Cleaner engine technology includes electric equipment and CARB Tier 5 engine standards, which are expected to begin in 2028 (CARB n.d.).

⁷ Bay Area Air Quality Management District. 2017b. *California Environmental Quality Act, Air Quality Guidelines*. May. Available: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: February 2, 2023.

of Santa Clara that the Basic Construction Mitigation Measures as well as any additional measures recommended by BAAQMD, have been reflected in all construction contracts prior to the commencement of Project construction activities.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered at least three times per day to maintain a minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or a moisture probe.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- Paving of all roadways, driveways, and sidewalks shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485, of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be in proper running condition prior to operation.
- A publicly visible sign shall be posted with the name and telephone number of the person to contact at the Lead Agency regarding dust complaints. That 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.

Impact AQ-3: Substantial Pollutant Concentration - Fugitive Dust (Construction).

FINDING: Implementation of Mitigation Measure AQ-2.2, which is hereby adopted and incorporated into the Project, would reduce construction impacts related to fugitive dust to a less-than-significant level. The City finds implementation of Bay Area Air Quality Management District (BAAQMD) basic construction mitigation measures to be feasible. The City hereby determines that any construction impacts related to fugitive dust remaining after implementation of Mitigation Measure AQ-2.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Grading and excavation during Project construction would generate localized fugitive dust. BAAQMD's CEQA Guidelines consider dust impacts to be less than significant if BAAQMD's construction BMPs are employed to reduce such emissions. With the implementation of BAAQMD's Basic Construction Mitigation Measures as required under Mitigation Measure AQ-2.2, any construction related-fugitive dust emissions would not expose receptors to substantial pollutant concentrations or risks. With implementation of Mitigation Measure AQ-2.2, any remaining construction impacts related to fugitive dust would be less-than-significant.

Mitigation Measure: Implement Mitigation Measure AQ-2.2.

3. Greenhouse Gas Emissions

The topic of GHG emissions was analyzed in Section 3.4 of the EIR. The EIR determined that the Project could result in significant impacts related to GHG emissions and recommended mitigation measures, as discussed below.

Impact GHG-1: Generate GHG Emissions (Construction).

FINDING: Implementation of Mitigation Measure GHG-1.1, which is hereby adopted and incorporated into the Project, would reduce impacts to a less-than-significant level. The City finds implementation of applicable construction-related measures from the 2017 Scoping Plan (Appendix B) and the 2022 BAAQMD Air Quality Guidelines recommended BMPs to be feasible. The City hereby determines that any impacts related to GHG emissions during construction and operation remaining after implementation of Mitigation Measure GHG-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. BAAQMD has not established a quantitative threshold for assessing construction-related GHG emissions, noting that they represent a very small portion of a project's lifetime GHG emissions.⁸ As noted in the BAAQMD 2022 CEQA Air Quality Guidelines, BAAQMD recommends evaluating whether construction activities would conflict with statewide emission reduction goals, based on whether feasible BMPs for reducing GHG emissions would be implemented.⁹ If a project fails to implement feasible BMPs identified by BAAQMD, its GHG emissions could conflict with statewide emission goals and represent a cumulatively considerable contribution to climate change, which would be a potentially significant impact. As such, before the inclusion of feasible BAAQMD-identified BMPs, the Project's construction-generated GHG emissions would be considered significant. Mitigation Measure GHG-1.1 requires implementation of applicable construction-related measures from the 2017 Scoping Plan (Appendix B) and the 2022 BAAQMD Air Quality Guidelines to reduce the level of GHGs associated with construction of the Project and avoid any conflict with statewide GHG reduction goals. Because Mitigation Measure GHG-1.1 would require implementation of all construction-related GHG reduction measures recommended by BAAQMD and CARB,¹⁰ construction of the Project would not generate GHG emissions that could have a significant impact on the environment. With implementation of Mitigation Measure GHG-1.1, the Project would not generate GHG emissions that could have a significant impact on the environment. This would reduce construction impacts related to GHG emissions to a less-than-significant level.

Mitigation Measure GHG-1.1 Require Implementation of Scoping Plan and BAAQMD-Recommended Best Management Practices to Reduce Construction GHG Emissions. The Project Sponsor shall require its contractors, as a condition of contracts (e.g., standard specifications), to reduce construction-related GHG emissions by implementing BAAQMD's recommended BMPs, including, but not limited

⁸ Bay Area Air Quality Management District. 2022. *Appendix B: Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*. April. Available: <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en>. Accessed: January 31, 2023.

⁹ Bay Area Air Quality Management District. 2017b. *California Environmental Quality Act Air Quality Guidelines*. May. Available: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: January 31, 2023.

¹⁰ The current scoping plan, adopted in 2022, does not contain construction-related measures analogous to those in the 2017 scoping plan.

to, the measures listed below, based on BAAQMD's 2022 CEQA Air Quality Guidelines.¹¹ The Project Sponsor shall submit evidence of compliance to the City prior to permit issuance.

- Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or within a Bay Area Air Quality Management District-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.¹²
- Require all diesel-fueled off-road construction equipment to be equipped with U.S. Environmental Protection Agency Tier 4 Final engines or better.
- Require all on-road heavy-duty trucks to be zero emissions or meet the most stringent model-year emissions standard where feasible.
- Minimize idling time, either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Use California Air Resources Board-approved renewable diesel fuel in off-road construction equipment and on-road trucks where feasible.
- Use U.S. Environmental Protection Agency SmartWay-certified trucks for deliveries and equipment transport where feasible.
- Require all construction equipment to be maintained and properly tuned in accordance with the manufacturer's specifications.
- Where grid power is available, prohibit portable diesel engines and provide electrical hook-ups for electric tools, such as saws, drills, and compressors; use electric tools whenever feasible.
- Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites whenever feasible.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options onsite or shuttles to nearby meal destinations for construction employees.
- Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.
- Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more, by weight, than the diversion requirement in Title 24.
- Use locally sourced or recycled materials for construction (goal of at least 20 percent, based on cost of building materials and volume of roadway, parking lot, sidewalk, and curb materials).
- Use low-carbon concrete, minimize the amount of concrete used, and produce concrete onsite where feasible if it is more efficient than transporting ready-mix.

¹¹ Bay Area Air Quality Management District. 2017b. *California Environmental Quality Act Air Quality Guidelines*. May. Available: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: January 31, 2023.

¹² The Project site is not located within a CARE or AB 617 community.

- Develop a plan to efficiently use water for adequate dust control because substantial amounts of energy can be consumed by pumping water.
- Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply compliant on- or off-road construction equipment prior to any ground-disturbing and construction activities.

Project Design Feature GHG-1: Implement Applicable and Mandatory Actions from the City of Santa Clara 2022 Climate Action Plan Compliance Checklist. The Project Sponsor shall ensure that the Project is consistent with the City of Santa Clara's 2022 CAP by including all mandatory and applicable actions from the City of Santa Clara 2022 Climate Action Plan Compliance Checklist (CAP Checklist). Inclusion of the following CAP Checklist measures is necessary to ensure the performance standard is met:

- B-1-5: Reach codes for new construction
- B-2-3: Energy-efficient and electric-ready building code
- T-1-2: EV charging for all new construction
- T-2-1: Pedestrian & Bicycle Master Plans Implementation
- T-3-1: TDM plan requirements
- T-3-3: Transit-oriented development (Projects within ½ mile of transit corridor only)
- T-3-5: Transportation Analysis Policy compliance
- M-1-1: Compliance with State Solid Waste Ordinances
- N-1-1: Right-of-way tree planting (Residential Projects Only)
- T-2-3: Bike & shared mobility improvements
- M-3-1: Reuse of salvageable building materials
- N-3-3: Water-efficient landscaping requirements
- N-3-5: Recycled water connection requirements
- C-2-2: Onsite & natural stormwater systems
- M-3-4: Carbon-smart building materials

The Project Sponsor would also include the following five optional actions from the CAP Checklist:

- B-3-5: Local grid resiliency & energy storage improvements (Optional)
- T-3-4: Telework (Optional)
- N-3-4: Community water portfolio diversion (Optional)
- T-2-2: Curb management improvements (Optional)
- N-2-3: Sustainable planting guide (Optional)

The Project Sponsor will submit evidence to the City demonstrating that each of the CAP Checklist actions listed above would be implemented prior to issuance of the first construction or grading permit for the Project.

4. Energy

The topic of energy was analyzed in Section 3.5 of the EIR. The EIR determined that the Project could result in significant impacts related to energy and recommended mitigation measures, as discussed below.

Impact EN-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources (Construction).

FINDING: Implementation of Mitigation Measure GHG-1.1, which is hereby adopted and incorporated into the Project, would reduce construction impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources to a less-than-significant level. The City finds implementation of a scoping plan and BAAQMD-recommended BMPs to be feasible. The City hereby determines that any construction impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources after implementation of Mitigation Measure GHG-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Energy usage during construction would include the electricity used to power electric construction equipment or deliver water to construction sites, the gasoline and diesel fuel used to transport workers and drive haul trucks to and from construction sites, and the fuel used to operate off-road equipment. During build-out of the Project, construction-related energy usage and consumption would vary, depending on the level of activity, the length of the different construction periods, specific construction operations, the types of equipment, and the number of workers. Approximately 610,268 million BTUs would be consumed over the Project's approximately 9-year construction period. All construction under the Project would be required to comply with Mitigation Measure GHG-1.1, which would require construction contractors to implement BAAQMD- and CARB-recommended construction BMPs. In addition, the Project Sponsor would commit to achieving a construction diversion rate of 65 percent (minimum) as well as preparing a Construction Waste Management Plan or hiring a waste management company to recycle, reduce, and/or reuse construction waste. These measures would reduce the amount of fossil fuel consumed during construction as well as the energy intensiveness associated with building materials, including discarded construction and demolition waste. With implementation of Mitigation Measure GHG-1.1, the Project would not result in significant environmental impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. Mitigation Measure GHG-1.1 would reduce construction impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure GHG-1.1.

5. Noise

The topic of noise was analyzed in Section 3.6 of the EIR. The EIR determined that the Project could result in significant impacts related to noise and recommended mitigation measures, as discussed below.

Impact NOI-2: Operational Noise from Mechanical Equipment.

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Project, would reduce impacts related to operation of mechanical equipment to a less-than-significant level. The City finds implementation of a Noise Reduction Plan for stationary sources to be feasible. The City hereby determines that any impacts related to operational noise from mechanical equipment and

emergency generators remaining after implementation of Mitigation Measure NOI-2.1 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project would include the operation of HVAC equipment as well as a substation. Specifically, proposed equipment would include cooling towers, air-source heat pumps, air handling units, exhaust fans, chillers, and heat pumps, along with the substation. If all of the equipment listed above were to operate simultaneously, which is unlikely to occur frequently or at all, the combined noise level would be 84 dBA. Although there are many unknown variables, it is conservatively assumed that equipment noise levels could exceed the City's allowable levels at the nearest land use because an estimated level of 84 dBA would exceed the City Code limits during daytime and nighttime hours. Mitigation Measure NOI-2.1 would ensure that noise from Project mechanical equipment would comply with the exterior noise limits outlined in Section 9.10.040 of the City Code. With implementation of Mitigation Measure NOI-2.1, Project operation would not generate a substantial permanent increase in ambient noise levels in the vicinity of the Project site that would be in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Mitigation Measure NOI-2.1 would reduce impacts related to mechanical equipment noise to a less-than-significant level.

Mitigation Measure NOI-2.1. Stationary Sources Noise Reduction Plan. To reduce potential noise impacts resulting from Project mechanical equipment and other stationary sources, including HVAC equipment and emergency generators, the Project Sponsor shall conduct a noise analysis to estimate noise levels of Project-specific mechanical equipment, based on the final equipment models and design features selected. This analysis shall be included in a Noise Reduction Plan to ensure that the noise levels of the equipment, once installed, are below the criteria specified in City Code Section 9.10.040 and presented in Table 3.6-4. The Noise Reduction Plan shall include any necessary noise reduction measures required to reduce Project-specific mechanical equipment noise to less-than-significant levels. The plan shall demonstrate that, with the inclusion of selected measures, noise from equipment will be below the City Code noise limits. Potential noise reduction measures to reduce noise to levels below the City Code Section 9.10.040 noise limits include, but are not limited to:

- Selecting quieter equipment, where feasible,
- Utilizing silencers and acoustical equipment at vent openings,
- Installing exhaust mufflers or silences,
- Siting equipment farther from the roofline and increasing the distance between the source and noise-sensitive receptor,
- Enclosing all equipment in a mechanical equipment room designed to reduce noise and / or placing barriers around the equipment to facilitate the attenuation of noise, and
- Orienting or shielding equipment to protect noise-sensitive receptors to the greatest extent feasible.

To result in meaningful attenuation from shielding, all walls, enclosures, or screens surrounding generators must be solid, with no holes or gaps. Attenuation also varies, based on the type of material used for the walls or screens. In addition, the Project Sponsor shall incorporate all feasible methods to reduce the noise levels identified above, as well as other feasible recommendations from the Noise

Reduction Plan, into both the building design and operations as necessary to ensure that noise sources do not exceed the City Code noise limits at receiving properties.

The Noise Reduction Plan shall be provided to the City prior to the issuance of building permits for each building and prepared by persons qualified in acoustical analysis and/or engineering. The plan shall demonstrate, with reasonable certainty, that noise from mechanical equipment selected for the Project, with attenuation features incorporated into the Project design, will not exceed the City Code noise limits, presented in Table 3.6-4, at noise-sensitive land uses located either within or external to the Project site.

Impact NOI-2: Operational Noise from Emergency Generators.

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Project, would reduce impacts related to operation of emergency generators to a less-than-significant level. The City finds implementation of a Noise Reduction Plan for stationary sources to be feasible. The City hereby determines that any impacts related to operational noise from emergency generators remaining after implementation of Mitigation Measure NOI-2.1 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Twenty-one 400-kilowatt (kW) generators would be required for the Project. The units would create noise during monthly testing and during power outages when backup power is required. Generator testing and maintenance is anticipated to occur for a duration of 2 to 4 hours per month, or up to 50 hours per year, for each generator. Testing of the proposed generators is not anticipated to occur simultaneously. Even though the testing of emergency generators is short term and intermittent, noise resulting from generator testing must comply with City Code Section 9.10.040. It is conservatively assumed that noise levels from testing of the proposed 400kW generators would affect onsite uses and exceed the City Code criteria of 55 dBA and 50 dBA at residential receptors during daytime and nighttime hours, respectively, if generators are located within 50 feet of onsite residential uses. Mitigation Measure NOI-2.1 would ensure that noise from emergency generators during testing would comply with the noise limits outlined in Section 9.10.040 of the City Code. Therefore, noise impacts from Project emergency generator testing would be less than significant with Mitigation Measure NOI-2.1.

Mitigation Measure: Implement Mitigation Measure NOI-2.1.

Impact C-NOI-2: Cumulative Operational Noise from Mechanical Equipment.

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Project, would reduce cumulative impacts related to operational noise from mechanical equipment to a less-than-significant level. The City finds implementation of a Noise Reduction Plan for stationary sources to be feasible. The City hereby determines that any impacts related to cumulative operational noise from mechanical equipment remaining after implementation of Mitigation Measure NOI-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project area contains many disparate buildings, with each likely to have its own noise-generating mechanical equipment. Because multiple cumulative projects may be located close to one another, it is possible that noise from the Project's mechanical equipment could combine with equipment from nearby projects to cause a cumulative noise impact at noise-sensitive land uses. As such, it is conservatively assumed that cumulative impacts from stationary sources would be significant. Noise

from the mechanical equipment at the Project site could exceed the noise limits in the City Code, particularly at future onsite residences and commercial uses located within 50 feet. This could be considered a cumulatively considerable contribution to noise from other projects in the area. In addition, in the future, there will be an expansion in noise-sensitive land uses in the area, with construction of the residential units at the site for the Patrick Henry Specific Plan approximately 100 feet from the Project site. With implementation of Mitigation Measure NOI-2.1, the Project's contribution to the cumulative noise impact would not be cumulatively considerable. Mitigation Measure NOI-2.1 would reduce noise from mechanical equipment associated with the Project, which would minimize the noise exposure for future receptors south of the Project site. In addition, it is likely that similar mitigation would be required for other projects in the vicinity, ensuring that equipment noise would be in compliance with the applicable local noise standards. As a result, the contribution of the Project to the significant cumulative operational equipment noise impact would not be cumulatively considerable. This impact would be less than significant with Mitigation Measure NOI-2.1.

Mitigation Measure: Implement Mitigation Measure NOI-2.1.

Impact C-NOI-2: Cumulative Operational Noise from Emergency Generators

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Project, would reduce cumulative impacts related to operational noise from emergency generators to a less-than-significant level. The City finds implementation of a Noise Reduction Plan for stationary sources to be feasible. The City hereby determines that any impacts related to cumulative operational noise from emergency generators remaining after implementation of Mitigation Measure NOI-2.1 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Emergency generators included in the development of cumulative projects would result in the generation of audible noise during testing. It is very unlikely that the testing of an emergency generator for the Project would occur concurrently with the testing of a generator at a nearby project. Even if testing were to occur simultaneously, it is not likely that the generators would be close enough together for the noise to meaningfully combine at an individual receptor. However, the Patrick Henry Specific Plan is a future project that would allow up to 12,000 net new residential units, resulting in noise-sensitive land uses being located approximately 100 feet from the southern border on the Project site. Although the Patrick Henry Specific Plan residential units would be more than 50 feet from the Project site, generator noise could still exceed the City Code noise limits at 100 feet. Mitigation Measure NOI-2.1 would reduce generator noise from the Project, which would minimize the noise exposure for future receptors located south of the Project site. With implementation of Mitigation Measure NOI-2.1, the Project, in combination with other foreseeable development, would not generate a substantial permanent increase in ambient noise levels in the vicinity of the Project site that would be in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Therefore, a significant cumulative impact would not occur with respect to mechanical equipment and emergency generator noise, and the impact would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure NOI-2.1.

6. Cultural Resources

The topic of cultural resources was analyzed in Section 3.7 of the EIR. The EIR determined that the Project could result in significant impacts related to cultural resources and recommended mitigation measures, as discussed below.

Impact CUL-2: Archaeological Resources (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, CUL-2.3, which are hereby adopted and incorporated into the Project, would reduce construction impacts related to archaeological resources to a less-than-significant level. The City finds implementation of a monitoring plan, worker awareness training, and requirements to stop work if archaeological deposits are encountered during ground-disturbing activities to be feasible. The City hereby determines that any construction impacts related to archaeological features remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2, CUL-2.3 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The results of the NWIC records search conducted in 2019 and 2022 indicate that no known previously recorded cultural resources are located within or adjacent to the Project site. Historic-period maps and aerial photographs indicate that the Project site was undeveloped and primarily agricultural fields until mid-twentieth century; therefore, it is unlikely that any historic-period archaeological deposits are located within the Project site that could qualify as historical resources. However, a review of the relevant geologic literature indicated sensitivity for buried pre-European contact archaeological deposits. Project construction would require below-grade excavations of up to 16 feet for parking, service access to buildings, foundations, and most utilities and up to a depth of approximately 28 feet for jack-and-bore pits to install transmission lines within a San Francisco Public Utilities Commission easement. Therefore, excavations related to Project construction could encounter archaeological deposits and result in an adverse change to a buried archaeological deposit that could qualify as a historical resource and/or unique archaeological resource. Thus, significant impacts related to buried archaeological deposits could result from construction of the Project. With implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, the Project would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5. This would reduce the potential construction impacts on archaeological features to a less-than-significant level.

Mitigation Measure CUL-2.1: Develop and Implement Archaeological Monitoring Plan. Given the potential for buried pre-European contact archaeological deposits to be encountered during Project construction, the following measures shall be undertaken to avoid any significant impacts on such resources. An Archaeological Monitoring Plan shall be developed by a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology¹³ prior to any Project-related ground disturbance to determine specific areas of archaeological sensitivity within proposed work areas. The Archaeological Monitoring Plan shall detail when and where monitoring will take place. The plan shall include protocols that outline archaeological monitoring best practices, anticipated resource types, and an Unanticipated Discovery Protocol. The

¹³ U.S. Department of the Interior. 1983. *Archaeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines*. Available: <https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>.

Archaeological Monitoring Plan shall, at a minimum, detail the role and responsibility of the monitor, the monitoring methods to be used, the communication protocol, and the procedures to be followed in case of inadvertent discoveries. The Unanticipated Discovery Protocol shall describe steps to follow if unanticipated archaeological discoveries are made during Project work and identify a chain of contact, including, at a minimum, the following steps: halting construction, evaluating the find, and implementing appropriate mitigation measures. The Archaeological Monitoring Plan shall be submitted for review and approval by the City prior to the issuance of any grading or other permit that would allow ground disturbance on the Project site.

Mitigation Measure CUL-2.2: Conduct Cultural Resource Sensitivity Training Prior to Project-Related Ground Disturbance. Prior to any Project-related ground disturbance, the Project Sponsor shall ensure that all construction workers who directly oversee excavation or operate ground-disturbing vehicles receive training, which shall be overseen by a qualified professional archaeologist who is experienced in teaching non-specialists, to ensure that contractors can recognize archaeological artifacts and deposits, as well as tribal cultural resources, in the event that any are discovered during construction. Construction personnel directly overseeing excavation, or operating ground-disturbing vehicles, will be required to participate in this preconstruction training.

Mitigation Measure CUL-2.3: Stop Work if Archaeological Deposits Are Encountered during Ground-Disturbing Activities. If archaeological deposits are encountered during Project-related ground disturbance, work in the area (i.e., within a 100-foot radius) shall stop immediately. The onsite qualified archaeologist (if required) shall assess the find and determine the path forward. Archaeological deposits include, but are not limited to, flaked stone or ground stone, midden and shell deposits, historic-era refuse, and/or structure foundations.

If any human remains are discovered during ground-disturbing activities, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie human remains. The remains would be treated in accordance with existing State laws, including PRC Section 5097.98 and Health and Safety Code Section 7050.5.

Impact CUL-3. Human Remains (Construction).

FINDINGS: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Project, would reduce construction impacts related to human remains to a less-than-significant level. The City finds adherence to State regulations, including Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, regarding the discovery of human remains during construction, along with implementation of mitigation measures, to be feasible. The City hereby determines that any construction impacts related to human remains remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2 and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Human remains would not be encountered during the Project operations, therefore there would be no impact to human remains from operation of the Project. The Project could disturb human remains, including those interred outside of dedicated cemeteries during Project construction. The results of the NWIC records searches conducted in 2019 and 2022 and the historic-period maps and aerial photographs indicate that no known previously recorded dedicated cemeteries or cultural resources that include human remains are located within or adjacent to the Project site. However, given the sensitivity for buried pre-European contact archaeological deposits, as well as requirements for below-grade excavations up to 16 feet for parking, service access to buildings, foundations, and most

utilities and up to a depth of approximately 28 feet for jack-and-bore pits to install transmission lines within a San Francisco Public Utilities Commission easement, the potential exists for encountering unknown remains associated with archaeological deposits. Should human remains be unearthed during Project construction, they would be treated in accordance with existing State laws, including PRC Section 5097.98 and Health and Safety Code Section 7050.5. With enforcement of State laws and implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, Project impacts related to a disturbance of human remains would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Impact C-CUL-1: Cumulative Impacts on Archaeological Resources and Human Remains (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Project, would reduce cumulative construction impacts related to archaeological resources and human remains to a less-than-significant level. The City finds the mitigation measures to be feasible. The City hereby determines that cumulative construction impacts related to archaeological resources and human remains remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project, in combination with other foreseeable development in the vicinity, could result in impacts on unknown archaeological resources and human remains. Because the Project site is situated in an archaeologically sensitive area, the possibility exists of encountering unknown archaeological resources during ground-disturbing activities associated with Project construction. The Project could contribute to a cumulative loss of archaeological resources and disturbance of human remains. Therefore, the Project's cumulative impact prior to the application of mitigation measures could be cumulatively considerable. In addition to adopted policies and existing regulations to protect cultural resources and human remains, the Project would be subject to Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which call for development and implementation of a monitoring plan, worker awareness training, and requirements to stop work if archaeological deposits are encountered during ground-disturbing activities. Compliance with Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would reduce the Project's contribution to a cumulative construction impact to less than cumulatively considerable, resulting in a cumulative construction impact that would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

7. Biology

The topic of biology was analyzed in Section 3.8 of the EIR. The EIR determined that the Project could result in significant impacts related to biology and recommended mitigation measures, as discussed below.

Impact BIO-1: Loss or Damage to Nesting Birds and Bats.

FINDING: Implementation of Mitigation Measures BIO-1.1 and BIO-4.1, which are hereby adopted and incorporated into the Project, would reduce construction impacts related to nesting birds and bats to a less-than-significant level. The City finds protection for roosting bats to be feasible. With implementation of mitigation, the Project would not have a substantial adverse effect on nesting birds or their nests or on

bats. The City hereby determines that any construction impacts related to nesting birds and bats remaining after implementation of Mitigation Measures BIO-1.1 and BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If the Project is implemented during the nesting season for birds (February 1 through August 31), construction activities could result in the direct mortality of adult or young birds, the destruction of active nests, and/or disturbance of nesting adults, causing nest abandonment and/or loss of reproductive effort. Any disturbance of nesting birds that results in the abandonment of active nests or the loss of active nests through vegetation or building removal would be considered a significant impact. In addition, construction activities could result in the direct mortality of roosting bats, including pallid bat, during tree and building removal, which would also be considered a significant impact. Implementation of Mitigation Measure BIO-4.1, described below under Impact BIO-4, would reduce potential impacts on nesting migratory birds to less than significant with mitigation. Implementation of Mitigation Measure BIO-1.1 would reduce potential Project construction impacts on bats, including pallid bat, to less than significant with mitigation.

Mitigation Measure BIO-1.1: Protect Roosting Bats. To avoid impacts on roosting bats that may utilize trees and/or vacant buildings in the Project area for day roosting, the Project Sponsor 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 with ingress and egress points, as determined by a qualified wildlife biologist, that could be used by bats or the removal of suitable roosting vegetation (i.e., trees) for bats. If building demolition or vegetation removal efforts do not begin within the 14 days following the survey for roosting bats, another survey shall be required. Trees adjacent to the transmission line routing options would not require surveys for bats because they would not be affected by construction activities. If roosting bats are detected, the biologist shall enact a 150-foot (minimum) no-work buffer from the perimeter of the area the bats are thought to be occupying and confer with CDFW to determine potential roost protection or roost eviction practices, such as installing one-way exclusion devices or using lights to deter roosting. After conferring with CDFW, the protective buffer may be adjusted, based on specific roost needs. Once bats have been protected by a buffer, construction may resume outside the buffered area. The buffer may be removed and construction may resume inside the buffered area once the bats have been safely evicted from roosting sites (as approved by CDFW), thereby avoiding take, as defined by CESA and the California Fish and Game Code.

Mitigation Measure: Implement Mitigation Measure BIO-4.1 (below).

Impact BIO-4: Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Nesting Birds During Construction).

FINDING: Implementation of Mitigation Measure BIO-4.1, which are hereby adopted and incorporated into the Project, would reduce impacts related to nesting birds during construction to a less-than-significant level. The City finds protection for nesting birds to be feasible. The City hereby determines that any impacts related to nesting migratory birds during construction remaining after implementation of Mitigation Measure BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Currently, there are approximately 350 ornamental and landscaping trees on the Project site and four buildings, all of which are planned for removal during construction. Trees along streets adjacent to the transmission line routing options are located outside of the Project

boundaries and would not be affected by construction activities. Impacts on native migratory birds, including tree-nesting raptors, could involve direct impacts from the removal of nesting trees or shrubs, or other nesting substrate (e.g., buildings), as well as indirect impacts from increases in noise and human activity near nesting habitat. An increase in noise and human activity could reduce the quality of that habitat and ultimately change the behavior of nesting birds, resulting in nest abandonment. Construction activities have the potential to produce noise levels that would be higher than those that currently exist in the Project area. Therefore, impacts on bird nesting sites from construction noise, as well as impacts from eliminating bird nesting sites during construction, are considered significant. Mitigation Measure BIO-4.1 would reduce potential Project impacts related to nesting migratory birds during construction to a less-than-significant level.

Mitigation Measure BIO-4.1: Protect Nesting Birds. To the extent feasible, the Project Sponsor and its contractor shall avoid conducting vegetation removal during the migratory bird season (February 1 through August 31). If Project-related activities must take place during the migratory bird season, the Project Sponsor shall retain a qualified wildlife biologist to conduct a survey for nests of migratory birds. Surveys for nesting migratory birds shall occur within 3 days prior to the commencement of ground disturbance and vegetation removal in areas that will be affected by Project construction activities. Multiple nest surveys shall be required if construction is phased or when construction work stops for more than 2 weeks at a portion of the site where suitable nesting habitat occurs within the minimum nest buffer zone widths described below. If construction is ongoing for multiple years, these surveys shall be conducted each year.

If an active nest is discovered, a no-disturbance buffer zone around the nest tree or shrub, or, for ground-nesting species, the nest itself, shall be established. The no-disturbance zone shall be marked with flagging or fencing that can be easily identified by the construction crew and shall not affect the nesting bird or attract predators to the nest location. In general, the minimum nest buffer zone widths shall be as follows: 50 feet (radius) for non-raptor ground-nesting species, 50 feet (radius) for non-raptor shrub- and tree-nesting species, and 300 feet (radius) for raptor species. Buffer widths may be modified, based on discussion with CDFW. Buffers shall remain in place as long as the nest is active or young remain in the area and are dependent on the nest.

Impact BIO-4: Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Bird Collisions).

FINDING: Implementation of Mitigation Measure BIO-4.2, which are hereby adopted and incorporated into the Project, would reduce impacts related to bird collisions to a less-than-significant level. The City finds implementation of bird-safe design standards to be feasible. The City hereby determines that any impacts related to bird collisions remaining after implementation of Mitigation Measure BIO-4.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project would construct buildings up to 20 stories tall. Resident and migratory birds could experience injury or death from collisions with buildings due to the use of transparent or reflective glass on the buildings or improper lighting at the Project site, which could misdirect or confuse birds during flight. Impacts on the movement of birds due to collisions with buildings are considered significant. Although bird collisions cannot be completely avoided, the Project Sponsor would incorporate the City's standard condition of approval for bird safety into the final design of Project buildings to reduce

potentially significant impacts related to bird collisions. Mitigation Measure BIO-4.2, along with building designs, would reduce potential Project impacts related to bird collisions to a less-than-significant level.

Mitigation Measure BIO-4.2: Implement Bird-Safe Design Standards into Project Buildings and Lighting Design. The Project Sponsor, either directly or through its contractor, shall prepare and implement a set of specific standards in the site plans submitted for approval by the City for minimizing hazards to birds. These specific standards shall include the following measures to minimize hazards to birds:

- Reduce large areas of transparent or reflective glass
- Locate water features and other bird habitat away from building exteriors to reduce reflection
- Reduce the visibility of landscaped areas behind glass or eliminate them
- To the extent feasible, take appropriate measures to avoid the use of unnecessary lighting at night, especially during bird migration season (i.e., February–May and August–November), through the installation of motion sensors for lighting, automatic shut-off mechanisms, downward-facing exterior light fixtures, or other effective measures to the extent possible.

Impact C-BIO-1: Cumulative Special-Status Species—Nesting Birds and Bats (Construction).

FINDINGS: Implementation of Mitigation Measures BIO-1.1 and BIO-4.1, which are hereby adopted and incorporated into the Project, would reduce cumulative construction impacts related to special-status species, including nesting birds and bats, to a less-than-significant level. The City finds protection for roosting bats and nesting birds to be feasible. The City hereby determines that any cumulative construction impacts related to special-status species, including nesting birds and bats, remaining after implementation of Mitigation Measures BIO-1.1 and BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Because Santa Clara is largely built out and has limited undeveloped land, cumulative projects in the vicinity of the Project site would involve primarily the construction of new buildings on previously developed sites or modifications to existing buildings or infrastructure. Cumulative impacts on biological resources could be significant because reasonably foreseeable projects could affect or remove additional structures and trees or erect new structures. However, environmental review for individual projects would address potential impacts. Impacts on nesting birds and bats would be reduced because the cumulative projects would also be subject to the requirements of the wildlife protection laws, including CESA, the MBTA, and the California Fish and Game Code. However, the Project's contribution to a cumulative impact could be significant. Implementation of Mitigation Measures BIO-1.1 and BIO-4.1 would require pre-construction surveys for nesting birds and bats. In addition, the Project would be required to comply with Policy 5.3.1-P10 of the General Plan as well as City Code Chapter 12.35, which requires new development to replace removed protected trees at a 2:1 ratio for 24-inch box trees, 4:1 for 15-gallon trees, or 1:1 for dead trees; therefore, any nesting habitat lost from tree removal would be replaced. Implementation of these mitigation measures and compliance with City policies and codes would ensure that the Project's contribution to cumulative construction impacts on nesting bird and bat species would not be cumulatively considerable.

Mitigation Measures: Implement Mitigation Measures BIO-1.1 and BIO-4.1.

Impact C-BIO-3: Cumulative Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species.

FINDING: Implementation of Mitigation Measure BIO-4.1, which is hereby adopted and incorporated into the Project, would reduce the impacts related to native wildlife nursery sites and movement of native migratory wildlife species, specifically birds and their active nests, to a less-than-significant level. The City finds pre-construction surveys for nesting birds and compliance with Policy 5.3.1-P10 of the General Plan as well as City Code Chapter 12.35 to be feasible. The City hereby determines that any impacts related to native wildlife nursery sites and migratory wildlife species, specifically birds and their active nests, due to tree removal and bird collisions remaining after implementation of Mitigation Measure BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Cumulative impacts on native wildlife nursery sites and migratory wildlife species could be significant because reasonably foreseeable projects could affect or remove additional structures and trees and erect new structures. However, impacts on nesting birds would be reduced because cumulative projects would also be subject to the requirements of wildlife protection laws, including the MBTA and California Fish and Game Code, and individual project environmental review would address potential impacts. For Project-specific impacts, Mitigation Measure BIO-4.1 would require pre-construction surveys for nesting birds. In addition, the Project would be required to comply with Policy 5.3.1-P10 of the General Plan as well as City Code Chapter 12.35, which requires new development to replace protected trees to be removed at a 2:1 ratio for 24-inch box trees, 4:1 for 15-gallon trees, or 1:1 for dead trees; therefore, any nesting habitat lost from tree removal would be replaced onsite. Implementation of this mitigation measure and compliance with City policies and codes would ensure that the Project's contribution to cumulative impacts on the use of native wildlife nursery sites would not be cumulatively considerable and would be less than significant.

In addition, cumulative impacts on these biological resources could be significant because it is reasonable to expect that cumulative projects would erect new buildings or structures that could also result in injury or death involving resident or migratory birds from collisions with buildings. Although bird collisions cannot be completely avoided, the City's standard condition of approval with respect to bird safety would require the final design of Project buildings to reduce significant impacts related to bird collisions. For the Project, Mitigation Measure BIO-4.1 would require implementation of bird-safe design standards in Project buildings and lighting designs. Implementation of Mitigation Measure BIO-4.1 would ensure that the Project's contribution to cumulative impacts on the movement of native migratory wildlife species would not be cumulatively considerable.

Mitigation Measure: Implement Mitigation Measure BIO-4.1.

8. Geology and Soils

The topic of geology and soils was analyzed in Section 3.9 of the EIR. The EIR determined that the Project could result in significant impacts related to geology and soils and recommended mitigation measures, as discussed below.

Impact GEO-3: Soil Instability (Construction).

FINDINGS: Implementation of Mitigation Measure GEO-3.1, which is hereby adopted and incorporated into the Project, would reduce the impacts related to soil instability, specifically subsidence and

settlement, to a less-than-significant level. The City finds preparation of a design-level geotechnical report with recommendations and implementation of corrective measures to be feasible. The City hereby determines that any impacts related to soil instability, specifically subsidence and settlement, remaining after implementation of Mitigation Measure GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of the Project would require excavation up to a depth of approximately 16 feet for the one level of below-grade parking and up to a depth of approximately 28 feet for jack-and-bore pits to install transmission lines within a San Francisco Public Utilities Commission easement. Settlement due to new loads from the placement of fill material could damage existing improvements surrounding the Project site (e.g., streets, sidewalks, utilities) or proposed improvements on the Project site (e.g., proposed structures, streets, sidewalks, utilities), which would be a significant impact. Shoring would be required to restrain the sidewalls of the excavations laterally, ensuring that they would not collapse, and limit the movement of adjacent improvements, such as public streets, sidewalks, and utilities. If potential settlement due to the placement of fill material is not accounted for in the Project design, damage to existing or proposed improvements could occur. If appropriate shoring systems are not designed and installed, the movement or collapse of excavation sidewalls, as well as subsidence due to dewatering, could result in damage to adjacent improvements. Thus, significant impacts related to soil instability could result from construction of the Project. But such impacts would be adequately addressed by Mitigation Measure GEO-3.1, which would reduce soil instability impacts, specifically related to subsidence and settlement, to a less-than-significant level.

Mitigation Measure GEO-3.1: Static Settlement, Subsidence, or Collapse. The Project Sponsor shall define the extent and depth of fill materials that would be placed on the Project site in the Project plans. The Project Sponsor shall hire a qualified geotechnical engineer to prepare a design-level geotechnical report for the Project, which shall include the following:

- A design-level analysis of potential total and differential settlement associated with the placement of defined amounts of fill material, construction of other improvements, and dewatering activities on the Project site. The settlement analysis shall define a buffer distance away from the Project site within which settlement could occur as a result of the Project and describe the settlement amounts that could occur within this buffer distance.
- Allowable settlement estimates for planned and existing improvements, both on the Project site and within the buffer distance described above, which shall account for estimated settlement amounts developed for existing and planned improvements on surrounding properties.
- Recommendations to minimize the amount of subsidence/settlement and differential settlement that would result from the Project (e.g., minimizing the placement of fill, using lightweight fill, employing shoring systems that minimize the amount of excavation dewatering required).
- Recommendations to mitigate potential damage to proposed and existing improvements (e.g., structures, pavement surfaces, roadways, utilities), both on and off the Project site, that could result from settlement of existing unstable soil on and near the Project site as a result of the Project. Such recommendations could include the installation of flexible utility couplings or relocation of utilities.
- If the settlement analysis indicates that existing offsite improvements could be adversely affected by settlement as a result of the Project, a pre-construction survey (e.g., crack survey) and

settlement monitoring program shall be developed and implemented before and during construction for existing improvements that may be affected by the Project. This survey shall be used as a baseline for evaluating any damage claims; it shall also be used to assist the contractor when assessing the performance of shoring systems. The pre-construction survey shall record the elevation and horizontal position of all existing installations within the buffer distance determined by the settlement analysis, as described above, and shall consist of, but not be limited to, photographs, video documentation, and topographic surveys. The settlement monitoring program shall include the installation of inclinometers and groundwater monitoring wells within an approximate distance of 5 to 15 feet from excavations toward existing improvements. Settlement surveys shall be performed on a weekly basis during excavation and on a monthly basis starting approximately 1 month after the excavation has been completed and continuing for a period of at least 2 years after the completion of construction activities (or other frequency and duration recommended by the geotechnical engineer of record).

The Project Sponsor shall submit the Project plans and design-level geotechnical report to the City for review and approval prior to the City issuing grading or building permits. The Project Sponsor shall repair damage to existing or planned improvements if settlement monitoring identifies obvious damage or an exceedance of allowable settlement amounts or an exceedance of allowable settlement amounts. The repair of damage shall be performed prior to the City issuing a certificate of occupancy for the applicable portion of the Project.

Impact GEO-6: Paleontological Resources (Construction)

FINDINGS: Implementation of Mitigation Measure GEO-6.1, which is hereby adopted and incorporated into the Project, would reduce construction impacts related to paleontological resources to a less-than-significant level. The City finds paleontological resource monitoring, the evaluation of found resources, and preparation of a recovery plan to be feasible. The City hereby determines that any construction impacts related to paleontological resources remaining after implementation of Mitigation Measure GEO-6.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project would be located in areas that are underlain by geologic units that have yielded scientifically important fossil finds, including vertebrate remains. There would be no impact on paleontological resources during Project operation. The Project construction involves excavation to a maximum depth of 28 feet bgs in sediments that have been previously disturbed at ground surface. Based on boring samples, it appears that geologic units underlying the site have not been disturbed at depth. Therefore, it is possible that Project-related excavation could encounter significant paleontological resources. Accordingly, the Project could have a significant impact on significant paleontological resources because construction of the Project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Implementation of Mitigation Measure GEO-6.1 would protect any paleontological resources discovered during Project construction and ensure that impacts would be less than significant, providing for identification, recovery, and curation of paleontological resources.

Mitigation Measure GEO-6.1: Paleontological Resources. Monitor for Discovery of Paleontological Resources, Evaluate Found Resources, and Prepare and Follow a Recovery Plan for Found Resources.

Given the potential for paleontological resources to be present in construction areas at ground surface and at excavation depths in sensitive geologic units in the paleontological resources study area, the

following measures shall be undertaken to avoid any potentially significant effect on paleontological resources from the improvements. Before the start of any drilling or pile-driving activities, the Project Sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists. The qualified paleontologist shall be approved by the City prior to the start of any drilling or pile-driving activities. Prior to construction, the qualified paleontologist shall prepare a general (high-level) recovery plan, which could be tailored to a specific area in the event of a discovery. The qualified paleontologist shall train all construction personnel, including the site superintendent, who are involved with earthmoving activities regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate the significance. The qualified paleontologist shall also visit the Project site once per week during earthmoving to verify that workers are following the established procedures, unless determined by the qualified paleontologist that more frequent visits are warranted.

If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work within 50 feet of the find and notify the City and Project Sponsor. Construction work in the affected areas shall remain stopped or be diverted to allow recovery of fossil remains in a timely manner. The Project Sponsor shall retain a qualified paleontologist (who has been approved by the City) to evaluate the resource and tailor the general recovery plan to the specific nature of the discovery, in accordance with Society of Vertebrate Paleontology guidelines.¹⁴ The tailored recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. The City shall review and approve the tailored recovery plan prior to recommendations being implemented. Recommendations in the tailored recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. The Project Sponsor, with City oversight, shall be responsible for ensuring that the monitor's recommendations regarding treatment and reporting are implemented.

Impact C-GEO-4: Cumulative Settlement or Subsidence of Unstable Soil (Construction).

FINDING: Implementation of Mitigation Measure GEO-3.1, which is hereby adopted and incorporated into the Project, would reduce cumulative construction impacts related to settlement or subsidence of unstable soil to a less-than-significant level. The City finds preparation of a design-level geotechnical report with recommendations and implementation of corrective measures to be feasible. The City hereby determines that the Project's contribution to a cumulative construction impact related to settlement or subsidence of unstable soil would not be cumulatively considerable and any cumulative construction impacts from the Project related to unstable soil remaining after implementation of Mitigation Measure GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Potential cumulative impacts associated with the settlement or subsidence

¹⁴ Society of Vertebrate Paleontology. 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*. Available: http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed: September 1, 2023.

of unstable soil could occur if projects near the Project site cause settlement from new loads or subsidence from dewatering, which could affect existing and proposed improvements, including structures, pavement/roadways, and utilities. Multiple projects are adjacent to the Project site that could cause cumulative settlement and subsidence impacts. Cumulative projects could involve the placement of fill material or structures that could contribute to the settlement of unstable soil in adjacent areas from new loads. They could also involve dewatering, which could contribute to subsidence in adjacent areas. Settlement or subsidence in areas adjacent to these cumulative projects could combine with settlement or subsidence associated with the Project and contribute to damage for existing or planned improvements. Therefore, the Project, in combination with other foreseeable development in the vicinity, could result in a cumulatively considerable contribution to settlement or subsidence. Implementation of Mitigation Measure GEO-3.1 would ensure that 1) the potential for settlement, including subsidence, from the Project would be evaluated in the design-level geotechnical report and geotechnical recommendations to address potential settlement issues; 2) settlement monitoring would be performed during and following construction of the Project, as necessary; and 3) if excessive settlement occurs, corrective measures (e.g., repair of damage) would be implemented. Therefore, the Project's contribution to a cumulative impact related to settlement or subsidence of unstable soil during construction would not be cumulatively considerable, and the cumulative construction impact would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure GEO-3.1.

Impact C-GEO-6: Cumulative Paleontological Resources Impacts (Construction).

FINDINGS: Implementation of Mitigation Measure GEO-6.1, which is hereby adopted and incorporated into the Project, would reduce construction impacts to a less-than-significant level. The City finds paleontological resource monitoring, the evaluation of found resources, and preparation of a recovery plan to be feasible. The City hereby determines that the Project's contribution to a cumulative impact related to paleontological resources would not be cumulatively considerable and any construction impacts related to paleontological resources remaining after implementation of Mitigation Measure GEO-6.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project vicinity has seen extensive development over the past decades, and a small number of important early Holocene and Pleistocene vertebrate fossils have been recovered. Cumulative projects on this geologic unit, including all projects involving excavation into the Quaternary alluvium, could affect paleontological resources as a result of ground-disturbing activities, such as grading and excavation during construction. Therefore, construction of the Project, in combination with other foreseeable development in the vicinity, could result in a substantial effect on paleontological resources. Implementation of Mitigation Measure GEO-6.1 would protect any paleontological resources discovered during Project construction and ensure that impacts would be less than significant, providing for identification, recovery, and curation of paleontological resources. Therefore, the Project's contribution to a cumulative impact on paleontological resources would not be considerable, and the cumulative impact would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure GEO-6.1.

9. Hydrology and Water Quality

The topic of hydrology and water quality was analyzed in Section 3.10 of the EIR. The EIR determined that the Project could result in significant impacts related to hydrology and water quality and recommended mitigation measures, as discussed below.

Impact WQ-1: Water Quality.

FINDING: Implementation of Mitigation Measures HAZ-2.1, WQ-1.1, and WQ-1.2, which are hereby adopted and incorporated into the Project, would reduce impacts related to water quality to a less-than-significant level. The City finds implementation of a Dewatering Plan and a Soil and Groundwater Management Plan, as well as monitoring wells, to address known and potential unidentified subsurface contamination to be feasible. The City hereby determines that any impacts related to water quality remaining after implementation of Mitigation Measures HAZ-2.1, WQ-1.1 and WQ-1.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Groundwater dewatering would be required for subsurface construction activities. Excavation dewatering activities can affect groundwater quality by contributing to saltwater intrusion or the migration of contaminated groundwater to previously uncontaminated areas. Construction is anticipated to occur over a period of about 9 years and could require a substantial amount of excavation dewatering. The effects of dewatering on groundwater conditions in the area surrounding the Project site would depend on the characteristics of the water-bearing zones encountered by excavation, the excavation shoring and dewatering system designs, and the duration/phasing of Project construction. Historic groundwater pumping and land subsidence resulted in saltwater intrusion in the shallow aquifer of the Santa Clara Plain. Furthermore, saltwater intrusion has been identified in the Project area. Therefore, dewatering at the Project site could contribute to further saltwater intrusion, which would be a significant impact related to groundwater quality. Mitigation Measure WQ-1.1 would evaluate the potential for saltwater intrusion through geotechnical analysis and modeling and require the Project to use shoring systems that would limit dewatering volumes and durations to the maximum extent possible, if deemed necessary by Valley Water. Implementation of Mitigation Measure WQ-1.1 would ensure that the significant impacts related to saltwater intrusion during dewatering during construction would be reduced to a less-than-significant level.

In addition, previously unidentified groundwater contamination could be present in areas near the Project site because of previous and existing commercial/industrial land uses in the Project area. Therefore, dewatering activities at the Project site could contribute to the migration of potentially contaminated groundwater to previously uncontaminated areas, which would be a significant impact related to groundwater quality. Implementation of Mitigation Measures WQ-1.1 and HAZ-2.1 would ensure that the significant impact related to the migration of contaminated groundwater would be reduced to a less-than-significant level by ensuring that subsurface contamination at the Project site and along proposed transmission line routes for the Project would be further investigated and remediated, if necessary, under the oversight of a regulatory agency and that modeling of the proposed dewatering activities would include an evaluation of the potential for the migration of contaminated groundwater. Implementation of Mitigation Measure HAZ-2.1 also requires preparation and implementation of a Soil and Groundwater Management Plan to address known and potential unidentified subsurface contamination that may be encountered during construction. With implementation of Mitigation Measures WQ-1.1 and HAZ-2.1, plus compliance with State, regional, and local regulations, the Project would not violate any water quality

standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality and impacts on water quality would be less-than-significant.

If there are wells on the Project site and the wells are not properly destroyed prior to or during redevelopment, the wells could act as vertical conduits and allow future migration of saltwater and other potential contaminants from shallow groundwater into deeper groundwater zones, which would be a significant impact on groundwater quality. Additionally, the installation of landscaping (in particular, stormwater treatment/infiltration features) over areas of contaminated soil or groundwater could increase the leaching of contaminants from soil into groundwater or the migration of contaminated groundwater, which would be a significant impact on groundwater quality. Implementation of Mitigation Measure WQ-1.2 would ensure that the significant impact related to wells would be reduced to a less-than-significant level by requiring potential wells on the Project site to be investigated and properly destroyed. Implementation of Mitigation Measure HAZ-2.1 would ensure that the significant impact related to contaminated groundwater would be reduced to a less-than-significant level by ensuring that subsurface contamination at the Project site would be further investigated and remediated, as necessary, under the oversight of a regulatory agency. Implementation of Mitigation Measure HAZ-2.1 would require preparation and implementation of a Soil and Groundwater Management Plan to address known and potential unidentified subsurface contamination that may be encountered during construction. Thus, compliance with the MRP and implementation of Mitigation Measures WQ-1.2 and HAZ-2.1 would ensure the protection of groundwater and surface water quality during operation and maintenance of the Project, and impacts would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measures HAZ-2.1 (*Subsurface Contamination*), below.

Mitigation Measure WQ-1.1: Dewatering. The Project Sponsor shall prepare a Dewatering Plan that shall be submitted to Valley Water and City for review and approval. The Dewatering Plan shall account for phasing of excavation/construction activities and include the following:

- A detailed analysis of soil formations that would be affected by excavation and dewatering activities;
- A detailed description of proposed excavation shoring systems;
- The proposed dewatering locations, flow rates, and durations that would be required, based on the soil formations present and the proposed excavation activities and shoring systems;
- The design of the proposed dewatering systems and effluent treatment systems;
- Geotechnical analysis and hydraulic modeling to demonstrate the anticipated performance of the dewatering systems and potential changes to surrounding hydrogeologic conditions, including changes in groundwater levels and flow directions, potential movement of contaminated groundwater, potential saltwater intrusion, and potential settlement due to subsidence.
- Proposed dewatering effluent discharge locations and flow rates; and
- Adequate onsite storage capacity to limit or cease dewatering discharges during times of heavy rain/flooding.

The Project shall utilize shoring systems, such as soil/cement cutoff walls, if deemed necessary by Valley Water to ensure sustainable management of the Santa Clara Subbasin, that limit dewatering volumes and durations to the maximum extent possible. The designs for the proposed shoring systems and dewatering systems as well as the Dewatering Plan shall be revised as necessary, based on comments from the City or Valley Water. The Dewatering Plan shall be approved by Valley Water

and the City prior to the issuance of permits by Valley Water for the installation of dewatering wells and permits from the City for construction of shoring and dewatering systems.

Mitigation Measure WQ-1.2: Wells. The Project Sponsor shall evaluate the potential presence of wells on the Project site, based on Valley Water records. If suspected wells have already been properly destroyed, the Project Sponsor shall provide evidence to Valley Water to demonstrate this. If it cannot be readily determined whether any wells are present on the Project site or whether the suspected wells have been properly destroyed, the Project Sponsor shall further investigate the locations of suspected wells. This investigation shall be performed under the direction of Valley Water and may include the use of geophysical surveying methods, potholing, excavation, or other exploratory activities, as deemed necessary by Valley Water, to evaluate the locations and conditions of the suspected wells. If any wells are identified at the Project site that have not been properly destroyed, the Project Sponsor shall properly destroy the wells under permits from Valley Water. The Project Sponsor shall provide the City with evidence that suspected wells on the Project site have been investigated and properly destroyed, if necessary, to the satisfaction of Valley Water prior to the City issuing demolition or grading permits for the Project. If any well is discovered during construction that has not been properly destroyed, the well shall be protected until it can be properly destroyed under permits from Valley Water at the soonest possible time.

Impact WQ-2: Groundwater Supplies.

FINDING: Implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1, which are hereby adopted and incorporated into the Project, would reduce impacts related to groundwater supplies to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report and the Dewatering Plan as well as the water-saving features during operation in the MWENDO to be feasible. The City hereby determines that any impacts related to groundwater supplies remaining after implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of the Project would require excavation for utilities and below-grade parking. The amount of excavation dewatering required for the Project could vary significantly, depending on the excavation shoring systems utilized but construction dewatering for such excavation would be required. Extraction of groundwater for several years by the Project construction could be considered a substantial use of groundwater resources, particularly during periods of drought and when considering that construction and operation of other developments in the Santa Clara Plain could also increase groundwater pumping in the plain. In addition, construction dewatering could contribute to a significant impact related to decreasing groundwater supplies. Depending on the amount of construction dewatering performed and the characteristics of the soil formations and overlying improvements within the area that would be affected by dewatering, there is potential for permanent subsidence to occur, which would be a significant impact related to dewatering and subsidence. The below-grade structures on the Project site would be waterproofed; therefore, operational dewatering would not be required following the completion of construction. However, because of future water demand in Santa Clara and reasonably anticipated deficiencies from other sources, the City may need to rely more heavily on groundwater for the future water supply. Valley Water has requested that the City and Project Sponsor implement specific measures from the Model Water Efficiency New Development Ordinance (MWENDO) to reduce or avoid impacts on the water supply. If the Project does not implement specific measures from the MWENDO to reduce or avoid impacts on the water supply, the Project could contribute to unsustainable management

of the Santa Clara Subbasin by increasing groundwater pumping and contributing to unsustainable levels of groundwater extraction from the Santa Clara Subbasin, which would be a significant impact.

Implementation of Mitigation Measure WQ-1.1 would require a Dewatering Plan to be prepared and submitted to Valley Water and the City for review and approval. It would also require the Project to use shoring systems, such as soil/cement cutoff walls, if deemed necessary by Valley Water to ensure sustainable management of the Santa Clara Subbasin, that would limit dewatering volumes and durations to the maximum extent possible. Therefore, Implementation of Mitigation Measure WQ-1.1 would ensure that potential impacts of Project construction on groundwater supplies would be less than significant with mitigation. In addition, implementation of Mitigation Measures GEO-3.1 and WQ-1.1 would ensure that potential subsidence due to construction dewatering would be evaluated in the design-level geotechnical report and the Dewatering Plan that would be prepared for the Project, which would be required to modify the proposed shoring systems and dewatering systems, as deemed necessary by Valley Water, to ensure sustainable management of the Santa Clara Subbasin. This includes controlling subsidence due to groundwater pumping. Implementation of Mitigation Measures GEO-3.1 and WQ-1.1 would therefore ensure that impacts related to impeding sustainable groundwater management of the basin and subsidence from construction of the Project would be less than significant with mitigation.

Implementation of Mitigation Measure WQ-2.1 would ensure that potential operational impacts of the Project related to substantially decreasing groundwater supplies or impeding sustainable groundwater management of the basin would be less than significant with mitigation, ensuring that water efficiency measures would be incorporated into the Project design, as requested by Valley Water. With implementation of Mitigation Measure WQ-2.1, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin.

Mitigation Measures GEO-3.1 and WQ-1.1.

Mitigation Measure WQ-2.1: Water Supply. The Project shall incorporate specific measures from the MWENDO into the Project design, as requested by Valley Water, to ensure that projected use of water by the Project is consistent with Valley Water's countywide water-supply planning efforts and the WSA. The Project Sponsor shall provide the City and Valley Water with evidence of approval from SBWR for the Project's use of recycled water to reduce the demand generated by the Project to the extent feasible, based on Project design and operation. The water-saving features of the Project design and WSA prepared for the Project shall be provided to Valley Water for review. Additional water-saving measures shall be incorporated into the Project design if requested by Valley Water or the City, ensuring that the Project would be consistent with the WSA and Valley Water's countywide water-supply planning efforts. The water-saving features of the Project design shall be approved by Valley Water and the City prior to the City issuing building permits for the Project. The following specific measures from the MWENDO shall be incorporated into the Project design, as applicable:

- Install hot-water recirculation systems;
- Install graywater dual-distribution plumbing;
- Incorporate alternative water sources (e.g., cisterns) and recycled water connections as feasible;
- Install pool and spa covers;
- Encourage reuse of recycled water, graywater, and rainwater/stormwater in new development and remodels through the installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable uses;

- Require dedicated landscape meters where applicable;
- Require installation of separate submeters to each unit in multifamily developments and individual spaces within commercial buildings to encourage efficient water use; and
- Install weather- or soil-based irrigation controllers.

Impact WQ-3: Drainage Patterns (Stormwater).

FINDING: Implementation of Mitigation Measures WQ-3.1 and WQ-3.2, which are hereby adopted and incorporated into the Project, would reduce impacts related to stormwater conveyance and flooding to a less-than-significant level. The City finds a hydraulic study, modifications to the Project design (if necessary), and implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to stormwater conveyance and flooding remaining after implementation of Mitigation WQ-3.1 and WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities would involve excavation and grading, which could temporarily alter drainage patterns and expose soil to potential erosion. The precise timing for stormwater drainage system construction has not been defined. If modifications to the existing stormwater drainage systems are not appropriately designed or constructed at the appropriate times with regard to the different phases of Project construction, as well as weather conditions (e.g., rain), then runoff from the Project site could exceed the capacity of existing or proposed stormwater drainage systems, flooding could occur onsite or offsite, and floodflows could be impeded or redirected by the Project, which would be a significant impact related to altering stormwater drainage patterns. In addition, if the proposed stormwater drainage systems are not appropriately designed and constructed, runoff from the Project site during operation could exceed the capacity of existing or proposed stormwater drainage systems. Flooding could occur onsite or offsite, and floodflows could be impeded or redirected by the Project, which would be a significant impact related to altering stormwater drainage patterns. Implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would ensure that potential construction impacts of the Project related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, and impeding or redirecting floodflows would be less than significant by requiring a hydraulic study to be prepared to evaluate the potential impacts; modifications to the Project design, if necessary; and implementation of a Construction-Period Stormwater Drainage Control Plan. In addition, implementation of Mitigation Measure WQ-3.1 would ensure that potential operational impacts of the Project related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, and impeding or redirecting floodflows would be less than significant by requiring a hydraulic study to be performed and the Project design to be modified, if necessary, to demonstrate that the Project would not result in significant impacts related to stormwater conveyance and flooding.

Mitigation Measure WQ-3.1: Drainage and Flooding during Construction and Operation. The Project Sponsor shall prepare a Hydraulic Study to evaluate whether that the existing and proposed stormwater drainage systems that would receive runoff from the Project site would be capable of conveying the 10-year peak runoff from the Project site and flows from the Project site during a 100-year flood event would remain within public roadway limits and would not extend into private property, per City requirements. For Project construction, the Hydraulic Study shall also evaluate stormwater runoff patterns during all phases, including surface runoff flow directions and estimated discharge rates. For Project operation, the Hydraulic Study shall also evaluate the proposed changes

to drainage patterns at the Project site and placement of fill material and structures within the special flood hazard area currently mapped within Democracy Way and determine whether such changes would result in an increase in the base flood elevation by more than 1 foot in any areas within Santa Clara when combined with changes in flooding conditions from all other existing and anticipated development. If the Hydraulic Study finds that the Project would not meet the required stormwater conveyance and flooding conditions above, the Project design shall be modified to the satisfaction of the City to meet these conditions. Such design modifications could include additional stormwater retention systems, such as swales or underground cisterns/storage pipes with metered outlets, and/or changing the size and location of proposed storm drain systems on the Project site. The Hydraulic Study shall be submitted to the City for review and approval prior to the City issuing grading or building permit.

Mitigation Measure WQ-3.2: Construction Stormwater Drainage. The Project Sponsor shall prepare and implement a Construction-Period Stormwater Drainage Control Plan, which shall be submitted to the City for review and approval prior to the City issuing grading or building permits. The Construction-Period Stormwater Drainage Control Plan shall account for the phasing of construction activities and include the following:

- A detailed construction schedule for the entire Project that includes the timing for construction of new stormwater drainage systems and removal of existing stormwater drainage systems.
- Figures depicting the proposed grading of the Project site, including areas of excavation and the placement of fill during various phases of construction, and the drainage control systems that would be utilized during the various phases of construction (e.g., temporary berms and swales, sumps/pumps for subsurface structures, existing and planned stormwater drainage systems);
- A summary of detailed hydraulic evaluations of stormwater runoff patterns (see Mitigation Measure WQ-3.1), including surface runoff flow directions and estimated discharge rates for all construction phases.
- The proposed construction-period drainage control systems shall be designed such that the estimated rates and volumes of stormwater discharged to existing or proposed offsite stormwater drainage systems shall not increase beyond the existing condition. If rates and volumes of stormwater discharge to existing or proposed offsite stormwater drainage systems increase beyond the existing condition, the Construction-Period Stormwater Drainage Control Plan shall demonstrate that the existing or proposed offsite stormwater drainage systems have the capacity necessary to convey the increased discharges.
- Timing restrictions and methods for rerouting flows from existing storm drain systems during modification to ensure that construction activities do not impede flows within the systems.
- Special precautions to be taken for construction activities within special flood hazard zones, including not allowing the storage of hazardous materials or placement of features that could impede or redirect floodflows within special flood hazard zones.

Impact WQ-4: Release of Pollutants Due to Inundation (Flooding During Construction).

FINDING: Implementation of Mitigation Measure WQ-3.2, which is hereby adopted and incorporated into the Project, would reduce construction impacts related to release of pollutants due to inundation to a less-than-significant level. The City finds implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any construction impacts related to the

release of pollutants due to inundation remaining after implementation of Mitigation Measure WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If hazardous materials are stored during construction within special flood hazard areas and flooding occurs, the Project could result in a release of pollutants due to inundation, which would be a significant impact. In addition, the Project would include the placement of fill material and structures within the special flood hazard area mapped within Democracy Way. Implementation of Mitigation Measure WQ-3.2 would ensure that the potential impact from release of pollutants due to inundation during construction would be less than significant with mitigation by requiring hazardous materials not to be stored in special flood hazard areas during construction of the Project.

Mitigation Measure: Implement Mitigation Measure WQ-3.2.

Impact WQ-5: Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan.

FINDINGS: Implementation of Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO-3.1, which are hereby adopted and incorporated into the Project, would reduce impacts related to conflicts with a water quality control plan or sustainable groundwater management plan to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report, Dewatering Plan, and Soil and Groundwater Management Plan as well as the water-saving features during operation in the MWENDO to be feasible. The City hereby determines that any impacts related to conflicts with a water quality control plan or sustainable groundwater management plan remaining after implementation of Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of the Project would be required to comply with National Pollutant Discharge Elimination System (NPDES) permit requirements, including the Construction General Permit. Implementation of Mitigation Measures WQ-1.1 and HAZ-2.1 would further ensure the protection of groundwater and surface water quality during construction of the Project. Implementation of Mitigation Measures WQ-1.1 and GEO-3.1 would ensure that construction of the Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. Therefore, potential construction impacts related to conflicting with or obstructing implementation of the Basin Plan or Groundwater Management Plan (GMP) for the Santa Clara and Llagas Subbasins would be less than significant with mitigation.

Operation of the Project would be required to comply with the MRP, which would ensure the protection of surface water quality. Implementation of Mitigation Measures WQ-1.2 and HAZ-2.1 would ensure the protection of groundwater water quality during operation of the Project. Implementation of Mitigation Measure WQ-2.1 would ensure that operation of the Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. Therefore, potential operational impacts related to conflicting with or obstructing implementation of the Basin Plan or GMP for the Santa Clara and Llagas Subbasins would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO-3.1.

Impact C-WQ-1: Cumulative Water Quality Impacts.

FINDING: Implementation of Mitigation Measures WQ-1.1, WQ-1.2, and HAZ-2.1, which are hereby adopted and incorporated into the Project, would reduce cumulative impacts related to water quality to a less-than-significant level. The City finds implementation of a Dewatering Plan and a Soil and Groundwater Management Plan, as well as monitoring wells, to address known and potential unidentified subsurface contamination to be feasible. The City hereby determines that the Project's contribution to a cumulative impact related to water quality would not be cumulatively considerable and any impacts related to cumulative water quality would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Stormwater discharged from past and existing land uses in the Project area and surrounding areas have contained pollutants and cumulatively contributed to impairment of the water quality in San Tomas Aquino Creek, Guadalupe Slough, and South San Francisco Bay. Furthermore, historical groundwater pumping in the Santa Clara Valley has resulted in cumulative impacts on groundwater quality through saltwater intrusion. Therefore, cumulative conditions exist for impacts on water quality in the Project area. Stormwater runoff and groundwater dewatering from the Project site and cumulative projects could result in the degradation of surface water and groundwater if not appropriately managed.

Stormwater runoff and groundwater from dewatering during construction of the Project would be managed, treated, and monitored in accordance with NPDES permit requirements, including the Construction General Permit. Cumulative projects would also be required to comply with these existing regulations to protect water quality. The Project would be required to implement Mitigation Measures WQ-1.1 and HAZ-2.1, which would further ensure the protection of groundwater and surface water during construction. As a result, construction of the Project would not have a cumulatively considerable impact on surface water or groundwater quality; therefore, the Project's contribution to cumulative impacts would not be considerable. The cumulative construction impact related to water quality would be less than significant with mitigation.

Stormwater runoff during operation of the Project would be managed and treated in accordance with the MRP. Cumulative projects would also be required to comply with the MRP to protect water quality. The Project would be required to implement Mitigation Measures WQ-1.2 and HAZ-2.1 to ensure the protection of groundwater during operation. As a result, operation of the Project would not have a cumulatively considerable impact on surface water or groundwater quality; therefore, the Project's contribution to cumulative impacts would not be considerable. The cumulative operational impact related to water quality would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures WQ-1.1, WQ-1.2, and HAZ-2.1.

Impact C-WQ-2: Cumulative Groundwater Supply Impacts.

FINDING: Implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1, which are hereby adopted and incorporated into the Project, would reduce impacts to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report and the Dewatering Plan, plus the water-saving features during operation in the MWENDO, to be feasible. The City hereby determines that any impacts related to cumulative groundwater supply remaining after implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Historical groundwater pumping in the Santa Clara Valley has resulted in cumulative impacts, including a decline in groundwater levels and subsidence. Management of groundwater use in the Santa Clara Subbasin is currently performed by Valley Water through implementation of the GMP for the Santa Clara and Llagas Subbasins to limit cumulative impacts related to groundwater supply and subsidence. However, the extraction of groundwater during construction of the Project and cumulative projects could result in decreased groundwater supplies as well as subsidence. During construction, the Project would be required to implement Mitigation Measures GEO-3.1 and WQ-1.1, which would ensure that construction of the Project would not substantially decrease groundwater supplies or result in subsidence that could impede sustainable management of the groundwater basin. Similar requirements would be applied to the cumulative projects, as applicable. As a result, construction of the Project would not have a cumulatively considerable impact on groundwater supplies or sustainable management of the groundwater basin; the Project's contribution to cumulative impacts would not be considerable. The cumulative impact related to groundwater supply would be less than significant with mitigation.

During operation, the Project would be required to implement Mitigation Measure WQ-2.1, which would ensure that operation of the Project would not substantially decrease groundwater supplies or result in subsidence that could impede sustainable management of the groundwater basin. Similar requirements would be applied to the cumulative projects, as applicable. As a result, operation of the Project would not have a cumulatively considerable impact on groundwater supplies or sustainable management of the groundwater basin; the Project's contribution to cumulative impacts would not be considerable. The impact related to groundwater supply would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1.

Impact C-WQ-3: Cumulative Drainage Pattern Impacts.

FINDING: Implementation of Mitigation Measures WQ-3.1 and WQ-3.2, which are hereby adopted and incorporated into the Project, would reduce the cumulative impacts related to drainage patterns to a less-than-significant level. The City finds a hydraulic study, modifications to the Project design (if necessary), and implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to cumulative drainage patterns after implementation of Mitigation Measures WQ-3.1, and WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Erosion and siltation can result in cumulative impacts by reducing the conveyance capacity of stormwater drainage systems and creeks (through sedimentation) and reducing water quality. Furthermore, the erosion of contaminated soils can increase pollutant loads in runoff and receiving waters. Similar to the Project, cumulative projects would involve excavation and grading that could temporarily alter drainage patterns and expose soil to potential erosion and siltation. Portions of the Project site and surrounding areas are susceptible to flooding hazards due to inadequate drainage systems. Increased runoff from developments and altered drainage patterns have resulted in a cumulative condition related to flooding hazards in the Project area. The Project, along with cumulative projects in the area, could also result in impacts related to stormwater drainage systems and flooding, which would be a potentially cumulatively considerable impact and therefore significant with respect to altering stormwater drainage patterns. Although the Project would result in an overall decrease in stormwater

runoff from the Project site compared to the existing condition, different amounts of runoff from the Project site could be conveyed to different storm drain systems compared to the existing condition. The Project could also alter flooding conditions by placing fill material and structures within a special flood hazard zone. Cumulative projects may involve similar changes to drainage patterns.

During construction, the Project would be required to implement Mitigation Measures WQ-3.1 and WQ-3.2, which would ensure that construction of the Project would not exceed the capacity of existing or proposed stormwater drainage systems, result in flooding onsite or offsite, or impede or redirect floodflows. As a result, construction of the Project would not create a cumulatively considerable impact related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, or impeding or redirecting floodflows; therefore, these cumulative impacts would be less than significant with implementation of Mitigation Measure WQ-3.1 and WQ-3.2.

During operation, the Project would be required to implement Mitigation Measures WQ-3.1, which would ensure that operation of the Project would not exceed the capacity of existing or proposed stormwater drainage systems, result in flooding onsite or offsite, or impede or redirect floodflows. As a result, operation of the Project would not create a cumulatively considerable impact related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, or impeding or redirecting floodflows; therefore, these cumulative impacts would be less than significant with implementation of Mitigation Measure WQ-3.1.

Mitigation Measures: Implement Mitigation Measures WQ-3.1 and WQ-3.2.

Impact C-WQ-4: Cumulative Release of Pollutants Due to Inundation.

FINDING: Implementation of Mitigation Measure WQ-3.2, which is hereby adopted and incorporated into the Project, would reduce impacts due to inundation to a less-than-significant level. The City finds implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to the cumulative release of pollutants due to inundation remaining after implementation of Mitigation Measure WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If hazardous materials are stored for construction of the cumulative projects within special flood hazard areas and flooding occurs, the cumulative projects, in combination with the Project, could risk the release of pollutants, which would be a significant cumulative impact. During construction, implementation of Mitigation Measure WQ-3.2 would ensure that the Project's contribution would not be considerable by requiring hazardous materials not to be stored in special flood hazard areas. As a result, construction of the Project would not create a cumulatively considerable impact related to the release of pollutants due to inundation; therefore, this cumulative impact would be less than significant with implementation of Mitigation Measure WQ-3.2.

Mitigation Measure: Implement Mitigation Measure WQ-3.2.

Impact C-WQ-5: Cumulative Conflicts with a Water Quality Control Plan or Sustainable Groundwater Management Plan.

FINDING: Implementation of Mitigation Measures WQ-1.1, WQ-2.1, HAZ-2.1, and GEO-3.1, which are hereby adopted and incorporated into the Project, would reduce cumulative impacts related to conflicts with a water quality control plan or sustainable groundwater management plan to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report,

Dewatering Plan, and Soil and Groundwater Management Plan as well as the water-saving features during operation in the MWENDO to be feasible. The City hereby determines that any cumulative impacts related to conflicts with a water quality control plan or sustainable groundwater management plan remaining after implementation of Mitigation Measures WQ-1.1, WQ-2.1, HAZ-2.1, and GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of projects in the area would be required to comply with NPDES permit requirements, including the Construction General Permit. Operation of cumulative projects would be required to comply with the MRP, which would ensure the protection of surface water quality. However, without mitigation, groundwater and surface water could be affected during cumulative construction and operation. During construction, the Project would be required to implement Mitigation Measures WQ-1.1 and HAZ-2.1 to ensure the protection of groundwater and surface water quality. In addition, implementation of Mitigation Measures WQ-1.1 and GEO-3.1 would ensure that construction of the Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. As a result, construction of the Project would not create cumulatively considerable impacts related to conflicting with or obstructing implementation of the Basin Plan or GMP for the Santa Clara and Llagas Subbasins; therefore, the Project's contribution to cumulative impacts would not be considerable. The cumulative construction impacts related to conflicts with a water quality control plan or sustainable groundwater management plan would be less than significant with implementation of Mitigation Measures WQ-1.1 and HAZ-2.1.

During operation, stormwater runoff would be managed and treated in accordance with the MRP. Cumulative projects would also be required to comply with the MRP to protect water quality. The Project would be required to implement Mitigation Measures WQ-1.2 and HAZ-2.1 to ensure the protection of groundwater during operation. Furthermore, the use of groundwater by the cumulative projects for the water supply could result in decreased groundwater supplies and subsidence, which would be a significant cumulative impact related to conflicting with the GMP for the Santa Clara and Llagas Subbasins. Implementation of Mitigation Measure WQ-2.1 would ensure that operation of the Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. As a result, operation of the Project would not create cumulatively considerable impacts related to conflicting with or obstructing implementation of the Basin Plan or GMP for the Santa Clara and Llagas Subbasins; therefore, the Project's contribution to cumulative impacts related to conflicts with a water quality control plan or sustainable groundwater management plan would not be considerable. The cumulative impact related to conflicts with a water quality control plan or sustainable groundwater management plan remaining after implementation of Mitigation Measures WQ-1.2 and HAZ-2.1 would be less than significant.

Mitigation Measures: Implement Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO-3.1.

10. Hazards and Hazardous Materials

The topic of hazards and hazardous materials was analyzed in Section 3.11 of the EIR. The EIR determined that the Project could result in significant impacts related to hazards and hazardous materials and recommended mitigation measures, as discussed below.

Impact HAZ-2: Accidental Releases of Hazardous Materials (Subsurface Contamination).

FINDING: Implementation of Mitigation Measure HAZ-2.1, which is hereby adopted and incorporated into the Project, would reduce impacts related to subsurface contamination to a less-than-significant level. The City finds the investigation and appropriate management of subsurface contamination under the oversight of a regulatory agency to be feasible. The City hereby determines that any impacts related to the accidental releases of hazardous materials due to subsurface contamination would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The disturbance of contaminated soil or groundwater, if encountered, during construction activities could result in impacts on construction workers, the public, and the environment because dust or vapors containing hazardous materials could be released into the environment, and the movement of contaminated soil could spread contamination to new areas. Construction in areas with elevated levels of methane could also create hazards related to fire and explosion due to potential methane accumulation within excavations or enclosed spaces. Therefore, the potential release of subsurface hazardous materials into the environment during construction of the Project is a significant impact. If landscaping would be installed over areas of contaminated soil or groundwater not excavated as part of the Project, stormwater infiltration during operation of the Project could increase the leaching of contaminants from soil into groundwater or the migration of contaminated groundwater. The placement of buildings and utilities in areas with elevated methane and VOC levels in soil vapor could create hazards related to fire and explosion due to potential methane accumulation within enclosed spaces and create health hazards for future occupants of the Project site due to vapor intrusion to indoor air. Therefore, the potential release of subsurface hazardous materials into the environment during operation of the Project is a significant impact. Implementation of Mitigation Measure HAZ-2.1 would ensure that subsurface contamination would be further investigated and appropriately managed under the oversight of a regulatory agency. With implementation of this mitigation, the Project would not create a significant hazard for the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Implementation of Mitigation Measure HAZ-2.1 would reduce impacts from accidental releases of hazardous materials due to subsurface contamination to a less-than-significant level.

Mitigation Measure HAZ-2.1: Subsurface Contamination. The Project Sponsor shall engage with an appropriate regulatory agency (e.g., the San Francisco Bay Regional Water Board, Santa Clara County DEH, DTSC) to provide oversight for additional subsurface investigation at the Project site and proposed transmission line routes for the Project, prepare and implement a Soil and Groundwater Management Plan (SGMP), and implement remedial actions, as necessary and required by the appropriate regulatory agency. When site uses and building layouts/designs are finalized and available, additional soil vapor testing shall be performed to evaluate the need for vapor intrusion mitigation measures. The additional subsurface investigation activities shall include, to the extent required by the appropriate regulatory agency, investigation of potential contamination along the proposed transmission line routes for the Project and investigation of potential contamination source areas/features of environmental concern (e.g., former hazardous materials storage areas, clarifiers/sumps/vaults and associated piping, possible UST areas) to define the extent of subsurface contamination at the Project site. The SGMP shall outline the soil and groundwater management protocols that would be implemented during redevelopment of the Project site to ensure that construction workers, the public, future occupants, and the environment would not be exposed to hazardous materials that may be present in the subsurface of the Project site. The SGMP shall include, at a minimum, the following procedures, to be implemented during construction:

- Health and safety requirements for construction workers who may handle contaminated soil or groundwater
- Guidelines for controlling airborne dust, vapors, and odors
- Air monitoring requirements for methane and VOCs during construction
- Guidelines for controlling hot work (e.g., welding) in areas where methane concentrations approach or exceed 10 percent of the lower explosive limit (i.e., 0.5 percent)
- Regulatory notification requirements if undocumented contamination, features of environmental concern (e.g., USTs or clarifiers/sumps/vaults and associated piping), or elevated methane levels are encountered, which shall include notification of the City's Community Risk Reduction Division for USTs and the fire department for hot work in methane areas
- Inspection and sampling protocols for contaminated soil or groundwater by a qualified environmental professional
- Guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements
- Guidelines for the segregation of contaminated soil, stockpile management, characterization of soil for offsite disposal or onsite re-use, and importing of clean fill material

The SGMP shall be submitted to applicable regulatory oversight agencies, including the City, for review and approval prior to the City issuing demolition or grading permits for the Project. Remedial actions that may be required for the Project could include, but would not necessarily be limited to, removal of hazardous material containers/features (e.g., USTs, piping, clarifiers/sumps/vaults), removal and offsite disposal of contaminated soil or groundwater, in-situ treatment of contaminated soil or groundwater, or implementation of engineering/institutional controls (e.g., capping of contaminated soils, installation of vapor intrusion mitigation systems, establishment of deed restrictions).

If remedial actions are required for any portion of the Project site or proposed transmission line routes for the Project, the Project Sponsor shall submit to the City evidence of approvals from all applicable regulatory oversight agencies for any proposed remedial action plans prior to the City issuing any demolition, grading, or building permits for that portion of the Project site or transmission line route. The Project Sponsor shall submit to the City evidence of approval(s) from all applicable regulatory oversight agencies for the completion of remedial actions on the applicable portion of the Project site prior to the City issuing a certificate of occupancy for any buildings located on said portion of the Project site.

Impact C-HAZ-2: Cumulative Accidental Releases of Hazardous Materials (Construction).

FINDING: Implementation of Mitigation Measure HAZ-2.1, which is hereby adopted and incorporated into the Project, would reduce cumulative construction impacts related to accidental release of hazardous materials to a less-than-significant level. The City finds the investigation and appropriate management of subsurface contamination under the oversight of a regulatory agency to be feasible. The City hereby determines that any cumulative construction impacts related to an accidental release of hazardous materials remaining after implementation of Mitigation Measure HAZ-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental

effect, as identified in the EIR. Cumulative projects may include the demolition of buildings that contain hazardous building materials or redevelopment in areas with subsurface contamination. Given the past and current commercial/industrial land uses near the Project site that may have involved the storage and use of hazardous materials, it is possible that previously unidentified subsurface contamination could be present at other cumulative projects near the Project site. Redevelopment of multiple projects in areas of subsurface contamination at the same time could result in cumulative exposure of construction workers, the public, and the environment to hazardous materials, which would be a significant cumulative impact. Implementation of General Plan policies, including Policies 5.10.5-P22 and 5.10.5-P23, would ensure that the City would regulate development on sites with suspected soil and/or groundwater contamination and require appropriate cleanup and remediation of contaminated sites, ensuring that construction workers, the public, future occupants, and the environment would be adequately protected from hazards associated with contamination. Implementation of Mitigation Measure HAZ-2.1 would ensure that potential impacts of the Project associated with accidental releases of hazardous materials due to subsurface contamination would not be cumulatively considerable. Cumulative construction impacts related to accidental releases of hazardous materials remaining after implementation of Mitigation Measure HAZ-2.1 would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure HAZ-2.1.

11. Tribal Cultural Resources

The topic of tribal cultural resources was analyzed in Section 3.14 of the EIR. The EIR determined that the Project could result in significant impacts related to tribal cultural resources and recommended mitigation measures, as discussed below.

Impact TCR-1: Tribal Cultural Resources (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Project, would reduce construction impacts related to tribal cultural resources to a less-than-significant level. The City finds mitigation measures that call for development and implementation of a monitoring plan, worker awareness training, and requirements to stop work if tribal cultural resource deposits are encountered during ground-disturbing activities to be feasible. The City hereby determines that any construction impacts related to tribal cultural resources remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The results of the Northwest Information Center records search and literature review indicate no previously recorded cultural resources within or adjacent to the Project site. This includes tribal cultural resources listed or eligible for listing in the CRHR or a local register of historical resources. In addition, no tribal cultural resources were identified during the 2019 and 2022 consultation outreach by the City. However, archaeological deposits that qualify as tribal cultural resources could be encountered during Project excavation. Should deposits be encountered during Project excavation, this could result in an adverse change to a tribal cultural resource. Thus, significant impacts related to tribal cultural resources could result from construction of the Project. Implementation of Mitigation Measures CUL-2.1, CUL-2.2 and CUL-2.3 would ensure that impacts related to any tribal cultural resources that may be uncovered at the site would be less than significant with mitigation through development and implementation of an archaeological monitoring plan, implementation of cultural resources sensitivity training (including training regarding sensitivity to tribal cultural resources) for all construction crews participating in ground-disturbing activities, and requirements to stop work if archaeological deposits are encountered during ground-disturbing

activities. With implementation of mitigation, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed in or eligible for listing in the California Register of Historical Resources (CRHR) or a local register of historical resources, as defined in PRC Section 5020.1(k), or determined by the lead agency to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1. Therefore, this impact would be less than significant with implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Impact C-TCR-1: Cumulative Impacts on Tribal Cultural Resources (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Project, would reduce cumulative construction impacts related to tribal cultural resources to a less-than-significant level. The City finds mitigation measures that call for development and implementation of a monitoring plan, worker awareness training, and requirements to stop work if archaeological deposits are encountered during ground-disturbing activities to be feasible. The City hereby determines that any cumulative construction impacts related to tribal cultural resources would not be cumulatively considerable and after implementation of Mitigation Measure CUL-2.1, CUL-2.2, and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Urban development that has occurred over the past several decades in the vicinity of the Project site has resulted in the demolition or alteration of non-archaeological and archaeological resources that may qualify as tribal cultural resources under CEQA. It is reasonable to assume that present and future development will continue to result in impacts on these resources by disturbing native soils and altering the landscape. Because tribal cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. For this reason, the cumulative effects of development in the region on tribal cultural resources are considered significant. Because the Project site is situated in an archeologically sensitive area, the possibility exists of encountering unknown tribal cultural resources during ground-disturbing activities associated with Project construction. The Project would be subject to Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which require implementation of an archaeological monitoring plan, cultural resources sensitivity training (including training regarding sensitivity to tribal cultural resources) for all construction crews participating in ground-disturbing activities, and stopping work if archaeological deposits are encountered during ground-disturbing activities. Compliance with these mitigation measures would reduce the Project's contribution to a cumulative impact to less than cumulatively considerable, resulting in a cumulative construction impact that would be less than significant with implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

12. Utilities and Service Systems

The topic of utilities and service systems was analyzed in Section 3.15 of the EIR. The EIR determined that the Project could result in significant impacts related to utilities and service systems and recommended mitigation measures, as discussed below.

Impact UT-1: Utility Relocation, Construction, or Expansion (Stormwater Facilities).

FINDING: Implementation of Mitigation Measures WQ-3.1 and WQ-3.2, which are hereby adopted and incorporated into the Project, would reduce impacts related to stormwater facilities to a less-than-significant level. The City finds a hydraulic study, modifications to the Project design (if necessary), and implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to stormwater facilities remaining after implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If modifications to the existing stormwater drainage systems are not appropriately designed or constructed at the appropriate times with regard to the different phases of Project construction, as well as weather conditions (e.g., rain), then runoff from the Project site could exceed the capacity of existing or proposed stormwater drainage systems, thereby requiring the construction of additional stormwater drainage facilities, which would be a significant impact. Implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would ensure that potential impacts of the Project related to exceeding the capacity of existing or proposed stormwater drainage systems would be less than significant. Specifically, the mitigation measures would require a hydraulic study to be prepared to demonstrate that existing and proposed stormwater drainage systems would be capable of conveying 10-year peak runoff flows from the Project site and ensure that such flows during a 100-year flood event would remain within public roadway limits and would not extend into private property. Furthermore, modifications to the Project design would be implemented, if necessary, and a construction-period stormwater drainage control plan would be implemented. Therefore, with implementation of stormwater treatment measures and Mitigation Measures WQ-3.1 and WQ-3.2, impacts on stormwater drainage facilities would be less than significant.

Mitigation Measures: Implement Mitigation Measures WQ-3.1 and WQ-3.2.

C. Significant and Unavoidable Impacts

Where, as a result of the environmental analysis of the Project, the City has determined that either (1) even with the identification of Project design features; compliance with existing laws, codes, and statutes; and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found, in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), that “specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” These impacts have been designated significant and unavoidable.

1. Air Quality

Impact AQ-2: Cumulatively Considerable Net Increase in Criteria Pollutants – Operation and Construction plus Operation.

FINDING: Implementation of Mitigation Measures AQ-2.1 through AQ-2.6, which are hereby adopted and incorporated into the Project, would reduce impacts related to cumulatively considerable net increase in criteria pollutions from operation of the Project and concurrent construction and operation, but not to a

less-than-significant level. Although the City finds Mitigation Measures AQ-2.1 through AQ-2.6 feasible, there are no additional feasible mitigation measures that will reduce this impact a less-than-significant level. Therefore, the City hereby determines that impacts related to a cumulatively considerable net increase in criteria pollutants during operation or construction plus operation would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: Long-term operational emissions from the Project would be caused by vehicle trips and area sources (e.g., cleaning supplies, architectural coatings, landscape maintenance equipment). In addition, stationary-source emissions would result from intermittent use of 21 diesel-powered emergency generators, which were conservatively assumed to be tested 50 hours per year. Operation of the Project would generate levels of reactive organic gas (ROG), nitrogen oxide (NO_x), particulate matter less than 10 microns in aerodynamic diameter (PM₁₀), and particulate matter less than 2.5 microns in aerodynamic diameter (PM_{2.5}) that would exceed the applicable Bay Area Air Quality Management District (BAAQMD) mass emissions thresholds. Therefore, unmitigated operation of the Project would result in a cumulatively considerable net increase in criteria air pollutants for which the San Francisco Bay Area Air Basin (SFBAAB) is designated as a nonattainment area with respect to the federal or State ambient air quality standards, resulting in a significant impact. In addition, construction could overlap with Project operations because the Project would be constructed over a period of nearly 10 years. Concurrent construction and operation of the Project would result in unmitigated ROG, NO_x, and PM₁₀ emissions that would exceed BAAQMD's recommended thresholds. Thus, the Project would result in a significant impact during concurrent construction and operation.

Mitigation Measure AQ-2.1 would be implemented to reduce the Project's NO_x emissions by requiring EPA Tier 4 Final diesel engines. Implementation of Mitigation Measure AQ-2.1 (i.e., the requirement for EPA Tier 4 Final diesel engines) would reduce construction emissions of NO_x to a level below the BAAQMD threshold. In addition, Mitigation Measure AQ-2.2 would be incorporated to ensure that BAAQMD BMPs, as well as additional recommended construction-related mitigation measures, would be implemented during Project construction. BMPs would be required and implemented to reduce impacts from construction-related fugitive dust emissions, including any cumulative impacts.

However, project operation and concurrent Project construction and operation would result in a cumulatively considerable net increase in a criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or State ambient air quality standard. Implementation of Mitigation Measures AQ-2.3 through AQ-2.6 would reduce operational ROG, NO_x, PM₁₀, and PM_{2.5} emissions but not to a less-than-significant level. Mitigation Measures AQ-2.3 and AQ-2.4 would require the Project Sponsor to use architectural coatings and cleaning supplies with a low volatile-organic-compound (VOC) content for all Project buildings, thereby reducing fugitive emissions of ROG throughout operations. Mitigation Measure AQ-2.5 would require the Project Sponsor to replace gas-powered landscape equipment with zero-emission landscape equipment, thereby reducing emissions of ROG, NO_x, PM₁₀, and PM_{2.5} by eliminating the use of internal-combustion engines for landscaping activities. Mitigation Measure AQ-2.6 would require the Project Sponsor to install EPA Tier 4 Final stationary emergency generators, if commercially available in a timely manner. EPA Tier 4 Final stationary emergency generators would reduce ROG, NO_x, PM₁₀, and PM_{2.5} emissions; however, the emissions modeling assumes the use of Tier 3 generators because of uncertainties in the availability of Tier 4 generators. Mitigated emissions are estimated in Table 3.3-10, which shows that net mitigated ROG, NO_x, PM₁₀, and PM_{2.5} emissions would exceed the applicable BAAQMD thresholds. Most of the emissions that contribute to the exceedance in ROG emissions result from the volume of consumer products used, which is dependent on the size of a project. The other main contributor to ROG emissions, as well as NO_x, PM₁₀, and PM_{2.5}, is travel to and from the Project site by vehicles. The ROG and NO_x exceedances are from vehicle

exhaust; the PM₁₀ and PM_{2.5} exceedances are primarily from road dust that gets re-suspended by vehicle movement. The Project would reduce motor vehicle travel by locating a high-density, mixed-use development in an infill and transit-rich location, thereby promoting transportation efficiency, implementing a TDM plan, and exploring alternative transit methods. Nonetheless, the high-density aspect of the Project would lead to emissions from vehicles traveling to and from the site, emissions that would represent a large portion of the Project's ROG, NO_x, PM₁₀, and PM_{2.5} emissions. There are no additional onsite mitigation measures to reduce emissions from vehicle trips. Therefore, even with implementation of Mitigation Measures AQ-2.1 through AQ-2.6, operation of the Project and concurrent construction and operation of the Project would result in a cumulatively considerable net increase in criteria air pollutants for which the SFBAAB is designated as a nonattainment area with respect to the federal or State ambient air quality standards. This impact would be significant and unavoidable with mitigation.

Mitigation Measures AQ-2.1 and 2-2: For Construction plus Operation (described in Section B)

Mitigation Measure AQ-2.3: Require Low-VOC Coatings during Project Construction and Operation.

The Project Sponsor shall require contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings with a VOC content of 50 grams per liter or less are used during construction and operation. For construction coatings, prior to permit issuance, the Project Sponsor shall submit evidence to the City of Santa Clara regarding the use of low-VOC coatings.

Mitigation Measure AQ-2.4: Use Low-VOC Cleaning Supplies. The Project Sponsor shall provide educational resources for residential and commercial tenants concerning zero- or low-VOC cleaning products. Prior to receipt of any certificate of final occupancy, the Project Sponsor shall work with the City of Santa Clara to develop the electronic correspondence to be distributed by email to new residential and commercial tenants regarding a requirement to purchase cleaning products that generate less than the typical VOC emissions.

Mitigation Measure AQ-2.5: Replace Gas-Powered Landscape Equipment with Zero-Emission Landscape Equipment. The Project Sponsor shall provide educational resources for tenants concerning zero-emission landscape equipment. The Project Sponsor, as a condition of contract, shall require all tenants to use only electric landscaping equipment throughout Project operation to reduce ROG, NO_x, PM₁₀, and PM_{2.5} emissions. By the time the Project is operational, new internal-combustion engine landscaping equipment will not be available for purchase in California; thus, electric landscaping equipment will be the only commercially available landscaping equipment for purchase.

Mitigation Measure AQ-2.6: EPA Tier 4 Final Stationary Emergency Generators. The Project Sponsor shall require contractors or lessees, as a condition of contract, to install EPA Tier 4 Final stationary emergency generators, if commercially available at any point before occupancy. If Tier 4 Final emergency generators are not commercially available before occupancy, the Project Sponsor and contractor shall install Tier 3 emergency generators. Prior to occupancy permit issuance, the Project Sponsor shall submit evidence to the City regarding the use of Tier 4 Final emergency generator, if commercially available, or Tier 3 emergency generators.

Impact AQ-3: Substantial Pollutant Concentrations - Toxic Air Contaminants (Health Risks from Diesel Particular Matter and Localized PM_{2.5}).

FINDING: Implementation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, which are hereby adopted and incorporated into the Project, would reduce the impacts related to substantial concentrations of toxic

air contaminant (specifically health risks from diesel particulate matter and localized PM_{2.5}) but not to a less-than-significant level. Although the City finds Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6 feasible, there are no additional feasible mitigation measures or alternatives that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to substantial pollutant concentrations of toxic air contaminants (specifically health risks from diesel particulate matter and localized PM_{2.5}) would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Project would expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants, specifically diesel particulate matter and localized PM_{2.5}. The health risks to sensitive receptors and PM_{2.5} concentrations would exceed BAAQMD thresholds. The cancer risk threshold exceedance for onsite receptors is due to future residential receptors being exposed to DPM during construction and then to DPM during operations from generator testing and vehicle traffic for nearly 30 years. The primary cause of the PM_{2.5} exceedance is the operation of vehicles as they travel to and from the site and generate fugitive PM_{2.5} from re-suspended road dust. Therefore, impacts related to DPM and localized PM_{2.5} would be significant. Mitigation Measures AQ-2.1 and AQ-2.2 would reduce DPM and PM_{2.5} concentrations by requiring clean diesel-powered or electric construction equipment and implementing BAAQMD basic construction mitigation measures, respectively. Mitigation Measure AQ-2.6 would reduce DPM and PM_{2.5} concentrations through the use of Tier 4 emergency generators; however, because there is uncertainty regarding the availability of the generators, the analysis results reflect the use of Tier 3 emergency generators. In addition, because the Project would generate a relatively large number of daily vehicle trips, fugitive dust and exhaust emissions would result in a correspondingly large increase in PM_{2.5} concentrations. There is no feasible mitigation to reduce PM_{2.5} concentrations because of the nature of the emissions source (i.e., the large number of privately owned vehicles traveling on public roadways). The Project Sponsor has little control over this type of emissions source. Nonetheless, the Project would reduce the demand for motor vehicle travel by promoting transportation efficiency, implementing a TDM plan, and exploring alternative transit methods. Still, the health risks and PM_{2.5} concentrations would exceed BAAQMD thresholds. There are no additional onsite mitigation measures that would reduce vehicle trips to and from the site. Thus, health risks and PM_{2.5} concentrations would exceed BAAQMD thresholds after the incorporation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, and no further mitigation is available. Therefore, the Project would result in an impact that would be significant and unavoidable with mitigation with respect to health risks and PM_{2.5}.

Mitigation Measures: Implement Mitigation Measures AQ-2.1, AQ-2.2, described in Section B, and AQ-2.6.

Impact C-AQ-2: Cumulatively Considerable Net Increase in Criteria Pollutants.

FINDING: Implementation of Mitigation Measures AQ-2.1 through AQ-2.6, which are hereby adopted and incorporated into the Project, would reduce cumulative impacts related to a cumulatively considerable net increase in criteria pollutants but not to a less-than-significant level. Although the City finds Mitigation Measures AQ-2.1 through AQ-2.6 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any cumulative impacts related to cumulatively considerable net increases in criteria pollutants during operation and concurrent construction and operation would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: BAAQMD's emissions thresholds represent the daily emissions that a project may generate before contributing to a cumulative impact on regional air quality. Therefore, exceedances of the BAAQMD project-level thresholds would be cumulatively considerable for project activities in the SFBAAB. The Project would exceed established BAAQMD regional construction and

operational mass thresholds, even with mitigation incorporated. Specifically, the Project's construction-generated NO_x emissions, as well as operational ROG, NO_x, PM₁₀, and PM_{2.5} emissions, would exceed applicable BAAQMD emissions thresholds before mitigation. With implementation of Mitigation Measure AQ-2.1, which requires the use of clean diesel-powered or electric construction equipment, and Mitigation Measure AQ-2.2, which requires implementation of BAAQMD basic construction mitigation measures to reduce dust emissions, the Project's construction-generated emissions would not exceed applicable BAAQMD emissions thresholds. However, even with implementation of Mitigation Measures AQ-2.3 through 2.6, which require the use of coatings and cleaning supplies with low VOC content, zero-emission landscape equipment, and EPA Tier 4 Final stationary emergency generators, the Project's operational emissions of ROG, NO_x, PM₁₀, and PM_{2.5}, as well as construction and operational overlap emissions of ROG, NO_x, and PM₁₀, would exceed BAAQMD mass emissions thresholds. Moreover, the use of consumer products and generation of vehicle trips to and from the Project site would represent a large portion of the Project's operational ROG, NO_x, PM₁₀, and PM_{2.5} emissions. There are no further mitigation strategies to reduce emissions from these activities. Because the Project would exceed regional thresholds, which are inherently cumulative, the Project, would result in a cumulatively considerable net increase in criteria pollutants for which the Project region is classified as a nonattainment area under an applicable federal or State ambient air quality standard, resulting in a cumulative impact that would be significant and unavoidable with mitigation.

Mitigation Measures: Implement Mitigation Measures AQ-2.1 through AQ-2.6.

Impact C-AQ-3: Cumulative Substantial Pollutant Concentrations.

FINDING: Implementation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, which are hereby adopted and incorporated into the Project, would reduce cumulative impacts related to substantial pollutant concentrations but not to a less-than-significant level. Although the City finds Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any construction or operation impacts related to cumulative substantial pollutant concentrations (health risks and PM_{2.5}) remaining after implementation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6 would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Project, in combination with other foreseeable development in the vicinity, would expose sensitive receptors to substantial pollutant concentrations (health risks and PM_{2.5}). Health risks associated with existing stationary, roadway, and railway sources in combination with the Project would exceed BAAQMD cumulative thresholds. Specifically, operational PM_{2.5} concentrations, as well as construction and concurrent construction and operation, would exceed the BAAQMD PM_{2.5} cumulative threshold for several types of receptors (i.e., residential, worker, recreational). No cumulative thresholds would be exceeded at any school receptors. In addition, no cancer or non-cancer risk cumulative thresholds would be exceeded at any receptors. Impacts related to cumulative substantial pollutant concentrations (health risks and PM_{2.5}) during construction and operation would be significant. Mitigation Measures AQ-2.1 and AQ-2.2 would reduce DPM and PM_{2.5} concentrations by requiring clean diesel-powered or electric construction equipment and implementing BAAQMD basic construction mitigation measures, respectively. Mitigation Measure AQ-2.6 would reduce DPM and PM_{2.5} concentrations through the use of Tier 4 emergency generators; however, because there is uncertainty regarding the availability of the generators, the analysis reflects the use of Tier 3 emergency generators. In addition, because the Project would generate a relatively large number of daily vehicle trips, the resulting fugitive dust and exhaust emissions from that vehicle travel would cause a correspondingly large increase in PM_{2.5} concentrations. There is no feasible mitigation to reduce PM_{2.5} concentrations because of the nature of the

emissions source (i.e., the large number of privately owned vehicles traveling on public roadways). The Project Sponsor has little control over this type of emissions source. Nonetheless, the Project would reduce demand for motor vehicle travel by promoting transportation efficiency, implementing a TDM plan, and exploring alternative transit methods. Still, the PM_{2.5} concentrations resulting from Project operation, as well as construction and operational overlap, would exceed the BAAQMD PM_{2.5} cumulative threshold, and there are no additional onsite mitigation measures to reduce the number of vehicle trips to and from the site. Thus, health risks and PM_{2.5} concentrations would exceed BAAQMD thresholds after the incorporation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, and no further mitigation is available. Therefore, the cumulative effect of health risks associated with toxic air contaminants (TACs) emitted by the Project in combination with health risks associated with existing TAC sources would result in a cumulatively considerable local health risk at sensitive land uses. This impact would be significant and unavoidable with mitigation.

Mitigation Measures: Implement Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6.

2. Noise

Impact NOI-1: Construction Noise (Daytime Offsite and Nighttime Offsite and Onsite).

FINDING: Implementation of Mitigation Measure NOI-1.1, which is hereby adopted and incorporated into the Project, would reduce impacts but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-1.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to construction noise would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: During daytime hours, construction activities would temporarily elevate ambient noise levels. The pile-driving subphase would result in the loudest noise levels; therefore, those noise levels are used to evaluate the worst-case impacts that would occur. Other construction activities would also result in elevated noise levels. Although construction activities associated with the Project would not conflict with the City Code, because daytime construction noise is exempt, construction may increase noise at off-site sensitive receptors by more than 10 dB during some activities. Therefore, daytime construction noise could result in a substantial physical effect on the environment at offsite land uses, despite being exempt from regulation by City Code. Daytime construction noise impacts to off-site sensitive receptors would be considered significant. Nighttime construction outside the City's allowed construction hours is subject to the City's exterior noise limits. The Project would generate a substantial temporary increase in ambient noise levels in the vicinity of the Project due to construction activities during nighttime hours in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Impacts from nighttime construction noise would not be significant at the nearby Hilton Santa Clara because an increase of more than 10 dB over ambient noise would not occur and nighttime construction noise would most likely not exceed the City's exterior noise limits. However, estimated noise levels during nighttime construction would very likely exceed the City's exterior noise limits at onsite and offsite residential receptors. Therefore, construction noise impacts on onsite and offsite uses during nighttime hours would be significant.

Implementation of Mitigation Measure NOI-1.1 would reduce construction noise at offsite land uses as well as onsite land uses by incorporating practices to minimize noise. Mitigation Measure NOI-1.1 is informed by Mitigation Measure 4.14-3 in the *Integrated Final EIR for the City of Santa Clara 2010–2035 General Plan*, which states that property owners should develop construction noise control plans that consider available controls to reduce construction noise levels as much as practical. The precise locations of construction equipment cannot be known at this stage of Project development; therefore, it is not currently possible to indicate the specific timing and physical location requirements for implementing

this measure. The construction noise analysis uses a worst-case scenario analysis, which is simultaneous operation of the three loudest pieces of equipment. It would be speculative to attempt to predict the exact time and location where the worst-case scenario would occur and when the mitigation measure would be necessary. Implementation of this mitigation measure would require development of a noise reduction plan to determine the specific details and components needed to reduce noise. Noise controls may not reduce noise enough in all instances to prevent a noise increase of 10 dB or more relative to ambient noise levels or reduce nighttime construction noise to levels that would comply with City Code noise limits. Therefore, construction noise impacts would be significant and unavoidable with mitigation during daytime hours at off-site sensitive receptors and during nighttime hours at on-site sensitive receptors and off-site residential sensitive receptors.

Mitigation Measure NOI-1.1: Construction Noise Reduction Control Plan. The Project Sponsor and/or contractor(s) shall develop a construction noise control plan to reduce noise levels as much as possible and, to the extent feasible, comply with City Code noise limits, ensuring that a 10 dB increase over the ambient noise level will not occur at offsite and onsite noise-sensitive land uses, as defined by Policy 5.10.6-P6 from the General Plan.

For nighttime construction activities, the plan shall demonstrate that noise from construction activities will comply with the applicable City Code noise limits at the nearest offsite and onsite land uses and that a 10 dB increase over ambient noise levels will not occur at offsite or onsite noise-sensitive land uses. For daytime construction activities, which are exempt from the City Code limits, the plan shall demonstrate that a 10 dB increase over ambient noise levels will not occur. If the plan does not demonstrate these findings, it shall explain why compliance with such noise limits is not feasible and adopt all feasible measures to reduce noise impacts to the extent possible.

The construction noise control plan shall be approved by the City prior to the issuance of building permits for the portion of the Project at issue in the noise control plan to confirm the actual minimization strategies that will be implemented. Project construction shall comply with all identified measures in the noise control plan. In addition, because Project construction would not be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday or 9:00 a.m. to 6:00 p.m. on Saturdays, excluding holidays, the Project Sponsor shall obtain an exemption permit for all activities occurring outside of the exempt hours, per the City Code.

At a minimum, the following measures to reduce noise from construction activity shall be incorporated into the Construction Noise Control Plan:

- Use “quiet” models of air compressors and other stationary noise sources where technology exists;
- Equip all internal-combustion engines with mufflers that are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent noise-sensitive land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent noise-sensitive land uses;
- Prohibit all unnecessary idling of internal-combustion engines;
- Notify all adjacent land uses of the construction schedule in writing;
- Designate a “disturbance coordinator,” a person who will be responsible for responding to local complaints about construction noise. The disturbance coordinator will determine the cause of the

noise complaint (e.g., starting too early, bad muffler) and require reasonable measures to correct the problem to be implemented;

- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule; and
- Install noise-reducing soundwalls or fencing with sound blankets around noise-generating equipment, to the extent feasible.

During permit approval, the City may impose additional or alternative noise reduction control measures to further reduce noise levels as much as possible and, to the extent feasible, comply with City Code noise limits. Any such additional or alternative noise reduction measures required by the City shall also be incorporated into the Construction Noise Control Plan.

Impact NOI-3: Ground-borne Vibration and Noise Levels (Daytime Construction Onsite Uses and Offsite Commercial Uses).

FINDING: Implementation of Mitigation Measure NOI-3.1, which is hereby adopted and incorporated into the Project, would reduce impacts related to ground-borne vibration at offsite commercial and onsite uses from daytime construction but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-3.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to ground-borne vibration and noise levels at offsite commercial and onsite uses from daytime construction would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: Construction of the Project would involve the use of construction equipment that could generate ground-borne vibration. Although commercial and office uses are not always considered sensitive to vibration, vibration-related annoyance impacts on the nearby commercial buildings (approximately 100 feet from the Project site) were evaluated. At a distance of 100 feet, an impact pile driver could produce a PPV of up to 0.190 in/sec. This level is above the identified strongly perceptible level. Therefore, annoyance-related vibration impacts from daytime construction activities on the nearby commercial buildings would be considered significant. In addition, during daytime construction activities, vibration-generating equipment may be operated approximately 100 feet from onsite residential buildings developed as part of the Project. Vibration from daytime construction activities, which could include the use of an impact pile driver, could exceed the strongly perceptible level at the nearest future onsite residences (100 feet from pile driving). Therefore, annoyance-related vibration impacts from daytime construction activities on future onsite residences would be significant. Implementation of Mitigation Measure NOI-3.1 would reduce vibration-related annoyance effects at sensitive uses by requiring implementation of vibration attenuation measures under the supervision of a qualified acoustical consultant. However, because pile drivers are considered more vibration intensive than typical equipment, it cannot be determined if vibration levels would be reduced to below the strongly perceptible threshold in all circumstances. Therefore, annoyance-related vibration impacts could be considered excessive, even with mitigation, during daytime hours. Therefore, vibration-related annoyance impacts at offsite commercial and onsite uses from daytime construction would be significant and unavoidable with mitigation.

Mitigation Measure NOI-3.1: Pile Driving Vibration Reduction Plan. The Project Sponsor and/or contractor(s) shall develop a construction Vibration Reduction Plan to reduce vibration levels to the extent feasible. This plan shall be approved by the City prior to the issuance of building permits to confirm the actual minimization strategies that will be implemented. To reduce vibration levels from pile driving, alternative pile installation methods, such as those indicated below, shall be implemented

under the supervision of a qualified acoustical consultant during the Project construction period. The goal of the measures shall be to achieve a PPV that is less than 0.10 in/sec., which is considered the strongly perceptible threshold.

The Project Sponsor shall require the construction contractor to limit pile-driving activity so that the PPV at offsite uses is less than 0.10 in/sec, to the extent feasible. Alternative pile installation methods that do not require impact or vibratory pile driving, such as auger cast pressure-grouted displacement piles, cast-in-drilled-hole piles, or sonic pile drivers, shall be utilized where feasible.

The Project Sponsor shall also ensure that the construction contractor appoints a coordinator who will serve as the point of contact for vibration-related complaints during Project construction. Contact information for the coordinator shall be posted at the Project site and on a publicly available Project website. The coordinator shall work with the construction team to adjust activities if complaints are received, to the extent feasible, or reschedule activities for a less sensitive time. The coordinator shall notify the City of all vibration-related complaints and actions taken to address the complaints.

Impact C-NOI-1: Cumulative Construction Noise.

FINDING: Implementation of Mitigation Measure NOI-1.1, which is hereby adopted and incorporated into the Project, would reduce impacts related to cumulative construction noise but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-1.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to cumulative construction noise would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Project, in combination with other foreseeable development in the vicinity, would generate a substantial temporary increase in ambient noise levels due to construction activities in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Future or approved projects in proximity to the Project site could undergo construction concurrently with the Project, resulting in significant noise-level increases and an increased number of people exposed to construction noise. Construction noise from the Project and other cumulative projects could exceed the City's exterior noise limits at sensitive land uses or result in a 10 dB or greater increase over the ambient noise level. Therefore, cumulative construction noise impacts would be considered significant. Implementation of Mitigation Measure NOI-1.1 would reduce construction noise levels by incorporating practices to minimize noise and ensuring that Project construction activities would comply with the City Code provisions pertaining to construction noise. However, the noise controls may not reduce noise enough in all instances to prevent a noise increase of 10 dB or more relative to ambient noise levels or reduce nighttime construction noise to a level that would be in compliance with City Code noise limits. Although mitigation would be implemented for the Project to reduce construction noise impacts, project-level construction noise impacts for the Project were determined to be significant and unavoidable. Because Project construction noise could exceed the City's exterior noise limits at sensitive land uses or result in a 10 dB or greater increase over the ambient noise level, resulting in a significant impact on its own due to the inability to mitigate the impact to less than significant, the Project's contribution to this cumulative impact would be cumulatively considerable. The cumulative impact would occur at onsite receptor locations and the future residential uses at the site for the Patrick Henry Specific Plan. Thus, this cumulative impact would be significant and unavoidable with mitigation.

Mitigation Measure: Implement Mitigation Measure NOI-1.1.

Impact C-NOI-3: Cumulative Ground-borne Vibration and Noise Levels (Construction).

FINDING: Implementation of Mitigation Measure NOI-3.1, which is hereby adopted and incorporated into the Project, would reduce cumulative impacts related to ground-borne vibration during construction but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-3.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to cumulative ground-borne vibration and noise levels during construction would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Project, in combination with other foreseeable development in the vicinity, would generate excessive ground-borne vibration or ground-borne noise levels. In general, vibration from multiple construction sites, even if they are close to one another, would not combine to raise the maximum PPV level at sensitive uses. For this reason, a significant cumulative impact from construction vibration from multiple construction projects near one another (or even adjacent to one another) would not occur. . However, the Patrick Henry Specific Plan would construct new residential units, which would result in vibration-sensitive land uses being located approximately 100 feet from the southern border on the Project site. Although there are currently no sensitive land uses in this area, the land uses and occupants would very likely be present during construction. At a distance of 100 feet, pile driving would generate vibration that would be above the level considered strongly perceptible. In addition, although no structural damage would occur, pile driving would generate substantial vibration, affecting future occupants on the site for the Patrick Henry Specific Plan. Mitigation Measure NOI-3.1 would be implemented to minimize this cumulative impact as well as the Project impact; however, it cannot be determined whether vibration levels would be reduced to a level below the strongly perceptible threshold in all circumstances. For this reason, cumulative vibration impacts from construction would be significant and unavoidable with mitigation.

Mitigation Measure: Implement Mitigation Measure NOI-3.1.

V. Findings Regarding Alternatives

CEQA requires the lead agency to consider a reasonable range of alternatives, "which would feasibly attain most of the" project objectives but "substantially lessen" or "avoid" significant environmental impacts that would otherwise occur (State CEQA Guidelines Sections 15126.6). The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (see *City of Del Mar, supra*, 133 Cal. App. 3d at 417; *Sierra Club v. County of Napa* [2004], 121 Cal. App. 4th 1490, 1506–1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant's project objectives]; and *CNPS, supra*, 177 Cal. App. 4th at 1001 ["an alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record'"]) (quoting *Kostka & Zischke, Practice Under the Cal. Environmental Quality Act* [Cont. Ed. Bar 2d ed. 2009] [*Kostka*], Section 17.30, p. 825); In re *Bay-Delta*, 43 Cal. 4th 1143, 1165-66 ("[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives;" "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"). Moreover, "feasibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors" (*City of Del Mar, supra*, 133 Cal. App. 3d at p. 417; *CNPS, supra*, 177 Cal. App. 4th at p. 1001 ["an alternative that 'is impractical or undesirable from a policy standpoint' may be rejected as

infeasible”] [quoting *Kostka, supra*, Section 17.29, p. 824]; and *San Diego Citizenry Group v. County of San Diego* [2013]. 219 Cal. App. 4th 1, 17.)

A. Alternatives Considered and Rejected

The following alternatives were considered but rejected as infeasible during the scoping process:

- **Alternative Site Locations.** Other than the Project site, there are no comparable large areas of land within the city where the Project could be relocated so as to meet the Project’s objectives. The Project site is uniquely located because it is in proximity to Levi’s Stadium, the Santa Clara Convention Center, and Great America Amusement Park and well served by public transit. It is unlikely that relocating Project uses to a different site would avoid or substantially lessen any of the significant environmental impacts of the Project at its proposed location because the impacts associated with increased vehicle trips (e.g., air quality and GHG impacts) are likely to be similar anywhere in the Bay Area. Other sites could result in potentially more severe trip-related impacts if the sites are not in an areas that are well served by transit options like the Project site. Thus, an offsite alternative would be infeasible because it would not attain most of the basic Project objectives and would not substantially reduce the Project impacts. Therefore, because issues related to site suitability, economic viability, acquisition and control, and inconsistency with Project objectives, consideration of an alternative site for the Project has been rejected.
- **Proposed 2018 Project.** In 2018, the Project Sponsor proposed to construct a similar project on the Project site. In total, the Proposed 2018 Project would include up to 10.61 million gsf of uses. After extensive community outreach, the Project Sponsor voluntarily withdrew the Proposed 2018 Project as infeasible; therefore, this alternative has been rejected.
- **Alternative Development Scenario – Greater Reductions in Intensity.** Reductions greater than 30 percent in the development intensity of the Project were evaluated as an alternative and determined to be economically infeasible due to the baseline costs associated with developing the site, including land cost and infrastructure costs, as well as costs associated with providing the proposed community benefits. Therefore, alternatives with greater reductions in development intensity have been rejected.
- **Alternative Development Scenario – Residential and Open Space Only.** A Residential and Open Space Only Alternative (Residential-Only Alternative) would consist of development of residential and open space uses only on the Project site. Although the Residential-Only Alternative would reduce impacts related to commercial employees, this alternative would still require a similar amount of construction and, therefore, would not eliminate all of the significant and unavoidable impacts related to air quality and noise. In addition, the Residential-Only Alternative would not satisfy most of the basic Project objectives. Since the Residential-Only Alternative would not provide a variety of uses, the objective to reduce VMT through mixed-use development would not be met. This alternative would limit the site’s economic potential and local and regional growth by not including a range of development, such as office and retail uses. The Residential-Only Alternative would be inconsistent with City policies related to mixed-use development, reduced transportation impacts, and commercial development. Therefore, because the Residential-Only Alternative would not significantly reduce potential impacts, would be inconsistent with existing zoning, and would not meet the majority of Project objectives, this alternative has been rejected.

B. Alternatives Studied in the EIR

Pursuant to the CEQA sections, Chapter 5 of the EIR identifies and evaluates the following alternatives to the Project:

- No Project Alternative:** The No Project Alternative is provided in the EIR to compare the impacts of the Project with what would be reasonably expected to occur in the foreseeable future if the Project were not approved (State CEQA Guidelines Section 15126.6[e][1]). Under the No Project Alternative, no additional construction would occur at the Project site. The existing 142,050 gsf of light industrial buildings would be occupied with tenants permitted under the existing zoning. The onsite features associated with the buildings would also remain. The existing paved surface parking lot south of Democracy Way, with approximately 5,081 parking spaces, would continue to operate as it does currently (i.e., primarily temporary parking for events at Levi's Stadium, which uses 3,300 parking spaces; the rest of the parking spaces would continue to be used by Amazon as drivers' training grounds).
- Code Compliant Alternative:** The Code Compliant Alternative, the second No Project Alternative, is based on what would be reasonably expected to occur in the foreseeable future if the Project were not approved and development continued to occur in accordance with the City's General Plan and Zoning Code consistent with available infrastructure and community services. Under the Code Complaint Alternative, the Project would be implemented subsequent to the City's Zoning Code update and would not include housing. After the City's Zoning Code update, the Project site would be designated as High-Intensity Office/R&D in the City's General Plan. This designation allows for "high-rise or campus-like developments for corporate headquarters, R&D, and supporting uses, with landscaped areas for employee activities." Permitted uses include offices and prototype R&D uses with a maximum floor area ratio (FAR) of 2.00. Therefore, the Project site could be developed with up to approximately 4.2 million gsf of office/R&D space. The City's Zoning Code currently designates the Project site as ML. However, with incorporation of the City's Zoning Code update, the Project site will be rezoned as High-Intensity Office/R&D (HO-RD).
- Reduced Scale Alternative:** The Reduced Scale Alternative would reduce development on the Project site by 30 percent proportionately compared to the Project. This alternative would result in up to 3,440,000 gsf of new development, including approximately 1,260,000 gsf of residential uses (up to 1,260 units) and approximately 2,180,000 gsf of office/R&D space, along with neighborhood retail uses, facilities, and community space. In addition, the amount of publicly accessible open space and private open space would also be reduced by 30 percent, resulting in approximately 7 acres of public parkland, 4 acres of publicly accessible open space, and 7 acres of other private open space for residential and office uses. Likewise, the number of parking spaces included as part of this alternative would be reduced to 6,300 spaces.
- Reduced Office/Increased Housing Alternative:** Under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall number of housing units would increase. This would be accomplished by removing all 789,000 gsf of office/R&D space in Area C and replacing it with 800 multifamily housing units. The substation would be relocated to Area B. The retail uses, amenities, open space, and substation in Area C would all remain the same as under the Project. In addition, all other land use and development assumptions for Areas A, B, and D would remain the same as under the Project. Thus, the Reduced Office/Increased Housing Alternative would result in up to 4,913,000 gsf of new development, including up to 2,600 housing units, approximately 2,211,000 gsf of office/R&D space, approximately 100,000 gsf of

neighborhood retail uses, and approximately 10,000 gsf of childcare facilities, along with 3,000 gsf of community space.

- **Construction Sequence Alternatives:** The Construction Sequence Alternatives were developed to modify the order in which the four areas of the Project could be constructed. The Construction Sequence Alternatives include:
 - Simultaneous project construction,
 - No overlapping construction,
 - Residential uses constructed first, and
 - Residential uses constructed last.

All other Project characteristics and assumptions would remain the same under each Construction Sequence Alternative as under the Project, including total development potential, types of land uses, parking, open space, access, and circulation.

C. Environmentally Superior Alternative

Public Resources Code Section 21002 requires lead agencies to adopt feasible mitigation measures or feasible alternatives to “avoid or substantially lessen” a project’s significant adverse environmental effects, unless specific economic, social, or other conditions make such mitigation measures or alternatives infeasible. (See also CEQA Guidelines Sections 15091[a][3], [c] [requiring the lead agency to make findings identifying specific economic, legal, social, technological, or other considerations that make adoption of identified alternatives infeasible]). CEQA also requires an environmentally superior alternative to be identified among the alternatives analyzed. In general, the environmentally superior alternative is the alternative that avoids or substantially lessens some or all of the significant and unavoidable impacts of a proposed project (State CEQA Guidelines Section 15126.6).

On the basis of comparing the extent to which the alternatives would reduce or avoid the significant impacts of the Project, the No Project Alternative would be the environmentally superior alternative. However, if the No Project Alternative is the environmentally superior alternative, CEQA requires the EIR to also specify which of the build alternatives would be environmentally superior (State CEQA Guidelines Section 15126.6[e][2]). The following factors may be used to eliminate alternatives from detailed consideration in an EIR: (1) failure to meet most of the basic Project objectives, (2) infeasibility, or (3) inability to avoid significant environmental impacts. These factors are considered in the selection of the environmentally superior alternative.

The Reduced Scale Alternative is the environmentally superior alternative because the alternative would have fewer construction and operational impacts than the other alternatives. The Reduced Scale Alternative would have less gross square footage for development (3.44 million gsf) compared to the other alternatives as well as the Project, which would reduce the construction effort and overall construction-period impacts related to air quality, GHG emissions, noise, and energy. Compared to the Project, the Reduced Scale Alternative would result in 30 percent fewer residential uses (approximately 2,709 new residents in 1,260 units) and 30 percent fewer employees (approximately 8,796 net new employees at the Project site but 1,615 fewer employees compared to the assumptions in the General Plan). Therefore, operational impacts related to residents and employees, such as the demand related to public services and utilities, the jobs/housing imbalance, and population growth, would also be reduced. Although gross square footage would be less, construction-period disturbance impacts associated with

cultural resources, tribal cultural resources, erosion, and water quality would most likely be similar to those of the other alternatives and the Project. The Reduced Scale Alternative would result in fewer daily trips compared to the other alternatives and the Project and thus lower overall operational air quality, GHG, and traffic noise impacts. There are no resource areas for which the Reduced Scale Alternative would have greater impacts than the other alternatives or the Project. However, the Reduced Scale Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with mitigation, significant and unavoidable) as the Project. Most notably, although the significant and unavoidable impacts of the Project would be slightly less under this alternative, none of these impacts would be reduced to less than significant under the Reduced Scale Alternative.

The Reduced Scale Alternative would reduce air quality impacts related to operational criteria air pollutant emissions, exposure of sensitive receptors to CO hot-spots, and construction and operational TAC emissions compared to the Project. However, the impact conclusions of the Reduced Scale Alternative would remain the same as the Project, significant and unavoidable with mitigation for operational criteria air pollutant emissions and construction and operational TAC emissions, and less than significant for exposure of sensitive receptors to CO hot-spots. Because it would have fewer construction and operational impacts than the other alternatives, the Reduced Scale Alternative is the environmentally superior alternative.

The Reduced Scale Alternative would also meet the majority of the Project objectives but to a lesser extent than the Project because of a reduction in floor area. As detailed above, the Reduced Scale Alternative would reduce the proposed development at the Project site by 30 percent but would still include a variety of uses, including residential, office/R&D, neighborhood retail, childcare, and community uses. Therefore, similar to the Project, the Reduced Scale Alternative would meet the primary objective of supporting the City's planning efforts by converting an underutilized single-use site to a high-intensity mixed-use development with a range of building types. Because mixed-use buildings would be constructed, the objective of providing a mix of residential, commercial, retail, and community uses would be met, although to a lesser extent than under the Project. The Reduced Scale Alternative would also provide housing at a similar ratio. Therefore, Santa Clara's housing supply would be broadened, and the City's Affordable Housing Ordinance and Inclusionary Zoning requirements would be met. Since the Reduced Scale Alternative would develop the site with a variety of uses, this alternative would facilitate ridership of multimodal transportation, minimize vehicular infrastructure, and provide sufficient and flexible parking for current and future demands. The Reduced Scale Alternative would also support local, regional, and State mobility and GHG reduction objectives to reduce VMT and infrastructure costs through infill and mixed-use development in an existing urbanized and transit-rich area. Under the Reduced Scale Alternative, the Project site would be developed with public and private open spaces and interconnected pedestrian pathways, similar to the Project, but at a proportionately reduced amount. Therefore, this alternative would meet the objective of promoting an active pedestrian realm with public and private open spaces, with flexible programming, but to a lesser extent than the Project. Community benefits, including public open space, childcare facilities, community space, and upgraded utility infrastructure, would be provided but to a lesser extent than the Project. The Reduced Scale Alternative would generate additional tax revenue for the City but to a lesser extent than the Project. This alternative is likely to allow flexibility, based on market demand, because the Reduced Scale Alternative could be built out in any order to respond to the market. The alternative would also create permanent and construction-related jobs, although to a lesser extent due to the reduction in development. In addition, Democracy Way would be privatized under this alternative to allow this street to be more utilized than under existing conditions, and utility infrastructure would be upgraded.

In light of the land cost, upfront cost from utility and infrastructure relocation and excavation for underground parking, and the reduced amount of revenue-generating development, it is unlikely that the Reduced Scale Alternative would be economically feasible. The Reduced Scale Alternative would result in a 43% increase in the land, utility, and infrastructure costs that each square foot of revenue generating development must bear, which materially reduces the already-constrained feasibility of the Project. Therefore, the Reduced Scale Alternative would meet some but not all of the basic Project objectives—many to a lesser extent.

Therefore, although the Reduced Scale Alternative was initially determined to be *potentially* feasible (subject to further review as the CEQA process proceeded), the City has now determined that the Reduced Scale Alternative is not feasible for the following specific economic, social, environmental, technological, legal or other considerations:

- The Reduced Scale Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with mitigation, significant and unavoidable) as the Project and the significant and unavoidable impacts of the Project would be slightly less under this alternative, but none of the significant and unavoidable impacts would be reduced to less than significant under the Reduced Scale Alternative.
- The Reduced Scale Alternative would not meet all of the Project objectives because although the alternative would provide a mix of uses, the reduction in scale would impact the Project's ability to meet the City's objective to "Develop a model for urban growth that maximizes the Project site's economic, cultural, and ecological potential."
- The Reduced Scale Alternative would reduce the amount of potential housing in the Project, which would not further important state or City housing policies, including the City's Housing Element Goals and Policies.
- Based on current and reasonably foreseeable market conditions, the Reduced Scale Alternative not economically feasible in light of the significant baseline costs associated with redeveloping the site, including land cost, infrastructure costs (e.g. vacation of Democracy Way and related utility relocations), the high cost of site excavation and underground parking), as well as the costs associated with meeting the City's development fees and exactions, and providing the additional proposed community benefits (e.g. public park dedication, substation land and development, childcare, and circulation improvements).

D. Other Alternatives

While the Reduced Scale Alternative would be the Environmentally Superior Alternative, the other alternatives have been rejected as environmentally superior for the following reasons.

- **No Project Alternative.** The No Project Alternative would result in either no impacts or less-than-significant impacts due to the limited amount of construction and operation that would occur at the Project site. However, the No Project Alternative would not meet the primary objective of supporting the City's planning efforts by converting an underutilized single-use site to a vibrant pedestrian-oriented high-intensity mixed-use development. The No Project Alternative would not promote the objective of supporting local, regional, and State mobility and GHG reduction objectives through infill development in transit-rich areas. None of the Project

objectives would be met and, therefore, the No Project Alternative would not be the Environmentally Superior Alternative.

- **Code Compliant Alternative.** The Code Compliant Alternative would result in several impacts that would be greater than the Project. Conflicts with adopted City land use plans and policies regarding the job/housing ratio and cumulative land use impacts would be significant and unavoidable under the Code Compliant Alternative, compared to no impact and less than significant under the Project and all other alternatives. Impacts related to operational criteria air pollutant emissions would also be significant and unavoidable under the Code Compliant Alternative, to a greater extent than the significant and unavoidable impacts under the Project and the other alternatives. In addition, impacts related to population growth and cumulative population and housing impacts would be significant and unavoidable under the Code Compliant Alternative, compared to less than significant under the Project and the other alternatives. Therefore, the Code Compliant Alternative would not be the Environmentally Superior Alternative.
- **Reduced Office/Increased Housing Alternative.** The Reduced Office/Increased Housing Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with mitigation, significant and unavoidable) as the Project. The significant and unavoidable impacts of the Project would be slightly less under this alternative, but none of the significant and unavoidable impacts would be reduced to less than significant under the Reduced Office/Increased Housing Alternative. The Reduced Office/Increased Housing would reduce air quality impacts related to operational criteria air pollutant emissions, exposure of sensitive receptors to CO hot-spots, and construction and operational TAC emissions compared to the Project. However, the impact conclusions of the Reduced Office/Increased Housing Alternative would remain the same as the Project, significant and unavoidable with mitigation for operational criteria air pollutant emissions and construction and operational TAC emissions, and less than significant for exposure of sensitive receptors to CO hot-spots. Although Reduced Office/Increased Housing Alternative would have fewer construction and operational impacts than the Project, the Reduced Scale Alternative would result in slightly fewer impacts than this alternative. Therefore, the Reduced Office/Increased Housing Alternative would not be the Environmentally Superior Alternative.
- **Construction Sequence Alternatives.** In general, the Construction Sequence Alternatives would result in similar impacts as the Project. However, the No Overlapping Construction Alternative would result in fewer construction criteria air pollutant emissions than the Project, but would require the same mitigation measures to reduce these impacts to less than significant. The other three Construction Sequence Alternatives (Simultaneous Project Construction Alternative, Residential Uses Constructed First Alternative, and Residential Uses Constructed Last Alternative) would result in greater construction criteria air pollutant emissions than the Project. While impacts would be less than significant with mitigation under the Project, these three Construction Sequence Alternatives would result in significant and unavoidable construction criteria air pollutant emissions impacts. All Construction Sequence Alternatives would result in construction and operational TAC emissions that would be similar or less than the Project. Regardless, the alternatives would not reduce the impact conclusions compared to the Project, also resulting in significant and unavoidable impacts. In addition, the significant and unavoidable construction noise under the Project would be greater under the Residential Uses Constructed First Alternative. All other impacts under the Construction Sequence Alternatives would be

similar to the Project. Therefore, the Construction Sequence Alternatives would not be the Environmentally Superior Alternative.

VI. Findings Regarding Growth-Inducing Impacts of the Project

Under State CEQA Guidelines Section 15126.2(d) a project is growth inducing if it could “foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

Growth can be induced in a number of ways, including through the elimination of obstacles to growth; through the stimulation of economic activity within the region, including the generation of significant employment opportunities; or through precedent-setting action. CEQA requires a discussion of how a project could increase the population, employment, or housing in areas surrounding a project as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

The Project’s projected office-/R&D-related jobs (and 3 million gsf of office/R&D space) were accounted for in the General Plan and, thus, factored into Plan Bay Area 2040. However, the proposed 100,000 gsf for neighborhood retail uses, 10,000 gsf for childcare facilities, and up to 1,800 new multifamily residential units were not accounted for in the General Plan or Plan Bay Area 2040. The Project’s 1,800 residential units are also not accounted for in the General Plan Housing Element; the additional units would further offset demand for new housing in the city and region. It is not anticipated that the Project would induce further growth in the city or region that is not accounted for in the General Plan and/or Plan Bay Area.

An electric substation is proposed onsite to meet the anticipated energy demand of the Project. The substation would be located on the east side of the Project site. The substation is currently proposed to serve the Project site only, although it could include the capacity needed to serve adjacent planned developments as well if desired. If additional capacity were included, it could facilitate development in the immediate area; however, this growth would be in line with what is anticipated under the General Plan and Plan Bay Area. The additional capacity would have the potential to influence developers with respect to where they choose to develop, without affecting the overall amount of development within the city.

The Project is an infill development within an already-developed area of the city, and the employment growth under the Project is largely accounted for in the General Plan as well as regional growth plans, such as Association of Bay Area Governments (ABAG) projections. The Project would increase the supply of housing in the city by providing 1,800 new housing units. Although the Project would generate 544 employees beyond what was assumed for the site under the General Plan, the indirect regional housing demand generated by these additional employees would constitute approximately 0.07 percent of household growth expected in the Bay Area between 2025 and 2040, which is minimal. Because the Project would construct housing, anticipated housing demand in the city could be accommodated in the city, and the level on unanticipated housing demand in the region would be small. The Project, therefore, is not anticipated to induce further growth beyond than anticipated in the General Plan or Plan Bay Area.

VII. Findings Regarding Recirculation of the Draft EIR

The City Council adopts the following findings with respect to whether to recirculate the Draft EIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required “when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review” but prior to certification of the Final EIR. The term “information” can include changes in the

project or environmental setting as well as additional data or other information. (State Guidelines Section 15088.5.) New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (State CEQA Guidelines § 15088.5(a).) “Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from a project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (State CEQA Guidelines, Section 15088.5).

“Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” State CEQA Guidelines § 15088.5(b). The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs” (*Laurel Heights Improvement Assn. v. Regents of the University of California* [1993], 6 Cal. 4th 1112, 1132). “Recirculation was intended to be an exception, rather than the general rule” (*Ibid.*).

The City Council recognizes that the Final EIR contains additions, clarifications, modifications, and other changes to the Draft EIR. Some comments on the Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR as well as additional mitigation measures. As explained in the Final EIR (Responses to Comments), some suggestions were not appropriate or feasible. Where changes have been made to mitigation measures, these changes do not change the significance of any conclusions presented in the Draft EIR.

CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal” (*Kings County Farm Bureau v. City of Hanford* [1990] 221 Cal. App. 3d 692, 736–737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* [1995] 37 Cal. App. 4th 154, 168, fn. 11). As the court stated in *Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.*:

CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. In short, a project must be open for public discussion and subject to agency modification during the CEQA process ([1986] 42 Cal. 3d 929, 936 [internal citations omitted]). Here, the changes made to the Draft EIR in the Final EIR are exactly the kind of revisions that the case law recognizes as legitimate and proper.

The City Council finds that none of the revisions to the Draft EIR made by, or the discussion included in, the Final EIR involves “significant new information” that would trigger recirculation because the changes would not result in any new significant environmental effects, a substantial increase in the severity of

previously identified significant effects, or feasible project alternatives that would clearly lessen the environmental effects of the Project. Similarly, no documentation produced by, or submitted to, the City and relied on by the City after publication of the Final EIR, including, but not limited to, public comments, identifies any new significant effect, substantial increase in the severity of any environmental effect, or feasible project alternatives that would clearly lessen the environmental effects of the Project. All Project modifications or amendments to the EIR were either environmentally benign or environmentally neutral, and all additional documentation relied on by the City merely clarifies or amplifies conclusions in the EIR and thus represents the kinds of common changes that occur and supplemental information that is received during the environmental review process as it works toward its conclusion. Under such circumstances, the City Council hereby finds that recirculation of the EIR is not required.

VIII. Section 21082.1(c)(3) Findings

Pursuant to Public Resources Code Section 21082.1(c)(3), the City Council hereby finds that the Final EIR reflects the independent judgment of the lead agency.

IX. Statement of Overriding Considerations

Where a proposed project may result in significant impacts on the environment, and it is infeasible to reduce impacts to less-than-significant levels through project alternatives or mitigation measures, CEQA allows a public agency to approve the project only if the benefits of the project outweigh the unavoidable adverse environmental effects. CEQA Section 21081(b); State CEQA Guidelines Section 15093.

Section 15093 of the State CEQA Guidelines provides the following:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide and statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

As discussed in detail in the EIR and summarized in Section IV, above, the Project would result in four significant unavoidable impacts related to air quality and noise, despite the City adopting and incorporating mitigation into the Project. Specifically, the Project would have significant and unavoidable impacts related to the following:

- Cumulatively Considerable Net Increase in Criteria Pollutants (project-level and cumulative)
- Substantial Pollutant Concentrations (project-level and cumulative)
- Construction Noise (project-level and cumulative)
- Ground-borne Vibration and Noise Levels (project-level and cumulative)

The City identified a potentially feasible alternative (the Reduced Scale Alternative) that would result in the reduction of some of the Project’s impacts. The Reduced Scale Alternative would have less gross square footage for development (3.44 million gsf) compared to the other alternatives as well as the Project, which would reduce the construction effort and overall construction-period impacts related to air quality, GHG emissions, noise, and energy. Compared to the Project, the Reduced Scale

Alternative would result in 30 percent fewer residential uses (approximately 2,709 new residents in 1,260 units) and 30 percent fewer employees (approximately 8,796 net new employees at the Project site but 1,615 fewer employees compared to the assumptions in the General Plan). Therefore, operational impacts related to residents and employees, such as the demand related to public services and utilities, the jobs/housing imbalance, and population growth, would also be reduced. Although gross square footage would be less, construction-period disturbance impacts associated with cultural resources, tribal cultural resources, erosion, and water quality would most likely be similar to those of the other alternatives and the Project. The Reduced Scale Alternative would result in fewer daily trips compared to the other alternatives and the Project and thus lower overall operational air quality, GHG, and traffic noise impacts. There are no resource areas for which the Reduced Scale Alternative would have greater impacts than the other alternatives or the Project. However, the Reduced Scale Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with mitigation, significant and unavoidable) as the Project. Most notably, although the significant and unavoidable impacts of the Project would be slightly less under this alternative, none of these impacts would be reduced to less than significant under the Reduced Scale Alternative.

Specifically, the Reduced Scale Alternative would reduce air quality impacts related to operational criteria air pollutant emissions, exposure of sensitive receptors to carbon monoxide (CO) hot-spots, construction and operational TAC emissions, and cumulative health risks, compared to the Project. However, the impact conclusions of the Reduced Scale Alternative would remain the same as the Project, significant and unavoidable with mitigation for operational criteria air pollutant emissions and construction and operational TAC emissions, and less than significant for exposure of sensitive receptors to CO hot-spots. In addition, the Reduced Scale Alternative would result in similar significant and unavoidable cumulative criteria pollutant impacts as the Project. The Reduced Scale Alternative would also result in similar significant and unavoidable noise impacts as the Project related to construction noise, ground-borne vibration and noise levels, and cumulative construction noise and cumulative vibration effects. Therefore, although impacts would be slightly reduced or similar to the Project, the impact conclusions under the Reduced Scale Alternative would remain the same.

Furthermore, although the Reduced Scale Alternative was initially determined to be *potentially* feasible (subject to further review as the CEQA process proceeded), the City has now determined that the Reduced Scale Alternative is not feasible for the specific economic, social, environmental, technological, legal or other considerations set forth in Section V, above. Under CEQA, “the decision-makers may reject as infeasible alternatives that were identified in the EIR as potentially feasible” (*San Diego Citizenry Group v. County of San Diego* [2013], 219 Cal. App. 4th 1, 18).

The City certifies that it has considered the information on alternatives provided in the EIR and in the record and finds that, as described in the EIR, and for the reasons identified in Section V, above, there are no feasible alternatives that would avoid all of the above-listed significant and unavoidable impacts.

A. Overriding Considerations

The City finds that, notwithstanding the disclosure of the above significant unavoidable impacts, there are specific overriding economic, social, technological, and other reasons for approving the Project. Those reasons are as follows:

- The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations, as well as the benefits of the Project separately and

independently, outweighs the remaining significant adverse impacts that are unavoidable or not mitigated to below a level of significance after mitigation and is an overriding consideration independently warranting approval.

The remaining significant adverse impacts that are unavoidable or not mitigated to below a level of significance after mitigation identified above are acceptable in light of each of the benefits of the Project, as identified below. These benefits and considerations are based on the facts set forth in the Findings, the Final EIR (including, without limitation, the response to comments and appendices and attachments thereto), and the record of the proceedings for the Project. The City finds that substantial evidence in the record supports the determination made in this Statement of Overriding Considerations, that the facts stated are supported by substantial evidence in the record, including comments received at the Planning Commission and City Council hearings, the staff reports and presentations, and all materials in the project files. To the extent that other evidence was presented that is contrary to the determinations made in this Statement of Overriding Considerations or in the Findings, such evidence was considered, weighed, and determined to be insufficient in weight or credibility to detract from the determinations made herein or in the Findings such that the City reached these determinations after due consideration of all evidence presented to it. Each of these benefits and considerations is a separate and independent basis that justifies approval of the Project, so that if a court were to set aside the determination that any particular benefit or consideration will occur and justifies project approval, the City determines that it would stand by its determination that the remaining benefit(s) or consideration(s) is or are sufficient to warrant project approval.

Facts in Support of Statement of Overriding Considerations

Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, and the City determines that the adverse environmental impacts of the Project are “acceptable” if any one of these benefits will be realized. The Project will provide benefits to the City of Santa Clara as follows:

1. Provides Economic Benefits and Jobs to the City of Santa Clara.

The Project would develop a model for urban growth that maximizes the Project site’s economic, cultural, and ecological potential; generates tax revenue for the City; and creates permanent and construction-related jobs. At buildout, the Project is expected to annually generate revenue to the City’s General Fund from property taxes, sales and use taxes, franchise fees, permits and licenses, document transfer taxes, business license taxes, and other governmental revenues that more than offset the annual cost of re-occurring public services to the Project, representing an estimated annual net benefit to the General Fund of more than \$4 million.¹⁵

Additionally, the Project is estimated to create permanent onsite jobs, related to the development of up to 3 million gross square feet (“gsf”) of office/research and development space, 100,000 gsf of neighborhood retail space, and supportive jobs related to the operation and management of the up to 1,800 residential units. The Project is also expected to create approximately 400 onsite construction worker jobs, with many construction jobs extending over the project buildout period. The Development Agreement for the Project obligates persons and entities providing materials to be used in connection with the construction and development of the Project to designate the Property as the place of use of materials used in the construction of the Project and the place of sale of all fixtures installed in and/or furnished in order to

¹⁵ Keyser Marston Associates. 2024. *Memorandum: Mission Point Project, Fiscal Impact Analysis Peer Review* (“KMA Applicant FIA Peer Review Memorandum”). September 18, 2024, at 2.

have the local portion of the sales and use tax distributed directly to the City instead of through the county-wide pool. This designation will result in significant additional revenue to the City generated throughout the Project's buildout with an estimated value of up to \$10 million.¹⁶

2. Accommodates Regional Housing Needs

Over its projected buildout period, the Project proposes to construct up to 1,800 new dwelling units. The Project will provide fifteen percent (15%) of the residential units constructed as deed restricted affordable units with a maximum average Area Median Income ("AMI") of eighty percent (80%) to be maintained as the Project builds out (i.e. by sub-phase). The maximum rental qualifying income level is one hundred percent (100%) AMI and the maximum for-sale qualifying income level is one hundred twenty percent (120%) AMI. The Project's affordability will provide a deeper level of affordability than the City's inclusionary housing ordinance requires, which provides for a maximum average AMI of 100% for rental and ownership projects.¹⁷ The Project will meet all requirements of the City's existing affordable housing ordinance with respect to general requirements for affordable units.¹⁸ In addition to providing affordable housing and meeting the City's inclusionary and affordable housing fee requirements, which is valued at approximately \$104 million, the Project's increased affordability is valued at up to \$46 million.¹⁹

The Project would broaden the housing supply and business opportunities in North Santa Clara through development of a human-centric, interconnected urban neighborhood that provides a diverse and complementary mix of residential, commercial, retail, and community space. The City's Housing Element states that 11,632 new housing units are needed to meet the City's Regional Housing Needs Allocation ("RHNA") between 2023 and 2031.²⁰ The Project's addition of residential to an area that currently does not allow housing will help meet the City's RHNA and projected future housing needs. The Project proposes to convert an underutilized, single-use 48.6-acre site into a pedestrian-oriented, high-intensity and very high-density mixed-use development that is sustainable and inclusive by design, with a range of building types, enriching connections between people, places, and open space. The proposed housing would be accommodated onsite by developing the up to 3 million gsf of office/research and development uses that have already been assumed in the City's General Plan and RHNA assumptions on a smaller portion of the property, providing for multifamily housing (including affordable housing) that is unaccounted for in the City's Housing Element and RHNA, public and private parks and open space, neighborhood-serving services and retail, and community amenity space.

3. Enhances Public Access, Multimodal Transportation, and Recreational Opportunities.

The Project would promote and support local, regional, and state mobility and greenhouse gas emissions reduction objectives to reduce vehicle miles traveled ("VMT") through infill and mixed-use development in an existing urbanized and transit-rich area. Ridership of multimodal transportation would be facilitated through the Project's minimization of vehicular infrastructure, implementation of a transportation demand management plan, and promotion of an active pedestrian realm, while providing efficient access to sufficient and flexible parking that meets current and future demand. In addition, it is anticipated that

¹⁶ Keyser Marston Associates. 2024. *Memorandum: Mission Point Project Community Benefits Valuation* ("KMA Community Benefits Memorandum"). September 19, 2024.

¹⁷ City of Santa Clara Municipal Code ("SCMC") §§ 17.40.080(a), 17.40.090.

¹⁸ SCMC § 17.40.050.

¹⁹ KMA Community Benefits Memorandum, at 5, 14.

²⁰ City of Santa Clara, 2023-2031 Housing Element, (adopted May 7, 2024), at 13.4-27, <https://www.santaclaraca.gov/home/showpublisheddocument/84098/638531119242400000>.

onsite construction workers would most likely be drawn from the existing and future labor market in the city and county, limiting VMT as well as impacts to city services from the Project's construction workforce as the workers are included within the service population.

The Project's new public parkland and new multi-use trail would provide recreational and pedestrian oriented connectivity in an area planned for increased residential use that currently has little local public or private parkland. Because the Project site is zoned for commercial use, which does not include a requirement for parkland, the Project's proposed multi-use trail and public parkland would facilitate regional recreational connectivity that would otherwise not be provided. The Project would provide abundant and varied onsite recreational amenities, including continuous access to at-grade, podium-level, and rooftop public and private open space with flexible programming in accordance with the City's park ordinance. The Project has committed to maintain the public parkland and multi-use trail for 40 years, which is valued at up to \$10.6 million.²¹

4. Promotes Community, Public Art and Education.

The Project includes childcare facilities valued at \$1 million, a grocery store providing an estimated \$6 million in community benefit, and up to \$5 million of outward-facing arts and cultural programming or feature(s) within the public realm, with features located within parks and/or on private property visible to the public.²² Examples of arts programming include sculpture, murals and art designed for screening, performing arts programming, exhibition or performance spaces, and functional art such as benches and bike racks. Programming of the funds is subject to review and approval by the Santa Clara Cultural Commission. The Project has also committed to provide up to \$3 million toward improvements at the Mission College and Great America intersection.²³ An additional maximum payment of \$3.5 million would be provided to the City for the purchase of a fire engine and a tractor drawn areal apparatus.²⁴ All together the Project would provide up to \$88.7 million in community benefits, including the increased affordable housing plan and parkland maintenance agreement described in sections 2 and 3 above and the benefits described in this section.²⁵ In addition to these community benefits, residential units onsite would generate an approximately \$12.4 million annual net fiscal benefit to the Santa Clara Unified School District, promoting educational services within the community.²⁶

5. Provides Sustainable Infrastructure and Energy Improvements.

Compared to a lower-density project, the proposed density at the Project site would serve to reduce the physical footprint required for the same number of people to live, socialize, and work, thereby decreasing the land, water, and energy required per capita. By mixing residential, commercial, retail, and childcare, the Project would provide centralized amenities to reduce the time, distance, and environmental impacts associated with traveling to offsite locations. In addition, the Project site is adjacent to current and future transit lines and bicycle corridors, which are connected to the surrounding community, facilitating multimodal transportation. The Project would convert much of the current hardscape into open spaces, urban nature areas, recreation fields, gardens, plazas, and streetscapes that promote stormwater management and habitat restoration and use recycled water for irrigation and landscaping.

²¹ KMA Community Benefits Memorandum, at 2, 6.

²² *Id.*, at 2, 4, 9.

²³ KMA Community Benefits Memorandum, at 2-3.

²⁴ *Id.* at 2.

²⁵ *Id.*, at 2.

²⁶ KMA Applicant FIA Peer Review Memorandum, at 2.

In addition to an estimated total of \$6.9 million in transportation impact fees, the Project will contribute a total sum of up to \$6,467,159 in fair share traffic fees payable to the City for the Project's contributions to certain intersection improvements.²⁷ These improvements include upgrades to bicycle lanes and walkways for increased pedestrian connectivity. Development of the Project will entail vacation of Democracy Way with attendant sewer, stormwater, and power system upgrades, as well as sea level rise resiliency.

The Project's energy-efficient building design would utilize best-practice building designs, renewable energy procurement, and strategies for reducing energy use and carbon emissions, including parking spaces that are Level 2 Ready or capable, as well as onsite renewable energy generation with the use of rooftop solar panels. Water consumption onsite would be reduced through utilization of low-flow and low-flush plumbing fixtures and accessible water data (at the building or floor level) to inform occupants of water use. Landscaping would include native and drought-resistant plants, and tree canopies at parks, plazas, and along the trail.

On balance, the City finds that there are specific considerations associated with the Project that serve to override and outweigh the Project's significant unavoidable environmental impacts. Therefore, the significant unavoidable environmental impacts associated with the Project are considered acceptable pursuant to CEQA Section 21081(b) and State CEQA Guidelines Section 15093.

As the CEQA lead agency for the proposed action, the City has reviewed the Project description and the EIR and fully understands the Project. Based on the entire record before the City, and having considered the unavoidable adverse impacts of the Project, the City hereby determines that all feasible mitigation has been adopted to reduce the potentially significant impacts identified in the EIR and that no additional feasible mitigation is available to further reduce significant impacts. The City finds that economic, social, technological, and other considerations of the Project outweigh the unavoidable adverse impacts described above. Furthermore, the City finds that each of the separate benefits of the Project is hereby determined to be, in itself and independent of the other Project benefits, a basis for overriding all unavoidable environmental impacts identified in the EIR and in these findings. In making this finding, the City has balanced the benefits of the Project against its unavoidable environmental impacts and has found those impacts to be acceptable.

²⁷ KMA Community Benefits Memorandum, at 11, 16.

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING
APPROVAL AND CERTIFICATION OF A FINAL
ENVIRONMENTAL IMPACT REPORT, RECOMMENDING
ADOPTION OF CEQA FINDINGS AND A STATEMENT OF
OVERRIDING CONSIDERATIONS WITH RESPECT THERETO,
AND A MITIGATION MONITORING AND REPORTING
PROGRAM FOR THE MISSION POINT PROJECT**

SCH No.: 2018072068
Mission Point Project Environmental Impact Report

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly owned subsidiary Innovation commons Owner, LLC (“Owner”) made an application for a General Plan Amendment in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Project approvals will include a General Plan Amendment to change the General Plan land use designation from High-Intensity Office/Research & Development to the newly created designations of Urban Center Mixed Use and Urban Center Mission Point; a Rezoning of the Project Site from High-Intensity Office/Research and Development (“HO-RD”) to Planned Development (“PD”); a Vesting Tentative Subdivision Map to subdivide the property into five lots, with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, the “Project”);

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15081, this Project was determined after an Initial Study to identify potentially significant effects on the environment, resulting in the

preparation of an Environmental Impact Report ("EIR") and Mitigation Monitoring and Reporting Program ("MMRP");

WHEREAS, in addition to the Project, the EIR studied the Reduced Office/Increased Housing Alternative, which assumed the development of 800 multi-family housing units in Area C (for a total of up to 2,600 housing units for the entire Project) instead of approximately 789,000 gsf of office/R&D space, but otherwise maintained all other land use and developments assumptions of the Project;

WHEREAS, the City distributed a Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the Project on July 27, 2018 and a revised version on October 1, 2018 and April 18, 2022, and in each instance, the City posted the Notice of Preparation at the Santa Clara County Clerk's office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR; and

WHEREAS, in conformance with CEQA, the EIR was noticed and circulated for a 45-day public review period to the State Office of Planning and Research, Santa Clara County Clerk's Office, interested parties, and property owners within one quarter mile of the Project Site from November 17, 2023 to January 2, 2024 ("Comment Period"), where during that period comment letters were received from Caltrans, the California Department of Toxic Substances Control, Santa Clara Unified School District, Santa Clara Valley Water District, City of San Jose Airport Planning and Development, San Francisco Public Utilities Commission, Santa Clara Valley Transportation Authority, and a law firm representing Silicon Valley Residents for Responsible Development;

WHEREAS, the City prepared written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"). The FEIR consists of a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, and copies of comment letters. The FEIR was distributed for a 10-day review period beginning on March 13, 2024;

WHEREAS, on October 23, during the public hearing before the Planning Commission on the Project described herein, Owner proposed the Office/R&D – Residential Flex option for the Planned Development zoning, which would permit development of up to 800 additional residential units in Area C (for a total of 2,600 units for the Project), or a mix of residential and office/R&D uses in Area C, with a corresponding reduction in square footage of office/R&D uses and a proportional increase in deed-restricted affordable residential units in Area C (“Revised Project”), as shown in Exhibit “PD Development Plans: Revised Project” to Resolution No. [REDACTED]; and the Planning Commission indicated it was interested in that option;

WHEREAS, the Revised Project would, like the Project, include a General Plan Amendment to change the General Plan land use designation from High-Intensity Office/Research & Development to the newly created designations of Urban Center Mixed Use and Urban Center Mission Point; a Rezoning of the Project Site from High-Intensity Office/Research and Development (“HO-RD”) to Planned Development (“PD”); a Vesting Tentative Subdivision Map to subdivide the property into five lots, with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement;

WHEREAS, the Revised Project is a mixed-use commercial/residential development project with the same overall size as the Project and on the same Project Site, where the only changes involve the composition and ration of residential to commercial uses;

WHEREAS, the Reduced Office/Increased Housing Alternative analyzed in the EIR and presented for public input has the same footprint, and is very similar in scope and use to the Revised Project;

WHEREAS, the FEIR includes Attachment 3, which analyzed the Revised Project and determined the Revised Project is essentially the same as the Reduced Office/Increased Housing Alternative analyzed in detail in the EIR and that the Revised Project would result in impacts that are the same as or similar to those of the Project, some Air Quality and Population and Housing impacts

would be less than those caused by the Project, and no impacts would be greater than the Project and therefore the impacts of the Revised Project are fully within the scope of the analysis in the Final EIR and the Revised Project does not result in a new significant environmental impact nor a substantial increase in the severity of an environmental impact already disclosed in the EIR;

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project (and the Revised Project) as proposed;

WHEREAS, the EIR outlined various mitigation measures that would substantially lessen or avoid the Revised Project's significant effects on the environment, as well as alternatives to the Revised Project as proposed that would provide some environmental advantages;

WHEREAS, the City is required, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

WHEREAS, Public Resources Code Section 21081, subdivision (a) requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, the "CEQA Findings" attached to this Resolution is a set of Findings of Fact and a Statement of Overriding Considerations prepared in order to satisfy the requirements of Public Resources Code Section 21081, subdivision (a);

WHEREAS, the Planning Commission has determined the No Project alternative and the Reduced Density alternative, which was identified as the environmentally superior alternative, would not sufficiently satisfy the Project Objectives and that other alternatives analyzed in the EIR are not environmentally superior alternatives. The details supporting these determinations are set forth in the CEQA Findings;

WHEREAS, in taking this course, the Planning Commission has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

WHEREAS, many of the significant and potentially significant environmental effects associated with the Revised Project can either be substantially lessened or avoided through the inclusion of mitigation measures specified in the EIR and the MMRP;

WHEREAS, the Planning Commission, in reviewing the Revised Project, recommends that the City Council adopt all mitigation measures set forth in the EIR and make them enforceable through any project approvals;

WHEREAS, notice of the October 9, 2024 public hearing on the EIR was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on September 26, 2024, notices of the October 9, 2024 public hearing to consider the EIR mailed to all property owners within one quarter mile of the property, according to the most recent Assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing for the Project, and then immediately voted to continue the hearing to the October 23, 2024 meeting;

WHEREAS, on October 23, 2024 the Planning Commission conducted a duly noticed public hearing during which the Owner proposed the Revised Project as described above, at the conclusion of which, the Commission voted to continue the matter to the meeting of November 6, 2024;

WHEREAS, on October 25, 2024, additional notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds the EIR, including Attachment 3 to the EIR, has been presented to the Commission, which reviewed and considered the information and analysis contained therein before making its determination, and that the EIR reflects the Commission's independent judgment and analysis.
3. That the Planning Commission hereby finds that the EIR is complete and prepared in compliance with CEQA.
4. That the Planning Commission hereby finds that many of the potentially significant environmental impacts that could directly or indirectly result from the Revised Project would be reduced to a less-than-significant level by the mitigation measures specified in the EIR and MMRP.
5. That the Planning Commission hereby finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that the proposed mitigation measures described in the EIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest as conditions of approval when the Revised Project is approved.

6. That the Planning Commission hereby finds that none of the Alternatives set forth in the EIR would both be feasible and substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures.

7. That the Planning Commission hereby finds that the EIR set forth program and cumulative environmental impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Planning Commission finds that there exist certain overriding economic, social and other considerations for approving the Revised Project that justify the occurrence of those impacts, as detailed in the “CEQA Findings & Statement of Overriding Considerations – Revised Project” attached hereto.

8. That, in order to comply with Public Resources Code Section 21081.6, the Planning Commission recommends that the City Council adopt the Mitigation Monitoring and Reporting Program as set forth in the attached MMRP. The MMRP is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the action to be taken and the party responsible for implementation.

9. That the Planning Commission hereby recommends that the City Council certify the EIR, adopt the CEQA Findings & Statement of Overriding Considerations for the Revised Project, and adopt the MMRP for the Revised Project as required by the CEQA Guidelines.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigation Monitoring and Reporting Program (MMRP)
2. CEQA Findings & Statement of Overriding Considerations – Revised Project

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION
REGARDING THE ENVIRONMENTAL IMPACT REPORT
FOR THE MISSION POINT PROJECT**

City of Santa Clara Project Nos. PLN2017-12924, PLN2018-13400,
PLN21-15386, and PLN21-15387

State Clearinghouse No. 2018072068

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION
REGARDING THE ENVIRONMENTAL IMPACT REPORT
FOR THE MISSION POINT PROJECT**

City of Santa Clara Project Nos. PLN2017-12924, PLN2018-13400,
PLN21-15386, and PLN21-15387

State Clearinghouse No. 2018072068

I. Introduction

The California Environmental Quality Act of 1970 (CEQA), Public Resources Code Section 21081 *et seq.*, and the Guidelines for Implementation for the California Environmental Quality Act, Title 14, California Code of Regulations, Section 15091 *et seq.* (State CEQA Guidelines), require a public agency to consider the environmental impacts of a project before the project is approved and make specific findings. Furthermore, Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by” CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” However, “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” PRC Section 21002.

The mandate and principles in Public Resources Code Section 21002 are implemented, in part, through a requirement for agencies to adopt findings before approving projects for which environmental impact reports (EIRs) are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding, supported by substantial evidence, reaching one or more of three permissible conclusions. State CEQA Guidelines Section 15091 specifically provides as follows:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

State CEQA Guidelines Section 15093 further provides as follows:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action, based on the final EIR and/ or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Under CEQA and the State CEQA Guidelines, “feasible” is defined to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (State CEQA Guidelines Section 15364; Public Resources Code Section 21061.1; see also *Citizens of Goleta Valley v. Bd. of Supervisors* [1990] 52 Cal. 3d 553, 565 [*Goleta II*]). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (see *City of Del Mar v. City of San Diego* [1982], 133 Cal. App. 3d 401, 417; *Sierra Club v. County of Napa* [2004], 121 Cal. App. 4th 1490, 1506–1509).

[court upholds CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; and *California Native Plant Society v. City of Santa Cruz* [2009], 177 Cal. App. 4th 957, 1001 [CNPS] [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”] (quoting *Kostka & Zischke, Practice Under the Cal. Environmental Quality Act* [Cont. Ed. Bar 2d ed. 2009] [Kostka], Section 17.30, p. 825). In re *Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008), 43 Cal. 4th 1143, 1165, 1166 (*Bay-Delta*) (“[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives;” “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”). Moreover, “‘feasibility,’ under CEQA, encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (see *City of Del Mar, supra*, 133 Cal. App. 3d at p. 417; *CNPS, supra*, 177 Cal. App. 4th at p. 1001 [“an alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible”] [quoting *Kostka, supra*, Section 17.29, p. 824]; and *San Diego Citizenry Group v. County of San Diego* [2013] 219 Cal. App. 4th 1, 17).

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. Although State CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been “avoided” (i.e., reduced to a less-than-significant level).

CEQA requires the lead agency to adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines Section 15091[a], [b]).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations, setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects” (State CEQA Guidelines Sections 15093, 15043[b]; see also Public Resources Code Section 21081[b]). The California Supreme Court has stated that “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta II, supra*, 52 Cal. 3d at p. 576).

A. Background

The City evaluated the environmental impacts of implementation of the Project by preparing an EIR in compliance with CEQA. These findings of fact (sometimes referred to herein as “findings”) constitute the City of Santa Clara’s (City’s) evidentiary and policy bases for its

decision to approve the Project in a manner consistent with the requirements of CEQA and are made with respect to the conclusions of the EIR.

The EIR for the Mission Point Project analyzed the project as originally proposed by Kylli (referred to herein as the “Project”), as well as several alternatives to the Project, including the Reduced Office/Increased Housing Alternative. The EIR concluded that the Project would create significant and unavoidable impacts. At the Planning Commission meeting on October 23, 2024, the Applicant asked the City to consider a version of the Project to allow up to 800 additional residential units in planning area C of the Project, with a corresponding reduction in office space (the “Revised Project” also known as “Option B”). The Revised Project was assessed by the City’s environmental consultant, ICF, who concluded that the Revised Project is within the scope of the EIR as explained in the [x] memorandum dated October 31, 2024, and included as Attachment 3 to the Final Environmental Impact Report. Although the Revised Project would have incrementally reduced impacts compared to the Project and the Reduced Commercial/Increase Housing Alternative, the Revised Project would have the same significant and unavoidable impacts as the Project, and be subject to the same mitigation measures as the Project; thus, a statement of overriding considerations was required. These findings use the term “Project” for statements that equally apply to both the Proposed Project and the Revised Project. Where there is a distinction between the projects, the findings use the specific terminology.

To the extent that these findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to ensuring that these measures are implemented by the appropriate party(ies). These findings, in other words, are not merely informational but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Revised Project. In addition, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project. The City will use the MMRP to track compliance with Project’s mitigation measures and project design features. The MMRP will remain available for public review during the compliance period. The final MMRP is attached to and incorporated into the environmental document approval resolution and approved in conjunction with certification of the EIR and adoption of these findings of fact.

Having received, reviewed, and considered the draft EIR and the final EIR for the Project, State Clearinghouse No. 2018072068, as well as other information in the record of proceedings on this matter, the City Council, in its capacity as the decision-making body of the CEQA lead agency, hereby finds, determines, and declares the following findings and facts, in accordance with Section 21081 of the Public Resources Code. These findings set forth the environmental basis for the discretionary actions to be undertaken by the City of Santa Clara for development of the Revised Project. These actions by the City are listed in Section II.C.

B. Document Format

These findings have been organized into the following sections:

(1) Section I provides an introduction to the findings.

- (2) Section II provides a summary of the Revised Project, an overview of the discretionary actions required for approval of the Revised Project, and a statement of the Project's objectives.
- (3) Section III provides a summary of the environmental review related to the Project and a summary of public participation in the environmental review for the Project.
- (4) Section IV sets forth findings regarding the potential impact areas identified in the EIR. This section details findings regarding impacts for which the City has determined that there is no impact or the impact is less than significant, and thus, no mitigation is required; findings regarding potentially significant environmental impacts identified in the EIR that the City has determined can be feasibly mitigated to a less-than-significant level through the imposition of mitigation measures; and findings regarding those significant or potentially significant environmental impacts identified in the EIR that will or may result from the Revised Project and the City has determined will remain significant and unavoidable, despite the identification and incorporation of all feasible mitigation measures.

In order to ensure compliance and implementation, all mitigation measures will be included in the MMRP for the Revised Project and adopted as conditions of the Revised Project by the lead agency. Where potentially significant impacts can be reduced to a less-than-significant level through mitigation, the findings specify how the impacts would be reduced to an acceptable level.

- (5) Section V sets forth findings regarding alternatives to the Project.
- (6) Section VI sets forth findings regarding the growth-inducing impacts of the Project.
- (7) Section VII sets forth findings regarding recirculation of the Draft EIR.
- (8) Section VIII sets forth findings regarding recirculation of the Final EIR.
- (9) Section IX contains the findings pursuant to Public Resources Code Section 21082.1(c)(3).
- (10) Section X contains the statement of overriding considerations for the Revised Project pursuant to State CEQA Guidelines Section 15093.

C. Custodian and Location of Record

The Project EIR consists of:

1. The Draft EIR and Appendices 1 through 5, dated November 2023; and
2. The Final EIR, dated March 2024, with the inclusion of Attachment 3, the ICF analysis of the Revised Project, and including the Draft EIR and all Appendices.

The following findings of fact are based in part on the information contained in Final EIR for the Project including the ICF analysis of the Revised Project (Final EIR Attachment 3) as well as additional facts found in the record of proceedings. The EIR is hereby incorporated by reference

and is available for review at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, California, 95050 during normal business hours.

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code Section 21167.6, subdivision (e). The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR for the Project and all documents relied upon or incorporated by reference;
- All comments submitted on the Draft EIR by agencies or members of the public during the 46-day comment period;
- All comments and correspondence on the Draft EIR submitted to the City during the public comment period, in addition to all other timely comments;
- The Final EIR for the Project, including the Planning Commission staff reports, minutes of the Planning Commission public hearings; City Council staff report; minutes of the City Council public hearing; comments received on the Draft EIR; the City's responses to the comments; technical appendices; and all documents relied upon or incorporated by reference;
- The MMRP for the Project;
- All findings and resolutions adopted by the City in connection with the Revised Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Any minutes and/or verbatim transcripts of information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at information sessions, public meetings, and public hearings;
- All resolutions adopted by the City regarding the Revised Project, and all staff reports, analyses, and summaries related to adoption of the resolutions;

- The City General Plan along with all updates and related environmental analyses;
- Matters of common knowledge to the City, including, but not limited to, federal, State of California (State), and local laws and regulations;
- The City Code;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The documents and other materials that constitute the administrative record for the City's actions related to the Project are at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, California, 95050. The City is the custodian of the administrative record for the Project.

The City has relied on all of the documents listed above in reaching its decisions on the Revised Project, even if not every document was formally presented to the City Council or City staff members as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project (see *City of Santa Cruz v. Local Agency Formation Commission* [1978], 76 Cal. App. 3d 381, 391-392, and *Dominey v. Department of Personnel Administration* [1988], 205 Cal. App. 3d 729, 738, fn. 6). Other documents influenced the expert advice provided to City staff members or consultants, who then provided advice to the Planning Commission and the City Council as final decision-makers. For that reason, such documents form part of the underlying factual basis for the City's decisions related to approval of the Project (see Public Resources Code Section 21167.6[e][10]; *Browning-Ferris Industries v. City Council of City of San Jose* [1986], 181 Cal. App. 3d 852, 866; and *Stanislaus Audubon Society, Inc. v. County of Stanislaus* [1995], 33 Cal. App. 4th 144, 153, 155).

II. Project Summary

A. Project Location

The Project site is located on nine parcels (assessor's parcel numbers [APNs] 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, and 104-04-064), totaling approximately 46 acres, as well as Democracy Way, a privately owned street subject to an existing public right-of-way (ROW) easement that covers approximately 2.6 acres, for a combined total Project area of 48.6 acres. The Project site is generally located along the Great America Parkway corridor in Santa Clara. It is bounded by Tasman Drive to the north, Old Ironsides Drive to the east, the ROW associated with the Hetch Hetchy aqueduct to the south, and Patrick Henry Drive to the west.

The Project site is currently developed with four light industrial buildings, totaling approximately 142,050 gross square feet (gsf), on the northern portion of the site that were constructed in the late 1970s and a paved surface parking lot south of Democracy Way with approximately 5,081 parking

spaces. Kylli, Inc. (Project Sponsor), the U.S. real estate subsidiary of Genzon Investment Group, currently occupies one of the buildings on the Project site; the other buildings are vacant. The current primary use on the Project site is temporary event parking for Levi's Stadium, which uses 3,300 parking spaces. The rest of the parking spaces are used by Amazon as training grounds for drivers. The Project site is designated in the General Plan as High-Intensity Office/Research and Development (R&D) and is zoned High-Intensity Office/R&D.

Existing uses adjacent to the Project site include mostly low-intensity office/R&D uses within areas that have been zoned Low-Intensity Office, High-Intensity Office/R&D, HD Flex, Urban Center, Urban Village, Village Residential, Very High Density Residential, Community Regional, and Planned Development (PD). Businesses within the immediate vicinity of the Project site include Citrix, Silicon Valley Bank, Fabrinet West, PetaIO, Banpil Photonics, and National Instruments, among other companies. These are housed in office/industrial buildings that range from small single-story office buildings to mid-rise, multi-story buildings. Immediately south of the Project site, parcels with low-intensity office/R&D and light industrial uses are zoned PD. This area, referred to as the Patrick Henry Drive Specific Plan area, is bounded by the Hetch Hetchy ROW to the north, Great America Parkway to the east, Calabazas Creek Trail to the west, and Mission College Boulevard to the south. The Patrick Henry Drive Specific Plan was approved to convert industrial uses to high-density residential and/or office uses. San Francisco Bay is approximately 1 mile north of the Project site. California's Great America amusement park and Levi's Stadium are approximately 0.3 and 0.45 mile east of the Project site, respectively.

B. Project Characteristics

The Project Sponsor proposes a mixed-use development on a 48.61-acre site in Santa Clara, California. If approved by the City Council and applicable regulatory agencies, the Project would demolish existing office buildings and establish a new mixed-use neighborhood. The existing General Plan designation of High-Intensity Office/R&D would be changed to Urban Center Mixed Use and Urban Center Mission Point, and existing zoning would be changed from High-Intensity Office/R&D to PD, providing a transit-oriented "live, work, socialize, and recreate" environment.

The original Project analyzed in the EIR would include up to 4,913,000 gsf of new development, including up to 1,800 units (approximately 1.8 million gsf for residential uses), up to 3 million gsf of office/R&D¹ space, approximately 100,000 gsf for retail uses, and approximately 10,000 gsf for childcare facilities. An approximately 27,000-square-foot electrical substation may be constructed to support the Project.² Parking would be provided in a mix of subsurface and aboveground parking facilities. In addition, the Project would include up to approximately 16 acres of publicly accessible open space at grade level as well as approximately 10 acres of private open space for residential and office uses;³ new bicycle, pedestrian, and vehicular circulation routes; and upgraded and expanded infrastructure.

¹ Although the end uses have not yet been determined, the Project may include lab/R&D uses. For CEQA purposes, up to 30 percent laboratory use has been assumed. All future references to "office" include permitted lab/R&D uses.

² The size, design, and location of the substation are subject to discussion with Silicon Valley Power.

³ Additional private open space would be provided on terraces, balconies, and rooftops. These spaces are not included as part of the calculations.

Under the Reduced Office/Increased Housing Alternative, the total building area and uses would remain the same (up to 4,913,000 gsf (residential, office/R&D, retail, childcare, and community amenities). The overall office square footage would be reduced and the overall number of housing units would increase. This would be accomplished by removing all 789,000 gsf of office/R&D space in Area C and replacing it with 800 multifamily housing units. The substation would be relocated to Area B. The size of the substation and all other Project characteristics (e.g., public parkland, private recreational amenities, private open space, parking, access and circulation) would remain the same.

The Revised Project would incrementally reduce several impacts as compared to the original Project. The Revised Project would result in development of the Project with an Office/R&D – Residential Flex option on Area C. The total building area and uses would remain the same (up to 4,913,000 gsf (residential, office/R&D, retail, childcare, and community amenities). The Office/R&D – Residential Flex option would also permit development of up to 800 residential units (for a total of up to 2,600 units), or a mix of uses with a corresponding reduction in square footage of office/R&D uses, and a proportional increase in deed-restricted residential units in Area C (“Office/R&D – Residential Flex”). Utilities, infrastructure and all other Project characteristics (e.g., public parkland, private recreational amenities, private open space, parking, access and circulation) would remain the same, except that an additional 1.5 acres of park land/open space would be integrated into the Revised Project if residential development occurs in Area C.

C. Discretionary Actions

Implementation of the Project would require, but not be limited to, the following discretionary approvals from the City:

- Certification of the final EIR
- Adoption of an MMRP
- General Plan Amendment
- Rezoning
- Tentative Subdivision Map and/or Vesting Tentative Subdivision Map
- Development Agreement
- Architectural Review
- Tree Removal
- Transportation Demand Management Plan
- Affordable Housing Plan

- Relevant permits and approvals for vacation of the public ROW easement for Democracy Way, relocation of public utility easements (including the potential for underground tunnels/utilities and/or bridges/connections), and establishment of Kylli Drive East and Kylli Drive West as private streets, subject to public and emergency access easements.

Prior to Project implementation, additional permits and/or approvals may be required from various governmental entities, including the following:

- Bay Area Air Quality Management District
- California Department of Transportation
- Federal Aviation Administration
- San Francisco Bay Regional Water Quality Control Board
- Santa Clara County Department of Public Health
- Santa Clara Fire Department
- Silicon Valley Power
- San Francisco Public Utility Commission

D. Statement of Project Objectives

The City identified the following Project objectives in the EIR, which are relevant to the physical impacts considered in this document:

- Support the City's North Santa Clara planning effort by converting an underutilized, single-use 48.6-acre site into a vibrant, pedestrian-oriented, high-intensity and very high-density mixed-use development that is sustainable and inclusive by design, with a range of building types, enriching connections between people, places, and open space.
- Broaden the housing supply and business opportunities in North Santa Clara through development of a human-centric, interconnected urban neighborhood that provides a diverse and complementary mix of residential, commercial, retail, and community space.
- Promote an active pedestrian realm with continuous access to at-grade, podium-level, and rooftop public and private open space with flexible programming.
- Promote and support local, regional, and State mobility and greenhouse gas (GHG) reduction objectives to reduce vehicle miles traveled and infrastructure costs through infill and mixed-use development in an existing urbanized and transit-rich area.
- Facilitate ridership of multimodal transportation and minimize vehicular infrastructure while providing efficient access to sufficient and flexible parking that meets current and future demand.

- Provide community benefits, including public open space, childcare facilities, and community space.
- Provide utility infrastructure to adequately support the Project.
- Meet the City's Affordable Housing Ordinance and Inclusionary Zoning requirements.
- Develop a model for urban growth that maximizes the Project site's economic, cultural, and ecological potential; generates tax revenue for the City; creates permanent and construction-related jobs; and contributes to achievement of the City's vehicle-miles-traveled goals.

The Project Sponsor identified the following additional objectives in the EIR:

- Redevelop the 48.6-acre site with up to 3 million gsf of office/R&D space, 100,000 gsf of neighborhood retail space, and 1,800 multifamily residences by consolidating, on a smaller portion of the property, the square footage for office/R&D previously assumed in the City's General Plan to accommodate new multifamily housing, including affordable housing, public and private parks and open space, neighborhood-serving services and retail, a substation, and community amenity space.
- Allow flexibility and ensure an orderly build-out of the Project, based on projected market demand and other factors, such as local and regional growth, Project financing, and development of final construction plans to ensure the Project remains economically feasible throughout a multi-year development process.
- Create a vibrant, walkable new neighborhood with a diverse and complementary mix of uses that is sustainable by design and able to support the City's vehicle-miles-traveled goals while realizing a market return on the property reflecting the cost of development.
- Privatize existing Democracy Way while preserving appropriate public and emergency vehicle access.

III. Environmental Review and Public Participation

The Final EIR, dated March 2024, includes the Draft EIR dated November 2023; written comments on the Draft EIR that were received during the public review period; written responses to these comments; clarifications/changes to the Draft EIR; and the MMRP. In conformance with CEQA, the City conducted an extensive environmental review of the Project, as described below.

- The City issued an NOP for the draft EIR on April 18, 2022, to federal, State, regional, and local government agencies and interested parties to solicit comments and inform agencies and the public of the Project. The NOP was released for a 30-day public review period, beginning April 18, 2022, and ending May 18, 2022. One virtual public scoping meeting was held on May 4, 2022. The purpose of the NOP was to allow various private and public entities to transmit their concerns and comments on the scope and content of the Draft EIR, focusing on specific information related to each individual's or group's interest or agency's statutory responsibility early in the environmental review process.

- Based on the NOP and responses, a determination was made that the EIR would contain a comprehensive analysis of the following environmental issues, as identified in Appendix G of the State CEQA Guidelines: land use and planning, transportation, air quality, GHG emissions, energy, noise, cultural resources, biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials, population and housing, public services and recreation, tribal and cultural resources, utilities and service systems, and cumulative impacts. The Project would not result in any environmental impacts related to agricultural and forestry resources, mineral resources, or wildfire because none of these resources or risks, as is the case with wildfire, exist at the Project site. The Project would also not result in environmental impacts related to aesthetics because it is a qualifying infill project within a transit priority area. Under Public Resources Code Section 21099(d), aesthetic impacts are not considered significant impacts on the environment for qualifying infill projects.
- An EIR was prepared for the proposed Project in accordance with the State CEQA Guidelines. As required by CEQA, the EIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the Project.
- A Draft EIR was prepared and circulated for a 46-day public review period, beginning on November 17, 2023, and ending on January 2, 2024. The Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding jurisdictions, interested parties, and other parties who requested a copy of the EIR, in accordance with California Public Resources Code Section 21092.
- The Draft EIR was available for public review on the City's webpage and, during normal business hours, at City Hall, located at 1500 Warburton Avenue, Santa Clara, CA, 95050. During this review period, the document was reviewed by various State, regional, and local agencies as well as interested organizations and individuals. Comment letters on the Draft EIR were received from seven public agencies and one organization. Comment letters and responses to comments are included in the Final EIR, which was issued in March 2024. The City's environmental consultant prepared an analysis of the Revised Project, which is incorporated into the Final EIR as Attachment 3.

IV. The Final EIR includes a list of agencies and organizations to whom the Draft EIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the Draft EIR, responses to comments received on the DEIR, and copies of comment letters. Findings Regarding Project Environmental Effects

The following potentially significant impacts were analyzed in the EIR, and the effects of the Project were considered.

A. Less-than-Significant Impacts that Do Not Require Mitigation

The Final EIR identified the below subtopics that would result in no impact or less-than-significant impacts. The City finds that, based on substantial evidence in the record, the following areas would result in impacts that were determined to be less than significant or no impact in the Final EIR. Therefore, no mitigation measures would be required for any of the following areas:

1. Land Use and Planning

- **Impact LU-1: Physical Division of an Established Community.** There are no established residential communities on the Project site. The Project would create a cohesive urban center integrated into surrounding office, R&D and commercial uses and add new residential uses adjacent to the Patrick Henry Specific Plan area. Although Democracy Way would be vacated, the Project would not block any existing roads or sever connections between adjacent properties because it would incorporate extensive new vehicular, bicycle, and pedestrian access roads and circulations routes within the Project site to maintain access between sites. Thus, the Project would not physically divide or disrupt an established community and would not reduce access for adjacent properties, resulting in no impact. **Impact LU-2: Conflicts with Adopted City Land Use Plans and Policies Regarding the Jobs/Housing Balance.** Construction of the Project would not conflict with any policies aimed at improving the City's jobs/housing balance because no permanent jobs or residences would be added during construction. Project operation also would not conflict with City General Plan policies aimed at improving the City's jobs/housing balance. With the exception of the need to amend the land use designation and zoning, the Project is consistent with all applicable general plan policies. The Project could include up to 3 million gsf of office/R&D development, which was assumed as part of the "Approved/Not Constructed and Pending Projects" identified in Figure 2.3- 1 and Table 8.6.2 of the General Plan. Therefore, the Project's office/R&D development is excluded from the General Plan's phasing limits and would not exceed the commercial caps outlined for Phases II and III. The Project maintains the same amount of office R&D space planned for in the City's General Plan and the Plan Bay Area. But, the Project would also provide additional housing units not already included in the City's Housing Element, which would improve the City's jobs/housing ratio. Further the Project is consistent with the general policy direction and key objections of Plan Bay Area 2050 because the Project is on an infill site near transit and would provide pedestrian and bicycle friendly streets. Therefore, there would be no conflict with policies regarding the jobs/housing ratio and the Project would result in no impact.

Reduced Office/Increased Housing Alternative: Compared to the Project, the Reduced Office/Increased Housing Alternative would result in fewer employees and more housing (2,600 units compared to 1,800 units). This alternative would have a greater effect on the jobs/housing imbalance than the Project, and it would improve the jobs/housing ratio compared to what is expected to result from the current City General Plan projections in 2035 (2.15) and ABAG's projections in 2040 (2.99) without the alternative. The Reduced Office/Increased Housing Alternative would decrease the jobs/housing imbalance to 2.08 in 2035 (under the General Plan projections) and to 2.87 in 2040 (under ABAG projections). In comparison, the Project would result in a slightly higher imbalance of 2.11 in 2035 and 2.91 in 2040. Therefore, the Reduced Office/Increased Housing Alternative would result in greater improvement in the jobs/housing imbalance compared with the Project, and there would be no impact. (NI)

Revised Project: As with the Reduced Office/Increased Housing Alternative, employment growth associated with operation of the Revised Project would improve the jobs/housing balance in the city to a greater extent than the Project because fewer jobs would be created

and more housing would be constructed. The Revised Project would provide mixed-use development in proximity to transit and would be within walking distance of multiple VTA light rail stations as well as Great America Station, which is served by Amtrak's Capitol Corridor and Altamont Corridor Express and would be largely consistent with surrounding uses, including Levi's Stadium, the Hilton Santa Clara Hotel, Convention Center, California's Great America Amusement Park, and the Patrick Henry Specific Plan adjacent to the site. The Revised Project would improve the jobs/housing ratio compared to what is expected to result from the current City General Plan projections in 2035 (2.15) and ABAG's projections in 2040 (2.99). (NI)

- **Impact LU-3: Conflicts with Airport Land Use Plan (Construction).** The Project would have no impact due to a conflict with the Comprehensive Land Use Plan (CLUP) for San José International Airport during construction because no permanent structures would be constructed during this phase.
- **Impact LU-3: Conflicts with Airport Land Use Plan (Operation).** The Project would not result in a significant environmental impact due to a conflict with the CLUP for San José International Airport because the Project is outside any potentially applicable CLUP and is required to comply with all Regulation Part 77 notification requirements in the standard conditions of approval. Therefore, potential impacts related to conflicts with an Airport Land Use Plan during operation would be less than significant.
- **Impact LU-4: Conflicts with Other Adopted City Land Use Plans and Policies.** The Project would not result in a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect because the Project is generally consistent with applicable goals, policies and actions. The Project would include a General Plan amendment and a Zoning Code amendment to accommodate high- intensity, urban-oriented development, eliminating potential conflicts related to the site's land use classification. Therefore, potential impacts due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

Reduced Office/Increased Housing Alternative: The proposed General Plan amendment, including the land use classification, would meet the intent of the land use policies. Although the alternative would result in some inconsistencies with the General Plan land use policies, similar to the Project, the ultimate determinations of General Plan consistency can and will be made by City Council. A proposed project can be generally consistent with a general plan, even though the project may not promote every applicable goal and policy. Because of the general consistency with land use policies, any potential conflicts with the General Plan related to the new land use classification under the Reduced Office/Increased Housing Alternative would be less than significant, similar to the Project. (LTS)

Revised Project: Because of the general consistency with land use policies, any potential conflicts with the General Plan related to the new land use classification under the Revised Project, would be similar to the Reduced Office/Increased Housing Alternative and would be less than significant. (LTS)

- **Impact C-LU-1: Cumulative Land Use Impacts.** The Project, in combination with other foreseeable development in the nine-county ABAG region, would not result in a significant cumulative environmental impact due to a conflict with some applicable land use plans, policies, and regulations because the Project is consistent with applicable land use plans, policies and regulations and would not contribute to a significant cumulative impact. The Project's proposed General Plan amendment and land use classifications meet the intent of the City's land use policies. Therefore, potential cumulative impacts related to any potential conflicts with the General Plan would be less than significant.

Reduced Office/Increased Housing Alternative: The Reduced Office/Increased Housing Alternative would introduce a project with fewer employees and more housing but the same amount of total floor area as the Project. Because the Reduced Office/Increased Housing Alternative would improve the city's overall jobs/housing balance, there would be no impact, and the Reduced Office/Increased Housing Alternative would not contribute to a cumulative impact. Similar to the Project, the Reduced Office/Increased Housing Alternative would be generally consistent with the applicable goals, policies and actions outlined in the CLUP and the City General Plan. Therefore, because of the alternative's general consistency with land use policies, the Reduced Office/Increased Housing Alternative would not contribute to a significant cumulative impact, and any conflicts with the General Plan and CLUP would be less than significant. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, the Revised Project would introduce a project with fewer employees and more housing but the same amount of total floor area as the Project. Therefore, as with the Reduced Office/Increased Housing Alternative, the Revised Project would not contribute to a significant cumulative impact, and any conflicts with the General Plan and CLUP would be less than significant. (LTS)

2. Transportation

- **Impact TRA-1: Consistency with Adopted Plans, Ordinances, and Policies Regarding Roadways (Operation).** During operation, the Project would be consistent with Plan Bay Area 2050 goals and performance targets for transportation system effectiveness because the Project would increase non-auto mode share. The Project would be largely consistent with applicable plans, ordinances, and policies that address the circulation system, and impacts would be less than significant. In addition, Project Design Feature TRA-1 would require the Project Sponsor to implement a Transportation Demand Management (TDM) plan, which will achieve the vehicle miles traveled (VMT) reductions set forth in the City's Climate Action Plan (CAP) (Action T-3-1), as part of the application for a building permit for each phase of the Project.

Project Design Feature TRA-1: Implement a Transportation Demand Management (TDM) Plan in Accordance with the City of Santa Clara 2022 Climate Action Plan. The Project Sponsor shall submit a Final TDM plan, subject to approval by the City, with the application for a building permit for each phase of the Project. The Final TDM plan will set forth a requirement for the Project Sponsor to form or join a Transportation Management Association (TMA) to facilitate the implementation of

various TDM programs and services on behalf of multiple property owners and/or tenants. Furthermore, the TDM plan will set forth requirements for annual TDM monitoring and reporting. Examples of TDM measures that may be included in the Project's TDM plan include:

- Privately operated long-haul commuter shuttle service for office workers with onsite shuttle stops.
- Participation in a City-organized/-operated shuttle service to Caltrain and Bay Area Rapid Transit (BART) stations, with onsite shuttle stops available to all site workers and residents.
- Transit subsidy for office workers.
- Rideshare matching program.
- “Guaranteed ride home” program for all office workers.
- Preferential parking for carpools and vanpools.
- Unbundled parking for market-rate residential units.
- Participation in regional bikeshare and scooter program and/or establishment of onsite bicycle and scooter fleet.
- Bike repair stations and ample bicycle parking.
- Showers and lockers provided in office buildings.
- Real-time transit information displayed on screens throughout the site.
- Onsite parking spaces reserved for car-share service(s) (e.g., ZipCar or equivalent provider).
- Dedicated curb space for ride-hail and taxi-service passenger loading.
- Onsite transportation coordinator.
- Website and marketing program to disseminate information on commute options.
- High-speed internet infrastructure to enable telecommuting.
- Distribution of a TDM information packet to new employees and residents.
- Onsite bicycle and pedestrian network, linking buildings to transit stations and nearby trails.

The City of Santa Clara will review the Final TDM plan to ensure that the proposed TDM measures identified in the plan will achieve the following VMT reductions set forth in the 2022 CAP:

- A 25 percent reduction in Project-related VMT through active TDM measures for large employers with more than 500 employees, including aggressive regulations to reduce parking (Action T-3-1).
- A 20 percent reduction in VMT for multifamily residential, with a 10 percent reduction through active TDM measures, which may require parking maximums (Action T-3-1).

City approval of the Final TDM plan and issuance of a certificate of occupancy for each phase of the Project will be dependent upon the City finding that the Final TDM plan provides sufficient evidence to demonstrate that the proposed TDM measures will achieve the VMT reductions set forth in the 2022 CAP.

Reduced Office/Increased Housing Alternative: Under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall number of housing units would increase. This alternative would not conflict with applicable plans, ordinances, and policies that address the circulation system. Under this alternative, bicycle, pedestrian, and transit facilities are expected to be the same as under the Project; therefore, it would not result in impacts on bicycle, pedestrian, and transit facilities, and conflicts with adopted plans, ordinances, or policies would not result. Therefore, the Reduced Office/Increased Housing Alternative would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing roadways. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, the overall office square footage of the Revised Project would not conflict with applicable plans, ordinances, and policies that address the circulation system. Therefore, the Revised Project would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing roadways, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact TRA-2: Consistency with Adopted Plans, Ordinances, and Policies Regarding Transit (Operation).** During operation, the Project impact on transit services would be less than significant because the Project would not interfere or conflict with existing transit facilities, would comply with policies and goals regarding transit, and the Project would implement a TDM plan (Project Design Feature TRA-1), including transit subsidies and shuttles and other measures to increase public transportation ridership.

Reduced Office/Increased Housing Alternative: Under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall number of housing units would increase. This alternative would not conflict with applicable plans, ordinances, and policies that address the circulation system. Under this alternative, bicycle, pedestrian, and transit facilities are expected to be the same as under the Project;

therefore, it would not result in impacts on bicycle, pedestrian, and transit facilities, and conflicts with adopted plans, ordinances, or policies would not result. Therefore, the Reduced Office/Increased Housing Alternative would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing transit. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, the overall office square footage of the Revised Project would not conflict with applicable plans, ordinances, and policies that address the circulation system. Therefore, the Revised Project would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing transit, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact TRA-3: Consistency with Adopted Plans, Ordinances and Policies Regarding Bicycle Facilities (Operation).** During operation, the Project's impact on bicycle facilities would be less than significant because the Project would improve bicycle facilities along the perimeter and within the Project site and provide safer conditions for bicyclists relative to existing conditions, consistent with the City's General Plan and the 2018 Bicycle Master Plan Update.

Reduced Office/Increased Housing Alternative: Under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall number of housing units would increase. This alternative would not conflict with applicable plans, ordinances, and policies that address the circulation system. Under this alternative, bicycle, pedestrian, and transit facilities are expected to be the same as under the Project; therefore, it would not result in impacts on bicycle, pedestrian, and transit facilities, and conflicts with adopted plans, ordinances, or policies would not result. Therefore, the Reduced Office/Increased Housing Alternative would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing bicycle facilities. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, the overall office square footage of the Revised Project would not conflict with applicable plans, ordinances, and policies that address the circulation system. Therefore, the Revised Project would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing bicycle facilities, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact TRA-4: Consistency with Adopted Plans, Ordinances and Policies Regarding Pedestrian Facilities (Operation).** During operation, the Project's impact on pedestrian facilities would be less than significant because the Project would improve pedestrian facilities within the Project site and along Project frontages, as well as provide safer conditions for pedestrians relative to existing conditions, consistent with the General Plan and the 2019 City Pedestrian Master Plan.

Reduced Commercial/Increased Housing Alternative: Under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall

number of housing units would increase. This alternative would not conflict with applicable plans, ordinances, and policies that address the circulation system. Under this alternative, bicycle, pedestrian, and transit facilities are expected to be the same as under the Project; therefore, it would not result in impacts on bicycle, pedestrian, and transit facilities, and conflicts with adopted plans, ordinances, or policies would not result. Therefore, the Reduced Office/Increased Housing Alternative would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing pedestrian facilities. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, the overall office square footage of the Revised Project would not conflict with applicable plans, ordinances, and policies that address the circulation system. Therefore, the Revised Project would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing pedestrian facilities, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact TRA-5: Vehicle Miles Traveled.** Consistent with State CEQA Guidelines Section 15064.3(b), the Project would qualify as transit supportive and therefore would not exceed the applicable VMT threshold of significance and would have a less-than-significant environmental impact on VMT.

Reduced Commercial/Increased Housing Alternative: Under this alternative, **ADT** from new development within the Project site would decrease compared to the Project. Total VMT would most likely decrease compared to the Project (generally due to the decrease in number of commuting employees); however, the per capita or per employee VMT would tend to be similar to the Project due to the substantially similar residential and employment characteristics of this alternative. Similar to the Project, the Reduced Office/Increased Housing Alternative would qualify as a transit-supportive project and thus be assumed to have a less than-significant impact on VMT. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, under the Revised Project ADT from new development within the Project site would decrease compared to the Project and would qualify as a transit-supportive project and thus be assumed to have a less-than-significant impact on VMT. (LTS)

- **Impact TRA-6: Hazards Due to Design Features or Incompatible Uses (Operation).** During operation, the Project would not result in hazards due to design features or incompatible uses. The Project proposes an improved internal circulation network that would be designed to accommodate vehicular traffic and be balanced with other modes. Designs for intersections, driveways and multimodal facilities will be subject to City review, reducing potential conflicts between vehicles, bicyclists, pedestrians, buses, and incompatible uses. Therefore, the impact would be less than significant.

Reduced Commercial/Increased Housing Alternative: This alternative would include design features similar to those of the Project, which are intended to reduce conflicts between vehicles and alternative modes of travel; thus, less-than-significant impacts are expected from hazardous design features or incompatible uses. (LTS)

Revised Project: The Revised Project would include design features similar to those of the Project and the Reduced Office/Increased Housing Alternative, which are intended to reduce conflicts between vehicles and alternative modes of travel; thus, less-than-significant impacts are expected from hazardous design features or incompatible uses. (LTS)

- **Impact TRA-7: Emergency Access (Operation).** During operation, the Project would not result in inadequate emergency access. Final Project designs for emergency vehicle access (EVA) roadways would be subject to City Fire Department review to ensure the adequacy of the circulation patterns and compliance with City EVA standards, such as minimum heights, as well as clearance along circulation routes. Therefore, the impact would be less than significant.

Reduced Commercial/Increased Housing Alternative: Emergency access to the Project site would be similar to access under the Project because site circulation would be the same, resulting in less-than-significant impacts. (LTS)

Revised Project: Emergency access to the Project site would be similar to access under the Reduced Office/Increased Housing Alternative because site circulation would be the same, resulting in less-than-significant impacts. (LTS)

- **Impact C-TRA-2: Cumulative Vehicle Miles Traveled.** Consistent with State CEQA Guidelines Section 15064.3(b), the Project qualifies as transit supportive and therefore, in combination with other foreseeable development in the vicinity, would not exceed an applicable VMT threshold of significance. Efficiency metrics such as VMT per resident and VMT per employee ensure that, as long as each cumulative development is below the appropriate VMT threshold, the combined VMT per resident and VMT per employee would also be below the significance threshold. Thus, a less-than significant impact finding for Project-level VMT implies a less-than-significant cumulative impact with respect to VMT. Therefore, because the Project would have a less-than-significant impact on VMT, the Project would have a less-than-significant cumulative environmental impact on VMT.

Reduced Commercial/Increased Housing Alternative: The Reduced Office/Increased Housing Alternative combined with cumulative projects would not result in cumulative impacts for any transportation topic. As under the Project, the Reduced Commercial/Increased Housing Alternative would require preparation of a construction management plan that would be reviewed and approved by the Public Works Department, similar to requirements under Project Mitigation Measure TRA-1.1 (Construction Management Plan). Therefore, the Reduced Office/Increased Housing Alternative in combination with cumulative projects would have a less-than-significant cumulative transportation impact with mitigation, similar to the Project. (LTS/M)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, the Revised Project combined with cumulative projects would not result in cumulative impacts for any transportation topic. Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project in combination with cumulative projects would have a

less-than-significant cumulative transportation impact with mitigation, similar to the Project. (LTS/M)

3. Air Quality

- **Impact AQ-1: Consistency with the Applicable Air Quality Plan.** The Project would not conflict with or obstruct implementation of the Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan because Project design features support attainment of California Ambient Air Quality Standard (CAAQS) and National Ambient Air Quality Standards (NAAQS) and incorporates measures to reduce building emissions, increase carbon sequestration, and support water conservation, as well as measures for stationary-source, transportation, energy, and waste management controls. Therefore, the Project would have a less-than-significant impact.

Reduced Office/Increased Housing Alternative: The Reduced Office/Increased Housing Alternative would reduce office development at the site by 26 percent and increase residential uses at the site by 44 percent. Overall, this alternative may result in more or less construction activity, but it is not currently known with certainty. The proposed development under the Reduced Office/Increased Housing Alternative would result in similar land uses as the Project, but the quantities of each would be different. The Proposed Project would be consistent with the BAAQMD's 2017 Clean Air Plan, because it would support the primary goals of the plan, include applicable control measures from the plan, and not disrupt any of the measures from the plan. Like the Project, the Reduced Office/Increased Housing Alternative would include energy saving features and sustainability measures, such as LEED certification, alternative transit options, landfill diversion techniques, and water-saving features. The Reduced Office/Increased Housing Alternative would not disrupt implementation of any of the measures for the plan. Thus, similar to the Project, the Reduced Office/Increased Housing Alternative would not conflict with the applicable regional air quality plans. Therefore, impacts are considered less than significant, the same as the Project. (LTS)

Similar to the Reduced Office/Increased Housing Alternative, the Revised Project, would include energy saving features and sustainability measures, such as LEED certification, alternative transit options, landfill diversion techniques, and water-saving features. The Revised Project would not disrupt implementation of any of the measures for the BAAQMD's 2017 Clean Air Plan. Thus, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not conflict with the applicable regional air quality plans. Therefore, impacts are considered less than significant, the same as the Project. (LTS)

- **Impact AQ-3: Substantial Pollutant Concentration - Localized Carbon Monoxide Hot Spots.** The Project would not expose sensitive receptors to substantial concentrations of carbon monoxide because the 1-hour and 8-hour carbon monoxide concentrations would be well below the NAAQS and CAAQS (see Table 3.3-13). Therefore, the Project would have a less-than-significant impact related to carbon monoxide hot spots.

Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would generate less traffic than the Project, thus, the CO concentrations at potential hot-spots would be less than what is anticipated for the Project. As evaluated in the DEIR Table 3.3-13, worst-case CO concentrations from Project implementation are well below the CAAQS and NAAQS. Thus, CO concentrations with implementation of the Revised Project are not expected to contribute to any new localized violations of the 1-hour or 8-hour ambient air quality standards, resulting in less-than-significant impacts, which is reduced compared to the Project. (LTS)

- **Impact AQ-3: Substantial Pollutant Concentration - Criteria Air Pollutants.** Under conservative modeling assumptions described in Appendix 3.3-2, the health effects from the Project's contribution to air pollution would be minimal relative to background incidences. The Revised Project's impact would be similar, therefore, the Revised Project would have a less-than-significant impact related to certain regional criteria air pollutant emissions.
- **Impact AQ-3: Substantial Pollutant Concentration - Asbestos.** Sensitive receptors would not be exposed to substantial asbestos risks because the Project would comply with BAAQMD asbestos emission controls. The Revised Project would be subject to the same asbestos controls, therefore, the Revised Project would have a less-than-significant impact related to asbestos emissions.
- **Impact AQ-4: Odor Impacts.** The Project would not result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people because the Project does not propose any changes that would affect odor-generating facilities and any odors would be brief in duration and limited in scope and subject to compliance with BAAQMD regulations. Similar to the Project, potential odor sources from construction of the Revised Project include diesel exhaust from heavy-duty equipment, diesel exhaust from delivery vehicles and weekly trash pick-up, and the use of architectural coatings during maintenance activities; limited odors may also result from residential cooking appliances during operations. Given mandatory compliance with BAAQMD regulations, no construction or operational activities for the Revised Project would create a significant level of objectionable odors. Accordingly, this impact would be less than significant, the same as the Project.
- **Impact C-AQ-1: Cumulative Consistency with the Applicable Air Quality Plan.** The Project, in combination with other foreseeable development in the vicinity, would not conflict with or obstruct implementation of the BAAQMD 2017 Clean Air Plan. Therefore, the Project's contribution to cumulative impacts would not be considerable and cumulative impacts related to consistency with an applicable air quality plan would be less than significant. As noted in the cumulative discussion in Section 3.3, *Air Quality*, the analysis

for consistency with BAAQMD's Clean Air Plan is inherently cumulative. Thus, the discussion above for the Revised Project's consistency with the Clean Air Plan (CAP) is also representative of cumulative impacts.

- **Impact C-AQ-4: Cumulative Odors.** The Project, in combination with other foreseeable development in the vicinity, would not result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people because any Project related odors would be brief in duration and limited in scope and subject to compliance with BAAQMD regulations and other nearby uses would not cause odor-generating uses. The same analysis applies to the Revised Project. Therefore, the level of odors emitted by the Revised Project in combination with the level of odors associated with other nearby projects would result in a less-than-significant cumulative impact related to odors.

4. Greenhouse Gas Emissions

- **Impact GHG-1: Generate GHG Emissions (Operation).** The Project's operational GHG emissions would be less than significant because the Project would be consistent with the Santa Clara CAP through implementation of Project Design Feature GHG-1, which requires satisfaction of applicable and mandatory actions from the City's 2022 CAP checklist.

Reduced Office/Increased Housing Alternative: Similar to the Project, operation of the Reduced Office/Increased Housing Alternative has the potential to generate GHG emissions. Vehicle traffic would include daily trips from residents, employees, customers, delivery trucks, and waste management trucks. The Reduced Office/Increased Housing Alternative would result in 17 percent fewer vehicle trips than the Project and thus the operational GHG emissions would be reduced. It is currently unknown whether the Reduced Office/Increased Housing Alternative would be consistent with the City's CAP. Because consistency with the City's CAP requires a detailed assessment of a project's features, it cannot be determined whether future development would be consistent or conflict with the plan. The level of detail necessary to determine consistency with the City's CAP is greater than the level of detail appropriate for analyzing a project's alternatives under CEQA. However, it is likely that this alternative would result in design features similar to those of the Project and be consistent with the City's CAP. This impact would be less than significant, similar to the Project. (LTS)

Revised Project: For operations, vehicle traffic would include daily trips from residents, employees, customers, delivery trucks, and waste management trucks. The Revised Project would result in 17 percent fewer vehicle trips than the Project and thus the operational GHG emissions would be reduced. As with the Reduced Office/Increased Housing Alternative, it is currently unknown whether the Revised Project would be consistent with the City's CAP. Because consistency with the City's CAP requires a detailed assessment of a project's features, it cannot be determined whether future development would be

consistent or conflict with the plan. The level of detail necessary to determine consistency with the City's CAP is greater than the level of detail that is appropriate for analyzing a project's alternatives under CEQA. However, it is likely that this alternative would result in design features similar to those of the Project and be consistent with the City's CAP, and introducing more residential units under the Revised Project would be more closely aligned with the CAP goals and policies. This impact would be less than significant. (LTS)

- **Impact GHG-2: Consistency with Applicable Plans and Policies.** The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs, including the Santa Clara CAP, California Air Resources Board (CARB) 2022 Scoping Plan, and Plan Bay Area 2050. Therefore, Project impacts would be less than significant.

Reduced Office/Increased Housing Alternative: It is currently unknown whether the Reduced Office/Increased Housing Alternative would conflict with any applicable plans or policies adopted to reduce GHG emissions because the specific design features of this alternative have not been determined. Because consistency with the City's CAP,⁴ CARB's 2022 Scoping Plan, and Plan Bay Area 2050 require a detailed assessment of a project's features, it cannot be determined with certainty whether this alternative would be consistent or conflict with these plans. The level of detail necessary to determine consistency with these plans is greater than the level of detail appropriate for analyzing a project's alternatives under CEQA. However, it is likely that this alternative would result in design features similar to those of the Project and be consistent with the CAP, 2022 Scoping Plan, and Plan Bay Area 2050. This impact would be less than significant, similar to the Project. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, it is currently unknown whether the Revised Project would conflict with any applicable plans or policies adopted to reduce GHG emissions because the specific design features of this alternative have not been determined. Because consistency with the City's CAP,⁵ CARB's 2022 Scoping Plan, and Plan Bay Area 2050 require a detailed assessment of a project's features, it cannot be determined with certainty whether the Revised Project would be consistent or conflict with these plans. The level of detail necessary to determine consistency with these plans is greater than the level of detail appropriate for analyzing a project's alternatives under CEQA. However, it is likely that the Revised Project would result in design features similar to those of the Project and introducing more residential units under the Revised Project would be more closely aligned with the CAP goals and policies be consistent with

⁴ The CAP checklist notes that projects involving General Plan amendments may not use the CAP checklist and should quantify emissions. Similar to the Project, the Reduced Scale Alternative would involve a General Plan amendment. Nonetheless, the CAP checklist measures would be applicable to this alternative and, if implemented, would reduce Project-generated GHG emissions.

⁵ The CAP checklist notes that projects involving General Plan amendments may not use the CAP checklist and should quantify emissions. Similar to the Project, the Reduced Scale Alternative would involve a General Plan amendment. Nonetheless, the CAP checklist measures would be applicable to this alternative and, if implemented, would reduce Project-generated GHG emissions.

the CAP, 2022 Scoping Plan, and Plan Bay Area 2050. This impact would be less than significant. (LTS)

5. Energy

- **Impact EN-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources (Operation).** Operation of the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during operation due to the Project's mix of uses and energy efficiency measures, including compliance with CALGreen, implementation of a TDM plan, as well as incorporation of Leadership in Energy and Environmental Design (LEED) or equivalent design requirements, use of recycled water for irrigation and non-potable water uses in commercial buildings, drought resistant landscaping, rooftop photovoltaic panels, and a new Silicon Valley Power (SVP) substation. Therefore, the Project would have a less-than-significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation.

Reduced Office/Increased Housing Alternative: During operations under this alternative, compliance with CALGreen and LEED building requirements and implementation of a TDM program would result in transportation energy savings, similar to the Project. Because the Reduced Office/Increased Housing Alternative would have the same overall building area, but with a different configuration for uses (i.e., more housing and less office space), energy consumption would be similar to that of the Project. Therefore, the Reduced Office/Increased Housing Alternative would not result in the inefficient, wasteful, or unnecessary consumption of energy during operations. The impacts would be less than significant, similar to the Project. (LTS)

Revised Project: Operations under the Revised Project would comply with CALGreen and LEED building requirements and the implementation of a TDM program which would reduce impacts to a less than significant level, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact EN-2: Conflict with Energy Plan.** The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency because the Project would divert a minimum of 65 percent of construction waste and demolition material during construction, which would reduce the amount of fossil fuel consumed during construction and demolition waste, and operation of the Project would incorporate multiple sustainability, energy-saving, and TDM features. Therefore, the Project's impact would be less than significant.

Reduced Office/Increased Housing Alternative: As with the Project, the Reduced Office/Increased Housing Alternative would be required to comply with State and local renewable energy and energy efficiency plans. As a result, it would benefit from renewable energy development and increases in energy efficiency. Building energy efficiency is also expected to increase as a result of compliance with Title 24 building codes, which are expected to move toward zero net energy for new construction and 100 percent renewable energy under SB 350 and SB 100 regulations. Therefore, the Reduced Office/Increased Housing Alternative would not conflict with or obstruct a State or local renewable energy

or energy efficiency plan. The impact would be less than significant, similar to the Project. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, the Revised Project would be required to comply with State and local renewable energy and energy efficiency plans and impacts would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact C-EN-1: Cumulative Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources.** The Project, in combination with other past, present and foreseeable development in the vicinity, would not cumulatively result in the wasteful, inefficient, or unnecessary consumption of energy resources during Project construction and operation because the Project and other future projects nearby would incorporate energy saving features during construction and operation. Therefore, the cumulative impact would be less than significant.

Reduced Office/Increased Housing Alternative: Similar to the Project, it is anticipated that future energy users will become more efficient and less wasteful over time and will not create significant cumulative energy impacts. Because a significant cumulative energy impact would not result under cumulative conditions, the Reduced Office/Increased Housing Alternative would not contribute to a cumulative impact. Therefore, the impact would be less than significant, similar to the Project. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, it is anticipated that future energy users will become more efficient and less wasteful over time and will not create significant cumulative energy impacts. Therefore, impacts of the Revised Project would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact C-EN-2: Cumulative Conflict with Energy Plan.** The Project, in combination with other past, present and foreseeable development in the vicinity, would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency during construction or operation because future projects would incorporate energy-saving features. Therefore, the cumulative impact would be less than significant.

Reduced Office/Increased Housing Alternative: Similar to the Project, it is anticipated that future energy users will become more efficient and less wasteful over time and will not create significant cumulative energy impacts. Because a significant cumulative energy impact would not result under cumulative conditions, the Reduced Office/Increased Housing Alternative would not contribute to a cumulative impact. Therefore, the impact would be less than significant, similar to the Project. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, it is anticipated that future energy users will become more efficient and less wasteful over time and will not create significant cumulative energy impacts. Therefore, impacts of the Revised Project would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

6. Noise

- **Impact NOI-1: Construction Noise (Daytime Onsite Land Uses).** The Project would have a less-than-significant impact on onsite residential land uses during daytime hours because the construction activities would be temporary in nature, would not conflict with the City code, and comparison of the noise level experienced at future onsite sensitive land uses to existing ambient noise is not appropriate because future occupants are not currently onsite and thus do not experience the existing ambient noise level. **Impact NOI-1: Construction Noise (Construction Haul and Vendor Truck Noise).** The Project would have a less-than-significant impact related to haul and vendor truck trip noise because the addition of 686 haul truck trips per day would not result in an increase in traffic noise greater than 3 decibels (dB), which is considered “barely noticeable,” at any analyzed segment and therefore would not be perceptible.

Reduced Office/Increased Housing Alternative: Noise from construction haul trucks, which was found to be less than significant for the Project, would be less than significant for this alternative, however, because there would be fewer haul trucks than the Project. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, noise from construction haul trucks would be less than significant for the Revised Project, because there would be fewer haul trucks than the Project.

- **Impact NOI-2: Operational Noise from Traffic.** The Project would result in increased traffic volumes on existing roadways in the Project area because new residences and places of employment would be added on the Project site. However, the Project would not result in a noticeable increase in traffic noise compared to no-Project conditions. Therefore, noise impacts related to increased traffic during operation would be less than significant.

Reduced Office/Increased Housing Alternative: This alternative is estimated to generate up to 30,428 external vehicle trips, which is approximately 17 percent less than the 36,981 vehicle trips from the Project. Because the Reduced Office/Increased Housing Alternative would only generate 83 percent of the total vehicle trips generated by the Project, the resulting traffic noise would be slightly less with this alternative than with the Project. The Project would result in significant traffic noise impacts at a roadway segment if the Project-related increase in noise is 3 dBA or greater. The greatest increase in noise at any roadway from Project related traffic would be 2.9 dB, which does not constitute a significant noise impact. Since the Reduced Office/Increased Housing Alternative would result in 17 percent less traffic than the Project, the increase in noise at all roadway segments would very likely be less than that of the Project. Therefore, because the greatest Project-related increase in traffic noise would be 2.9 dB and this alternative would result in a lesser increase, this alternative would not exceed the 3 dB threshold, resulting in a less-than-significant impact, similar to but slightly less than that of the Project. (LTS)

Revised Project: The Revised Project is estimated to generate up to 30,428 external vehicle trips, which is the same as the Reduced Office/Increased Housing Alternative and approximately 17 percent less than the 36,981 vehicle trips from the Project. As evaluated in the EIR, the greatest increase in noise at any roadway from Project-related traffic would

be 2.9 dB, which is less than what is considered noticeable and does not constitute a significant noise impact. Since the Revised Project would result in 17 percent less traffic than the Project, the increase in noise at all roadway segments would very likely be less than that of the Project. Therefore, the Revised Project would not exceed the 3 dB threshold, resulting in a less-than-significant impact, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact NOI-2: Operational Noise from Amplified Music.** Project operation could include the use of amplified music from events in the general green area of the Project site that may impact nearby uses. However, any such amplified music would be required to comply with applicable noise regulations. Therefore, impacts related to amplified noise during operation would be less than significant.

Reduced Office/Increased Housing Alternative: Noise from other sources associated with operations, such as amplified music and sound from events, human speech and music at the outdoor balconies would be similar in magnitude to noise under the Project. Although this alternative would have a different mix of development, the level of noise from events and balconies would not differ substantially. The occurrence of the noise may be more frequent with the Project due to the greater commercial uses, but the noise levels would be approximately the same. Noise impacts from these sources would be less than significant for the Project and thus also less than significant for the Reduced Office/Increased Housing Alternative. (LTS)

Revised Project: Noise from other sources associated with operations, such as amplified music and sound from events, human speech and music at the outdoor balconies would be similar in magnitude to noise as the Reduced Office/Increased Housing Alternative. The impact would be less than significant. (LTS)

- **Impact NOI-2: Operational Noise from Truck Loading.** Impacts related to truck loading during Project operations would be less than significant because loading activities would be temporary, dispersed among many loading zones, and occur throughout the day.

Reduced Office/Increased Housing Alternative: Noise truck loading would be similar in magnitude to noise under the Project. Although this alternative would have a different mix of development, the level of noise from truck loading would not differ substantially. The occurrence of the noise may be more frequent with the Project due to the greater commercial uses, but the noise levels would be approximately the same. Noise impacts from these sources would be less than significant for the Project and thus also less than significant for the Reduced Office/Increased Housing Alternative. (LTS)

Revised Project: Noise from truck loading would be similar in magnitude to noise as the Reduced Office/Increased Housing Alternative. The impact would be less than significant. (LTS)

- **Impact NOI-2: Operational Noise from Parking Garage.** Impacts related to parking garage use during Project operations would be less than significant because noise from parking garages would not be expected to exceed the City's criteria of 55 A-weighted

decibel (dBA) and 50 dBA at residential receptors during daytime and nighttime hours, respectively, or 60 dBA at commercial or office uses during nighttime hours.

Reduced Office/Increased Housing Alternative: Noise from parking garage activity, would be similar in magnitude to noise under the Project. Although this alternative would have a different mix of development, the level of noise from parking garage activity would not differ substantially. The occurrence of the noise may be more frequent with the Project due to the greater commercial uses, but the noise levels would be approximately the same. Noise impacts from these sources would be less than significant for the Project and thus also less than significant for the Reduced Office/Increased Housing Alternative. (LTS)

Revised Project: Noise from other sources associated with operations, such as amplified music and sound from parking garage activity, would be similar in magnitude to noise as the Reduced Office/Increased Housing Alternative. The impact would be less than significant. (LTS)

- **Impact NOI-3: Ground-borne Vibration and Noise (Damage to Structures).** The Project would have a less-than-significant impact related to damage to structures from ground-borne vibration because the vibration levels at residential and commercial uses would be less than applicable damage criterions.
- **Impact NOI-3: Ground-borne Vibration and Noise (Daytime Construction Offsite Residential).** The Project would have a less than significant annoyance-related vibration impacts from daytime construction activities at offsite residences because the level of vibration would be barely perceptible.
- **Impact NOI-3: Ground-borne Vibration and Noise (Nighttime Construction Onsite and Offsite Land Uses).** The Project would have less than significant annoyance-related vibration impacts from nighttime construction activities at offsite residential uses because the level of vibration would not be perceptible. The level of vibration would be perceptible for offsite commercial uses and onsite commercial and residential uses, but based on Table 3.6-3 the vibration would not be considered excessive. Therefore, annoyance-related vibration impacts from nighttime construction would be less than significant.
- **Impact NOI-3: Ground-borne Vibration and Noise (Operation).** The Project would have a less- than-significant impact related to ground-borne vibration and noise during operation because Project operation would not involve use of equipment that could generate excessive ground-borne vibration.
- **Impact NOI-4: Aircraft Noise.** The Project would not expose people residing or working in the Project area to excessive noise levels from aircraft because the Project site does not fall within the 60 dBA CNEL noise contour or the San Jose International Airport. Therefore, impacts would be less than significant.
- **Impact C-NOI-2: Cumulative Operational Noise from Traffic and Other Operational Noises.** The Project's contribution to the significant cumulative traffic noise impacts would be less than 3 dB for all analyzed segments. Therefore, the Project's contribution to

cumulative impacts related to operational noise from traffic would not be cumulatively considerable and less than significant. Any future new residential units would be farther away than the distance used to evaluate impacts from other operational sources on onsite residential uses. Therefore, cumulative impacts related to other operational noises would be less than significant.

Reduced Office/Increased Housing Alternative: With regard to traffic noise effects, future regional growth in the Project vicinity would result in increases in traffic that would cumulatively increase traffic noise. As evaluated in Table 3.3-14, the increase in traffic noise for the cumulative conditions relative to existing conditions would be a maximum of 9.3 dB, which would be a noticeable and thus significant increase in noise. However, Table 3.3-14 also presents the Project-only contribution to cumulative noise impacts (i.e., relative to future conditions without the Project), and the Project contribution would be 2.2 dB, which would not be noticeable. Thus, because the Reduced Office/Increased Housing Alternative would have approximately 17 percent fewer vehicle trips in the cumulative conditions, the contribution from this alternative would be less than 2.2 dB and thus not noticeable. Therefore, the Reduced Office/Increased Housing Alternative's contribution to the cumulative traffic noise impact would be less than significant, similar to the Project. (LTS)

Revised Project: With regard to traffic noise effects, future regional growth in the Project vicinity would result in increases in traffic that would cumulatively increase traffic noise. As evaluated in Table 3.3-14 of the EIR, the Project-only contribution to cumulative noise impacts (i.e., relative to future conditions without the Project) would be 2.2 dB, which would not be noticeable. As with the Reduced Office/Increased Housing Alternative, the Revised Project would have approximately 17 percent fewer vehicle trips in the cumulative conditions than the Project, and the contribution of traffic noise would thus be less than 2.2 dB and thus not noticeable. Therefore, the Revised Project's contribution to the cumulative traffic noise impact would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact C-NOI-3: Cumulative Ground-borne Vibration and Noise Levels (Operation).** The Project would have a less-than-significant cumulative impact related to ground-borne vibration and noise during operation because Project operation would not involve use of equipment that could contribute excessive ground-borne vibration. The Revised Project would have less than significant impacts for the same reasons.

7. Cultural Resources

- **Impact CUL-1: Built Environment.** There are no built-environmental historical resources present on the Project site. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines Section 15064.5 and there would be no impact on built environment historical resources.
- **Impact CUL-2: Archaeological Resources (Operation).** Archaeological deposits would not be encountered during Project operations, nor would Project operations result in an

adverse change in a buried archaeological deposit that could qualify as a historical resource and/or unique archaeological resource. Therefore, there would be no impact related to buried archaeological deposits during Project operations.

- **Impact CUL-3. Human Remains (Operation).** Human remains would not be encountered during the Project operations, nor would Project operations disturb human remains. Therefore, there would be no impact to human remains from operation of the Project.
- **Impact C-CUL-1: Cumulative Impacts on Archaeological Resources and Human Remains (Operation).** Cumulative impacts on archaeological resources and human remains would not occur during operations of the Project or cumulative projects because cumulative impacts would occur during construction. Therefore, there would be no impact to buried archaeological deposits or human remains from Project operation under cumulative conditions.

8. Biology

- **Impact BIO-1: Loss or Damage to Special-Status Plants.** The Project would result in no impact on special-status plant species because no special-status plant species have been documented on the Project site and natural vegetation communities are not present on the Project site.
- **Impact BIO-1: Loss or Damage to Special-Status Species Other Than Nesting Birds and Bats.** The Project will have no impact on special-status species other than nesting birds and bats because no special-status species, other than nesting birds and bats, have been documented on the Project site and hydrological features supporting such species are not present on the Project site.
- **Impact BIO-1: Loss or Damage to Special-Status Species - Nesting Birds and Bats (Operation).** The Project would have less-than-significant impacts to nesting birds and bats during operations because any nesting birds and bats would become acclimated to the operational noise when choosing nesting or roosting sites or when birds are building nests on the Project site.
- **Impact BIO-2: Loss or Degradation of Riparian Habitat or Sensitive Natural Communities.** The Project would have no impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service because no such habitats or communities are present on the Project site.
- **Impact BIO-3: State or Federally Protected Wetlands.** The Project would not result in substantial adverse effects on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means because no federally protected wetlands occur on the Project site and compliance with the Stormwater Pollution Prevention Plan and Best Management Practices from the Municipal Regional Stormwater National

Pollutant Discharge Elimination System (NPDES) Permit address any indirect impacts to nearby wetlands. Therefore, the Project will have less-than-significant impact.

Reduced Office/Increased Housing Alternative: Similar to the Project, operation of the Reduced Office/Increased Housing Alternative would not result in significant impacts on State- or federally protected wetlands. During construction, the Reduced Office/Increased Housing Alternative would result in the same amount of demolition as the Project and the same amount of development and floor area. Runoff under this alternative would be the same as the Project since the same amount of floor area and the same building footprints would be constructed. In order to meet the federal, state, and local permit and policy requirements, projects must incorporate impervious surfaces, tree planters, grassy swales, bioretention and/or detention basins, and other features, which would be included as part of the Reduced Office/Increased Housing Alternative site plans. Compliance with the SWPPP during construction, as well as post-construction measures and design features required by the MRP, would reduce the potential impact from the Reduced Office/Increased Housing Alternative on Calabazas Creek to a less-than significant level. Impacts would be the same as the Project. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would not result in significant impacts on State- or federally protected wetlands. Compliance with the SWPPP during construction, as well as post-construction measures and design features required by the MRP, would reduce the potential impact from the Revised Project on Calabazas Creek to a less-than significant level. Impacts would be the same as the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact BIO-4: Interfere with Movement of Native Resident or Migratory Fish Species.** The Project would have no impact on the movement of fish species because there are no hydrological features onsite.
- **Impact BIO-4: Interfere with Wildlife Corridors.** The Project would have no impact on wildlife corridors because there are no known wildlife corridors on or directly adjacent to the Project site and wildlife will be able to move in and along Calabazas Creek during Project construction and operation.
- **Impact BIO-4: Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Nesting Birds During Operation).** The Project would have less-than-significant impacts on nesting birds during operation because any birds would become acclimated to the operational noise when choosing nesting sites and during building. The Revised Project would have less than significant impacts for the same reasons.
- **Impact BIO-5: Conflicts with Local Policies or Ordinances Protecting Biological Resources (Construction).** The Project would result in the removal and replacement of trees in compliance with City regulations; therefore, construction impacts related to conflicts with local policies or ordinances protecting biological resources would be less than significant.

- **Impact BIO-5: Conflicts with Local Policies or Ordinances Protecting Biological Resources (Operation).** During operation the Project would not result in conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance because all replacement trees would be planted during construction of the Project, and therefore there would be no impact.
- **Impact BIO-6: Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan.** The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan and no impact would occur, because the Project site is outside the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) permit area, the Project is not a covered activity and no species covered by the HCP/NCCP are expected to occur on the Project site.
- **Impact C-BIO-1: Cumulative Special-Status Species—Nesting Birds and Bats (Operation).** The Project and identified cumulative projects would have less-than-significant impacts on nesting birds and roosting bats during operations because any birds and bats would become acclimated to the operational noise when utilizing available habitat.
- **Impact C-BIO-2: Cumulative State or Federally Protected Wetlands.** The Project, in combination with other foreseeable development in the vicinity, would not result in substantial adverse effects on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means because the Project and other foreseeable development would be required to comply with the State requirements found in the Construction General Permit if more than 1 acre would be affected as well as requirements of the Regional Water Board, Bay Region, and the Municipal Regional Permit (MRP). The Project would protect water quality through BMPs during construction and until the site is stabilized and after construction by incorporating low-impact development practices into the design to prevent pollution from stormwater runoff, promote infiltration, and slow the volume of water coming from the Project site. Therefore, the Project would have less than significant cumulative impact.
- **Impact C-BIO-3: Cumulatively Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Operation).** The Project and identified cumulative projects would have less-than-significant impacts on wildlife nursery sites, specifically birds and their active nests, during operations because any birds would become acclimated to the operational noise when utilizing available habitat.
- **Impact C-BIO-4: Cumulative Conflicts with Local Policies or Ordinances Protecting Biological Resources (Construction).** The Project, in combination with other foreseeable development in the vicinity, would not result in conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, because the Project would replace trees at a ratio that would be consistent with General Plan policies. Therefore, cumulative impacts would be less than significant.

- **Impact C-BIO-4: Cumulative Conflicts with Local Policies or Ordinances Protecting Biological Resources (Operation).** The Project, in combination with other foreseeable development in the vicinity, would not result in conflicts with any local policies or ordinances protecting biological resources, such as the City's tree protection ordinance, during operation because all replacement trees would be planted during the construction phase of the cumulative projects and the Project. Therefore, there would be no cumulative impact.

9. Geology and Soils

- **Impact GEO-1: Landslides.** The Project would result in no impact related to landslides because the topography of the Project site and surrounding areas is relatively flat and not susceptible to landslides, and the Project site is not within or near a recognized Landslide Hazard Zone.
- **Impact GEO-1: Seismicity (Rupture of Known Earthquake Fault).** The Project would not directly or indirectly cause potential substantial or adverse effects, including the risk of loss, injury, or death, involving rupture of a known earthquake fault, strong seismic ground shaking, or seismically related ground failure, because the Project site is not within a Alquist-Priolo Earthquake Fault Zone or Santa Clara County Fault Hazard Zone and no known active or potentially active faults exist on the Project site. Therefore, the impact would be less than significant.
- **Impact GEO-1: Seismicity (Groundshaking and Liquefaction).** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving strong ground shaking, or seismically related ground failure because the Project would implement geotechnical recommendations of a design-level geotechnical report as required by the California Building Code and Santa Clara Municipal Code. Therefore, the Project would result in a less-than-significant impact.
- **Impact GEO-2: Erosion or Loss of Topsoil (Construction).** The Project would not result in substantial soil erosion or the loss of topsoil during construction because the Project will comply with the State Water Resources Control Board's Construction General Permit, including the Project's Stormwater Pollution Prevention Plan (SWPPP). Therefore, the Project would result in a less-than-significant impact.
- **Impact GEO-2: Erosion or Loss of Topsoil (Operation).** The Project would not result in substantial soil erosion or the loss of topsoil during operation because the Project site would be covered with buildings, pavement, and landscaping, which would minimize the potential for post-development erosion. Therefore, operation and maintenance of the Project would result in less-than-significant impacts.
- **Impact GEO-3: Soil Instability (Operation).** Operation of the Project would not result in unstable soil that could be subject to collapse because operations would not create new significant loads or require ongoing dewatering. Operation of the Project would result in no impacts related to static settlement, collapse or subsidence of unstable soil.

- **Impact GEO-3: Soil Instability (Lateral Spreading).** Potential impacts from lateral spreading due to construction of the Project would be less than significant because the potentially liquefiable layers under the Project site are not continuous and the soils have adequate cohesion.
- **Impact GEO-4: Expansive Soil.** The Project would not create substantial direct or indirect risks to life or property as a result of being located on expansive soil because the Project would be required to submit a design-level geotechnical report to the City for review and approval prior to the issuance of building and grading permits. The Project Sponsor would implement the geotechnical recommendations of the design-level geotechnical report to address expansive soil hazards and ensure the integrity of structures and other improvements. Accordingly, this impact would be less than significant.
- **Impact GEO-5: Septic Tanks and Alternative Wastewater Systems.** Sewer services at the Project site would be provided by the City of Santa Clara Sewer Utility. No septic tanks or alternative wastewater systems are proposed. The Project would not require soils that would be capable of supporting septic systems, resulting in no impact.
- **Impact GEO-6: Paleontological Resources (Operation).** There would be no impact on paleontological resources during Project operation because any impact on paleontological resources would occur during the construction phase of the Project.
- **Impact C-GEO-1: Cumulative Seismicity Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving rupture of a known earthquake fault, strong seismic ground shaking, or seismically related ground failure because potential impacts of the Project related to seismicity would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to seismicity would result from the Project under cumulative conditions.
- **Impact C-GEO-2: Cumulative Erosion or Loss of Topsoil.** The Project, in combination with other foreseeable development in the vicinity, would not result in substantial soil erosion or loss of topsoil because potential impacts of the Project related to erosion or loss of topsoil would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to erosion or loss of topsoil would result from the Project under cumulative conditions.
- **Impact C-GEO-3: Cumulative Collapse of Unstable Soil.** The Project, in combination with other foreseeable development in the vicinity, would not result in the collapse of unstable soil because potential impacts of the Project related to collapse of unstable soil would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to the collapse of unstable soil would result from the Project under cumulative conditions.
- **Impact C-GEO-4: Cumulative Settlement or Subsidence of Unstable Soil (Operation).** The Project, in combination with other foreseeable development in the vicinity, would not

result in static settlement or subsidence during Project operation because the Project and cumulative projects would not create new significant loads that could trigger additional static settlement. The walls of the below-grade parking areas on the Project site would be waterproofed so that permanent dewatering would not be required during operation of the Project. Similar waterproofing would be required for structures extending below the groundwater table at the sites for cumulative projects, if any. Therefore, operation of the Project and cumulative projects would not result in the subsidence of unstable soil. Therefore, operation of the Project would result in no impacts related to static settlement or the subsidence of unstable soil under cumulative conditions.

- **Impact C-GEO-5: Cumulative Expansive Soil Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not create substantial direct or indirect risks to life or property as a result of being located on expansive soil because potential impacts of the Project related to expansive soil would be localized and specific to the Project site and would not combine with other projects to create a cumulative impact. Therefore, no impact related to expansive soil would result from the Project under cumulative conditions.
- **Impact C-GEO-6: Cumulative Paleontological Resources Impacts (Operations).** There would be no impact on paleontological resources during operation of any cumulative project or the Project; any impact on paleontological resources would occur during the construction phase of the Project. Therefore, there would be no impact during operation under cumulative conditions.

10. Hydrology and Water Quality

- **Impact WQ-1: Water Quality (Construction Discharge).** The Project would involve construction activities, including excavation and grading, which can increase the potential for erosion and sedimentation from stormwater runoff and for the leaching/transport of potential contaminants from disturbed soil. The Project would not violate any waste discharge requirements during construction because compliance with State, regional and local regulation would ensure protection of surface water and ground water quality during construction activities. Therefore, impacts related to discharges of construction dewatering effluent would be less than significant.
- **Impact WQ-3: Drainage Patterns (Erosion and Siltation).** Construction activities would involve excavation and grading, which could temporarily alter drainage patterns and expose soil to potential erosion. Compliance with the Construction General Permit would ensure that construction of the Project would result in less-than-significant impacts. During operation, the Project site would be covered by structures, pavement, and landscaping, with no ongoing soil exposure or disturbance that could result in erosion or siltation. Compliance with the MRP would have a beneficial effect on the quality of stormwater runoff from the Project site compared to the existing condition. Therefore, construction and operation of the Project would result in less-than-significant impacts related to erosion/siltation or creating other sources of polluted runoff.

- **Impact WQ-3: Drainage Patterns (Dam Failure).** The Project site is within the dam failure inundation areas of multiple dams operated by Valley Water. Although the Project could impede or redirect flooding from dam failure inundation, the likelihood of dam failure is low because these dams are regularly inspected by the Division of Safety of Dams (DSOD). Furthermore, reservoir restrictions are already in place for Anderson Dam, which was the only dam to be rated “poor” by DSOD. Therefore, the Project would result in less-than-significant impacts related to impeding or redirecting floodflows from dam failure inundation.
- **Impact WQ-4: Release of Pollutants Due to Inundation (Tsunami and Seiches).** No impacts related to the release of pollutants would occur due to a tsunami or seiches because the Project is not within a Tsunami Hazard Zone or an area subject to effects of seiches. The Project site is within the dam failure inundation areas of multiple dams operated by Valley Water. If a seiche were to occur in the reservoirs of any of these dams, it could cause overtopping of the dams and result in inundation of downstream areas. Because these dams are many miles upstream from the Project site, potential inundation caused by a seiche overtopping any of these facilities would be expected to remain within the creeks near the Project site.
- **Impact WQ-4 Due to Inundation (Flooding During Operation).** The Project would be designed to accommodate future flooding and sea-level rise (SLR). Therefore, the Project would not be at risk from pollutants being released due to inundation during operation and impacts would be less than significant.
- **Impact C-WQ-3: Cumulative Drainage Pattern Impacts (Erosion and Siltation).** Construction of the Project would involve excavation and grading that could temporarily alter drainage patterns and expose soil to potential erosion. Compliance with the Construction General Permit would ensure that construction of the Project would not create cumulatively considerable impacts related to erosion and siltation or other sources of polluted runoff; the Project’s contribution to cumulative impacts would not be considerable. During operation of the Project and cumulative projects, ground surfaces would be covered by structures, pavement, and landscaping, with no ongoing soil exposure or disturbance that could result in erosion and siltation. Required compliance with the MRP would also have a beneficial effect on the quality of stormwater runoff from the Project site and cumulative projects compared to existing conditions. Therefore, compliance with the MRP would ensure that operation of the Project would not create cumulatively considerable impacts related to erosion and siltation or other sources of polluted runoff; the Project’s contribution to cumulative impacts would not be considerable. Cumulative impacts related to soil erosion are less than significant.
- **Impact C-WQ-4: Cumulative Release of Pollutants Due to Inundation (Tsunami and Seiches).** The Project site and the sites for cumulative projects are not within a Tsunami Hazard Area. The Project site would not be subject to inundation by seiches and cumulative projects would also not be subject to inundation by seiches for the same reasons. Therefore, no cumulative impacts related to the release of pollutants in the event of a tsunami or seiche would occur.

- **Impact C-WQ-4: Cumulative Release of Pollutants Due to Inundation (Flooding During Operation).** The Project and cumulative projects that are intersected by special flood hazard areas would be designed to accommodate future flooding conditions in accordance with Chapter 15.45 of the City Code. The Project has been designed to accommodate future flooding conditions and SLR. Therefore, operation of the Project would not result in a risk related to the release of pollutants due to flooding, and this cumulative impact would be less than significant.

11. Hazards and Hazardous Materials

- **Impact HAZ-1: Routine Transport, Use, or Disposal of Hazardous Materials.** Hazardous materials (e.g., fuel, oils, paints) would be routinely transported, stored, and used at the Project site during construction activities. Because the Project would result in land disturbance involving more than 1 acre, the management of soil and hazardous materials during construction activities would be subject to the requirements of the NPDES Construction General Permit, which requires preparation and implementation of a SWPPP that includes hazardous materials storage requirements. Construction of the Project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that could be classified as hazardous waste. Hazardous materials would be transported by a licensed hazardous waste hauler and disposed of at facilities that are permitted to accept such materials, as required by the Department of Transportation (DOT), Resource Conservation and Recovery Act (RCRA), and State regulations. Compliance with existing regulations would ensure that potential impacts related to the routine transport, use, or disposal of hazardous materials during construction of the Project would be less than significant. Operation of the Project would involve the routine storage and use of small quantities of commercially available hazardous materials for routine maintenance (e.g., painting and cleaning); this could also include the generation of medical wastes related to laboratories and research-and-development facilities. Any laboratory spaces on the Project site would be required to be designed, constructed, and operated in accordance with the California Fire Code, which includes requirements for the use and storage of hazardous or flammable materials as well as hazardous or flammable fumes and exhaust systems. If hazardous materials would be stored in excess of specific quantities during Project operation, the Project would be required to comply with existing hazardous materials regulations, including preparation of a Hazardous Materials Business Plan (HMBP), which is enforced by the City's Community Risk Reduction Division. Compliance with Occupational Safety and Health Administration (OSHA) and Cal/OSHA regulations, the California Fire Code, California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, and federal, State, regional, and local regulations would ensure that the Project would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials. Such materials would be properly handled during construction and operation of the Project. Therefore, this impact would be less than significant.
- **Impact HAZ-2: Accidental Releases of Hazardous Materials (Hazardous Building Materials).** Impacts related to the removal and disposal of hazardous buildings materials would be less than significant during Project construction and operation. Hazardous building materials removed prior to demolition activities must be transported in accordance

with DOT regulations and disposed of in accordance with the RCRA, TSCA, CCR, and/or the California Universal Waste Rule at a facility permitted to accept the wastes. Compliance with Cal/OSHA's Construction Lead Standard and ACM regulations, CCR Title 8, Section 1532.1, Department of Health Services Regulation 17, CCR Sections 35001 through 36100, BAAQMD regulations under Rule 11-2, TSCA, DTSC hazardous waste rules, and other federal and State regulations (e.g., universal waste regulations), the Municipal Regional Stormwater NPDES Permit, and BASMAA protocols would ensure that potential construction and operational impacts of the Project related to the accidental release of hazardous building materials into the environment would be less than significant.

- **Impact HAZ-2: Accidental Releases of Hazardous Materials (Spills, Leaks, or Improper Disposal of Hazardous Materials).** Impacts related to accidental spills, leaks, and improper disposal of hazardous materials would be less than significant during Project construction and operation. The Project would prepare and implement a SWPPP to reduce the risk of spills or leaks that might reach the environment, including procedures to address minor spills of hazardous materials. Measures to control spills, leakage, and dumping must be addressed through structural as well as nonstructural best management practices (BMPs). For example, equipment and materials for the cleanup of spills must be available onsite, and spills and leaks must be cleaned up immediately, with contaminated materials disposed of properly. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The transport of hazardous materials is subject to both federal and State regulations and if a discharge or spill of hazardous materials occurs during transportation, the transporter is required to take appropriate immediate action to protect human health and the environment (e.g., notify local authorities and contain the spill); the transporter is also responsible for the discharge cleanup. If significant quantities of hazardous materials would be stored at the Project site during operation, or if medical waste would be generated, compliance with City hazardous materials programs, as administered by the Community Risk Reduction Division, and compliance with DEH's Medical Waste Management Program would require hazardous materials and medical waste to be properly labeled, stored, and disposed of; training and planning would also be required to ensure appropriate responses to spills and emergencies. Compliance with existing regulations regarding the management, transport, and disposal of hazardous materials would ensure that potential impacts related to spills, leaks, or improper disposal of hazardous materials handled during construction and operation of the Project would be less than significant.
- **Impact HAZ-3: Hazardous Emissions within 0.25 Mile of Schools.** The Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school because the Project site is not within 0.25 of an active or pending school. Therefore, the Project would have no impact related to hazardous emissions within 0.25 mile of a school.
- **Impact HAZ-4: Government Code Section 65962.5.** The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. Therefore, the Project would have no impact related to listed hazardous sites.

- **Impact HAZ-5: Aviation Hazards.** The Project would not result in a safety hazard or excessive noise for people residing or working in the Project area due to proximity to San José International Airport because any proposed structure or building, including temporary construction cranes, on the Project site that could exceed an imaginary surface radiating at 100:1 (horizontal:vertical) from the runways of San José International Airport (this imaginary surface extends from approximately 168 feet above ground level (AGL) at the southeast portion of the Project site to approximately 185 feet AGL at the northwest portion of the Project site) would require submittal to the Federal Aviation Administration (FAA) for airspace safety review. For each building or structure with a maximum proposed height exceeding this imaginary surface, the Project must obtain a “Determination of No Hazard” from the FAA for each rooftop corner and any additional higher points. In addition, compliance with FAR Part 77 would ensure that the Project would be reviewed by the FAA and that any recommendations from the FAA for alteration of the Project’s designs, markings, or lighting would be implemented to ensure that operation of the Project would not create aviation hazards. Therefore, compliance with conditions set forth by the FAA in its determinations and FAR Part 77 would ensure that the Project would not create aviation hazards and potential construction and operational impacts of the Project related to aviation hazards would be less than significant.
- **Impact HAZ-6: Emergency Response and Evacuation.** The Project would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan because construction activities that would result in temporary roadway closures would require traffic permits from the City and a traffic control plan, which would maintain emergency response and evacuation access through appropriate traffic control measures and detours. The Project would not impair or interfere with the City’s ability to implement the emergency preparation or response actions described in the Local Hazard Mitigation Plan or Emergency Operations Plan (EOP). The Project would be built to adhere to all safety requirements required by the City and would not interfere with emergency response actions. Implementation of City General Plan policies related to emergency response and evacuation, including Policies 5.10.5-P1 through 5.10.5-P4 would ensure that the City would maintain an effective emergency response program that would account for development of the Project. Therefore, construction and operation of the Project would have a less-than-significant impact related to emergency response and evacuation.
- **Impact HAZ-7: Wildfire.** The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires because the Project site and surrounding areas are highly urbanized and not located near heavily vegetated areas or wildlands that could be susceptible to wildfire. The Project site and surrounding areas are in a Local Responsibility Area and not within or near a Very High Fire Hazard Severity Zone, as mapped by the California Department of Forestry and Fire Protection (CAL FIRE). Therefore, the Project would have no impact related to wildland fire hazards.
- **Impact C-HAZ-1: Cumulative Routine Transport, Use, or Disposal of Hazardous Materials.** The Project, in combination with other foreseeable development in the vicinity, would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials because the Project and other foreseeable

development in the vicinity would be required to comply with existing hazardous materials regulations, including OSHA and Cal/OSHA regulations; the California Fire Code; California Health and Safety Code Division 20, Chapter 6.5, Chapter 6.67, Chapter 6.7, and Chapter 6.95; CCR; DOT; RCRA; and federal, State, regional, and local regulations, which would ensure that the Project and cumulative projects would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials during construction or operation. Therefore, the Project would not result in cumulatively considerable impact related to the routine transport, use, or disposal of hazardous materials.

- **Impact C-HAZ-2: Cumulative Accidental Releases of Hazardous Materials (Operation).** The Project, in combination with other foreseeable development in the vicinity, would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment during operation because required compliance with existing hazardous materials regulations, including OSHA and Cal/OSHA regulations; the California Fire Code; California Health and Safety Code Division 20, Chapter 6.5, Chapter 6.67, Chapter 6.7, and Chapter 6.95; CCR; DOT; RCRA; and federal, State, regional, and local regulations, would ensure that the Project and cumulative projects, when operational, would not create a significant hazard to the public or the environment associated with an accidental release of hazardous materials. Therefore, the Project would not result in cumulatively considerable impact related to the accidental release of hazardous materials during operation.
- **Impact C-HAZ-3: Cumulative Aviation Hazards.** The Project, in combination with other foreseeable development in the vicinity, would not result in a safety hazard or excessive noise for people residing or working in the Project area due to proximity to San José International Airport because the Project and other foreseeable development in the vicinity would comply with FAR Part 77. Therefore, the Project would result in less-than-significant cumulative impacts related to aviation hazards.
- **Impact C-HAZ-4: Cumulative Emergency Response and Evacuation.** The Project, in combination with other foreseeable development in the vicinity, would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan because any construction activities that would result in temporary roadway closures would require traffic permits from the City and a traffic control plan, which would maintain emergency response and evacuation access through appropriate traffic control measures and detours. In addition, the Project and cumulative projects would not impair or interfere with the City's ability to implement the emergency preparation or response actions described in the Local Hazard Mitigation Plan or EOP. Implementation of the City's General Plan policies related to emergency response and evacuation, including Policies 5.10.5-P1 through 5.10.5-P4 would ensure that the City would maintain an effective emergency response program that would account for operation of the Project and cumulative projects. Therefore, construction and operational impacts from the Project would be less than significant and not cumulatively considerable.

12. Population and Housing

- **Impact POP-1: Population Growth.** Implementation of the Project would not induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure) because the population within the city or county as a result of workers relocating is not anticipated to increase substantially during Project construction. As shown in Table 3.12-6, the Project would result in the construction of up to 1,800 residential units on the Project site, 15 percent of which would be affordable. This would generate approximately 3,870 new residents, based on a household generation rate of 2.15 residents per unit. The Project would account for approximately 17.3 percent of the city's population growth over this 15-year period. However, the Project is an infill development within an already-developed area of the city, and the employment growth under the Project is largely accounted for in the General Plan as well as regional growth plans, such as ABAG projections. The Project would increase the supply of housing in the city by providing 1,800 new housing units. Although the Project would generate 544 employees beyond what was assumed for the site under the General Plan, the indirect regional housing demand generated by these additional employees would constitute approximately 0.07 percent of household growth expected in the Bay Area between 2025 and 2040, which is minimal. Because the Project would construct housing anticipated housing demand in the city can be accommodated in the city, and the level on unanticipated housing demand in the region would be small. Therefore, the Project would not induce a substantial level of unplanned population growth, either directly or indirectly, and impacts would be less than significant.

Reduced Office/Housing Alternative: Construction of the Reduced Office/Increased Housing Alternative would temporarily increase construction employment in the city. The demand for construction employment would most likely be met within the existing and future labor market in the city and the county. Therefore, the population within the city or county as a result of workers relocating is not anticipated to increase substantially during Reduced Office/Increased Housing construction, resulting in a less-than-significant impact related to population growth. During operation, the Reduced Office/Increased Housing Alternative would result in a direct population increase due to onsite residents of approximately 5,590 people. The city's population is expected to grow by approximately 22,285 between 2025 and 2040. Therefore, the housing units at the Project site under the Reduced Office/Increased Housing Alternative would account for approximately 25.1 percent of the city's population growth over this 15-year period. In comparison, the Project would account for approximately 17.3 percent of the city's population growth from 2025 to 2040. Therefore, the Reduced Office/Increased Housing Alternative would result in a greater onsite population growth than the Project. The increase in employment at the Project site during operation would not result in increased housing demand and an influx of new residents in the city and other jurisdictions in the region and may even result in increased housing demand outside the Bay Area. Because the alternative would generate fewer employees onsite than was planned for in the General Plan, the result would be a decrease in anticipated demand for housing units to support employment in the city and county. Therefore, the Reduced Office/Increased Housing Alternative would result in a lesser population increase in the city and region than the Project. Therefore, the Reduced Office/Increased Housing Alternative would not induce a substantial level of unplanned population growth, either directly or indirectly, and impacts would be less than significant but to a lesser degree than the Project. (LTS)

Revised Project: As with the Reduced Office/Increased Housing Alternative, construction employment for the Revised Project would most likely be met within the existing and future labor market in the city and the county, in a less-than-significant impact related to population growth. Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would result in a direct population increase due to onsite residents of approximately 5,590 people, approximately 25.1 percent of the city's population growth over this 15-year period, the same as under the Reduced Office/Increased Housing Alternative. Because the Revised Project would generate fewer employees onsite than was planned for in the General Plan, the result would be a decrease in anticipated demand for housing units to support employment in the city and county. Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would result in a lesser population increase in the city and region than the Project. (LTS)

- **Impact POP-2: Displacement of Existing People or Housing.** The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere because, although the Project will demolish the four light industrial buildings present at the site, the Project would not demolish any residential housing, including the nearby Adobe Well Mobile Home Park. Therefore, the Project would not displace residents. The Project would result in no impact related to the displacement of housing.
- **Impact C-POP-1: Cumulative Population and Housing Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not induce substantial unplanned population growth within Santa Clara and region because construction workers for the Project and construction workers associated with the cumulative projects would not be expected to relocate permanently for construction work and therefore would not substantially increase the population in the city or the county. Therefore, the cumulative projects and the Project would not result in a significant cumulative impact related to unplanned population growth during construction. In addition, the cumulative scenario for this EIR includes 3 million gsf of office development for the Project site, as identified in the General Plan, and therefore is included in ABAG growth projections. Because the office development was included in projections, it would not contribute to a cumulative impact related to unplanned population and housing growth. As shown in Table 3.12-6, retail, childcare, and residential uses would generate 544 employees who were not included in projections; however, within the cumulative context, this is a very small number and would not, in combination with other foreseeable development, significantly contribute to a cumulative impact. Therefore, the Project's contribution to a cumulative impact would be less than significant.

Reduced Office/Increased Housing Alternative: The Reduced Office/Increased Housing Alternative, in combination with other projected growth in the city, would not increase population and housing in the city because the direct growth generated by the alternative would be within planned projections and indirect growth (resulting from employees) would be lower than what was planned for at the Project site. Therefore, the Reduced Office/Increased Housing Alternative's contribution to a cumulative impact would be less than significant. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, the Revised Project, in combination with other projected growth in the city, would not increase population and housing in the city and the contribution to a cumulative impact would be less than significant. (LTS)

13. Public Services

- **Impact PS-1: Fire Services and Facilities.** The Project would not result in the need for new or physically altered fire service facilities because the Project's estimated 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and would be included with the service population of the Santa Clara Fire Department (SCFD). Additionally, a Fire Service Needs Assessment (Needs Assessment) was prepared for the Project in 2023. The Needs Assessment found that current service levels could be maintained with the operation of the Project, provided there was an increase in the personnel, the positions of Fire Protection Engineer and Deputy Fire Marshal were filled, and Fire Station 10 was completed and staffed. No specific need for additional facilities that could result in physical environmental impacts were identified in the Needs Assessment. Therefore, the Project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives. As such, the Project's construction and operational impacts related to fire protection would be less than significant.

Reduced Office/Increased Housing Alternative: Similar to the Project but to a lesser degree, the Reduced Office/Increased Housing Alternative would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives. As such, impacts related to fire protection under the Reduced Office/Increased Housing Alternative would be less than significant, similar to the Project. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, construction workers for the Revised Project are not expected to put an additional strain on fire protection services and impacts related to fire protection during construction would be less than significant. Similar to the operation of the Reduced Office/Increased Housing Alternative, the Revised Project would result in additional employees and residents on the Project site; however similar to the Reduced Office/Increased Housing Alternative, impacts related to fire protection would be less than significant. (LTS)

- **Impact PS-2: Police Services and Facilities.** The Project would not result in the need for new or physically altered police service facilities because the Project's estimated 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and would not increase the Santa Clara Police Department's (SCPD's) existing service population in a way that would necessitate the expansion of SCPD facilities. In addition, the Project would not trigger the need for the construction of a new police facility or the expansion of the existing one. The SCPD participates in a mutual aid agreement with the other law enforcement jurisdictions in Santa Clara County,

which could provide services to the Project site, as needed. Furthermore, the Project alone would not result in any impacts to the SCPD's response time objectives. The Project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Therefore, the construction and operation of the Project would result in a less-than-significant impact related to police services and facilities.

Reduced Office/Increased Housing Alternative: Construction workers under the Reduced Office/Increased Housing Alternative are not expected to increase the SCPD's service population in a way that would necessitate the expansion of existing or construction of new SCPD facilities. Therefore, similar to the Project, impacts related to police protection during construction would be less than significant. During operation, the Reduced Office/Increased Housing Alternative could affect the SCPD by intensifying site activity; adding new employees, residents, and visitors; increasing square footage; and increasing traffic incidents. Adding to the service population would lead to an overall increase in service calls to the SCPD. In addition, the need for additional officers and staff due to implementation of the Reduced Office/Increased Housing Alternative could result in the need for additional equipment (e.g., radios, vehicles, computers) and a redesign of existing SCPD facilities to resolve capacity issues. Although additional SCPD staff may be required, the Reduced Office/Increased Housing Alternative, on its own, would not trigger the need for the construction of a new police facility or the expansion of the existing one. Any additional SCPD services required to meet the needs of the Reduced Office/Increased Housing Alternative would be accommodated within existing facilities. In addition, the SCPD participates in a mutual aid agreement with the other law enforcement jurisdictions in Santa Clara County, which could provide services to the Project site, as needed. Therefore, similar to the Project but to a lesser degree, the Reduced Office/Increased Housing Alternative would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives. As such, impacts related to police protection would be less than significant, similar to the Project. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, construction workers under the Revised Project are not expected to increase the SCPD's service population and impacts related to police protection during construction would be less than significant. Similar to operation of the Reduced Office/Increased Housing Alternative, the Revised Project could affect the SCPD by intensifying site activity; adding new employees, residents, and visitors; increasing square footage; and increasing traffic incidents; however, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives and impacts related to police protection would be less than significant. (LTS)

- **Impact PS-3: School Facilities.** The Project would not result in the need for new or physically altered school facilities because the Project's estimated 400 onsite construction

workers would most likely be drawn from the existing and future labor market in the city and the county and would be included with the anticipated student population of the Santa Clara Unified School District (SCUSD). In addition, capacity for additional students currently exists in Kathryn Hughes Elementary and Huerta Middle School, which would serve the Project area. Capacity for additional students at Kathleen MacDonald High School would be available by the time the Project is operational. The Project would be subject to Senate Bill (SB) 50 School Impact Fees. Therefore, Project construction and operation would not trigger a need for the construction of new schools or expansion of existing facilities, resulting in a less-than-significant impact.

Reduced Office/Increased Housing Alternative: Construction workers under the Reduced Office/Increased Housing Alternative are not expected to trigger a need for new schools or require expansion or rehabilitation of existing facilities. Therefore, similar to the Project, impacts related to schools during construction would be less than significant. During operation, the Reduced Office/Increased Housing Alternative would generate approximately 5,590 onsite residents and, therefore, would have a direct impact on schools. In addition, new onsite employees would result in new residents throughout the city, which would also need to be served by the SCUSD. School enrollment in the city has been consistently declining over the last 7 years and is projected to continue to decline over the next decade. Capacity for the additional elementary school and middle school students can currently be accommodated in Kathryn Hughes Elementary and Huerta Middle School. High school capacity throughout the district in general is affected; however, Kathleen MacDonald High, which currently serves only the ninth grade, will be adding a new grade each year as the current student class progresses. Therefore, by the time the Reduced Office/Increased Housing Alternative is operational, adequate space would be available for high school students generated as a result of the new onsite residents and employment. In addition, the Reduced Office/Increased Housing Alternative would be subject to SB 50 School Impact Fees. Section 65996 of the State Government Code states that the payment of school impact fees established by SB 50 is deemed to constitute full and complete mitigation for school impacts from development that may be required from a developer by any State or local agency. Although the payment of the school impact fee by the Project Sponsor could contribute toward the construction or expansion of schools, any actual construction or expansion of school facilities would not be a direct result of the alternative and would be required to undergo a separate CEQA review process. Therefore, the Reduced Office/Increased Housing Alternative would not trigger the need for the expansion or construction of new schools, resulting in a less-than-significant impact, similar to but greater than the Project. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, construction workers under the Revised Project are not expected to trigger a need for new schools or require expansion or rehabilitation of existing facilities. Therefore, similar to the Reduced Office/Increased Housing Alternative, impacts related to schools during construction would be less than significant. Similar to the Reduced Office/Increased Housing Alternative, during operation, the Revised Project would generate approximately 5,590 onsite residents and, therefore, would have a direct impact on schools; however, as with the Reduced Office/Increased Housing Alternative, the Revised Project would be subject to SB 50 School Impact Fees. Therefore, the Revised Project would not trigger the

need for the expansion or construction of new schools, resulting in a less-than-significant impact. (LTS)

- **Impact PS-4: Parks and Recreation Facilities.** The Project would not result in the need for new or physically altered parks and recreational facilities, would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would result, and would not include or require construction of recreational facilities that might have an adverse physical effect because the Project's estimated 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and construction of the Project would not result in the need for new or physically altered park facilities. In addition, the Project would dedicate parkland and provide recreational space, avoiding the impact of new residents on existing park and recreational space. If the amount of acreage changes, a fee in lieu of parkland dedication could be required. Because the Project would provide public parkland and private recreational space that would meet the demands of Project residents, the Project would result in a less-than-significant impact related to parks and recreation facilities.

Reduced Office/Increased Housing Alternative: Implementation of this alternative could contribute to an increase in demand for parkland because it would add new residents to the city. The increased population associated with the alternative could contribute to overuse of existing parks near the Project site and lead to physical deterioration of park facilities and overcrowding. The alternative would be required to dedicate public parkland and/or pay a fee in lieu of parkland dedication to help offset the impact on existing parkland and recreational facilities associated with demand from new residents. This would result in a less-than-significant impact on park and recreational land. Due to onsite employment and residential uses during operation, the Reduced Office/Increased Housing Alternative would increase the population in the area and, therefore, increase the demand for local neighborhood and community parks and recreational space. The Reduced Office/Increased Housing Alternative is expected to include the same amount of dedicated parkland and private recreational amenity space as the Project (i.e., approximately 10 acres of dedicated parkland and approximately 4 acres of private active recreational amenity space). Therefore, the Reduced Office/Increased Housing Alternative would provide dedicated parkland and private recreational amenity space for employees and residents but would not increase the demand for recreational areas. Because the Reduced Office/Increased Housing Alternative would provide dedicated park and private recreational amenities that would meet the demands of employees and residents, it would not increase demand on existing parks and recreational spaces. Therefore, very little physical deterioration would occur at these sites as a result of the Reduced Office/Increased Housing Alternative. The Reduced Office/Increased Housing Alternative would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered park facilities in order to maintain acceptable service ratios or other performance objectives. As such, impacts related to parks would be less than significant, similar to but greater than those of the Project. (LTS)

Revised Project: Implementation of the Revised Project could contribute to an increase in demand for parkland because it would add new residents to the city; however, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be required

to dedicate public parkland and/or pay a fee in lieu and would therefore result in a less-than-significant impact on park and recreational land. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project is expected to include the same amount of dedicated parkland and private recreational amenity space as the Reduced Office/Increased Housing Alternative (i.e., approximately 10 acres of dedicated parkland and approximately 4 acres of private active recreational amenity space). Under the Revised Project, there would be an incrementally increased park demand compared to the Project, but impacts related to parks would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

- **Impact PS-5: Library Facilities.** The Project would not result in the need for new or physically altered library facilities, because the Project's 400 onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county and therefore would not put additional strain on library services that would require rehabilitation or the construction of new library facilities. In addition, the Project's 3,870 residents and 12,544 employees would result in a population of 155,585, which would result in 0.67 square foot of library space per capita, still above the 0.3 square foot per capita that the American Planning Association (APA) suggests as the minimum for a city of this size. Therefore, the Project would result in a less-than-significant impact related to library facilities.

Reduced Office/Increased Housing Alternative: Under this alternative, onsite construction workers would most likely be drawn from the existing and future labor market in the city and the county. Therefore, as with the Project, construction of the Reduced Office/Increased Housing Alternative would not put additional strain on library services that would require the rehabilitation of existing or the construction of new library facilities, resulting in less-than-significant impacts. The addition of employees and residents on the Project site during operation would increase the population of library users. However, based on ABAG projections and existing library space, population increases within the city by 2040 would not result in an exceedance of the suggested minimum of 0.3 square feet of library space per capita. Therefore, the Reduced Office/Increased Housing Alternative would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered library facilities in order to maintain acceptable service ratios or other performance objectives. Similar to the Project, the Reduced Office/Increased Housing Alternative would result in a less-than-significant impact related to libraries. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not put additional strain on library services that would require the rehabilitation of existing or the construction of new library facilities and would not result in an exceedance of the suggested minimum of 0.3 square feet of library space per capita. Therefore, the Revised Project would result in a less-than-significant impact related to libraries. (LTS)

- **Impact C-PS-1: Cumulative Public Service Impacts.** The Project, in combination with other foreseeable development in the City, would not result in the need for new or physically altered public service facilities. The estimated 400 onsite construction workers

associated with the Project and the construction workers associated with the cumulative projects would most likely be drawn from the existing and future labor market in the city and the county and included within the service population of the SCFD. In addition, construction workers would not increase the SCPD's existing service population in a way that would necessitate the expansion of SCPD facilities, would not increase the SCUSD's existing student population in a way that would necessitate the expansion of SCUSD facilities, would not increase the existing service population of the Parks Department in a way that would necessitate the expansion of park facilities, and would not put an additional strain on library services that would require the rehabilitation of existing facilities or the construction of new library facilities. A Needs Assessment prepared for the Project determined that with the completion of Fire Station 10, which would be operational by the time the Project would be constructed, and additional staffing, there would be no need for new facilities to maintain service ratios. The Project would also be built according to fire code standards, decreasing the likelihood of fire risk at the site. Because the Project, upon completion, would be close to a new fire station that would adequately serve the Project site, would not be located in a high-risk fire hazard zone, and would be constructed according to the most current fire code standards, the Project's operational contribution to cumulative fire protection impacts would not be cumulatively considerable. The Project would not trigger the need for the construction of a new police facility, the construction of which would cause significant environmental impacts. The Project's operational contribution to a cumulative police services impact would not be considerable. The SCUSD enacted development fees in accordance with the Leroy F. Greene School Facilities Act and levies the fees on development projects within its service area. Other projects would also be required to pay school impact fees, which are based on the amount of proposed residential and commercial space. This process, as well as the fee payment and SCUSD's Strategic Plan planning process discussed in the regulatory setting section above, would ensure that citywide growth would be reasonably accommodated within the cumulative context and the Project's operational contribution to cumulative impacts would not be considerable. Compliance with Santa Clara City Code Chapter 17.35 would ensure that development projects would provide adequate park and recreational facilities or contribute a fee to meet the demand for recreational space generated by the projects. Therefore, the development projects would not increase the use of existing neighborhood parks such that physical deterioration of park facilities and overcrowding would occur or be accelerated. Therefore, the current development would not be expected to result in a significant cumulative impact related to parks and recreation. With the provision of adequate park and recreational land within the Project site and/or payment of a fee in lieu of dedication, the Project's operational contribution to cumulative impacts would not be considerable. The addition of the 3,870 residents generated by the Project would result in a population of 155,585, which would result in 0.67 square foot of library space per capita, still above the 0.3 square foot per capita APA suggests as the minimum for a city of this size. Therefore, the Project would not substantially contribute to the need for a new library facility. Therefore, operation of the Project would not result in a cumulatively considerable impact related to library services. Therefore, the Project would result in a less-than- significant cumulative impact related to public services.

Reduced Office/Increased Housing Alternative: Cumulative development in the city would result in increased demand for fire services, police services, school facilities, parks,

recreational facilities, and library facilities to accommodate growth. As with the Project, cumulative impacts on public services would be significant if the firefighter and police service response time is degraded, and new school, park, and library facilities are not constructed to accommodate this growth. The Reduced Office/Increased Housing Alternative would add employees and residents at the Project site. As with the Project, although additional firefighters and police could be needed for the Reduced Office/Increased Housing Alternative to maintain response times, staffing increases could be accommodated within existing facilities or within the new Fire Station 10. With the provision of the City's school impact fees, as well as dedication of public parkland and private recreational amenities to help offset the impact on existing parkland and recreational facilities associated with demand from new residents, the cumulative impact on parks and recreation and schools would be less than significant. Therefore, as with the Project, the Reduced Office/Increased Housing Alternative's cumulative impacts on public service providers would be less than cumulatively considerable. (LTS)

Revised Project: Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in an exceedance of the suggested minimum of 0.3 square feet of library space per capita, cumulative development in the city associated with the Revised Project would result in increased demand for fire services, police services, school facilities, parks, recreational facilities, and library facilities to accommodate growth; however, as with the the Reduced Office/Increased Housing Alternative's cumulative impacts on public service providers, the Revised Project's cumulative impacts would be less than cumulatively considerable. (LTS)

14. Tribal Cultural Resources

- **Impact TRC-1: Tribal Cultural Resources (Operations).** Operation of the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is a) listed or eligible for listing in the CRHR or in a local register of historical resources, as defined in PRC Section 5020.1(k), or b) determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 because any impact on tribal cultural resources would occur during Project construction. Thus, no impact related to tribal cultural resources could result from operation of the Project.
- **Impact C-TCR-1: Cumulative Impacts on Tribal Cultural Resources (Operation).** Operation of the Project, in combination with other foreseeable development in the vicinity, would not result in impacts on tribal cultural resources because any impact on tribal cultural resources would occur during construction. Thus, no impact related to tribal cultural resources would result from operation under cumulative conditions.

15. Utilities and Service Systems

- **Impact UT-1: Utility Relocation, Construction, or Expansion (Other Than Stormwater Facilities).** The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, electricity, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects during construction or operation. Therefore, impacts

related to relocation or construction of new or expanded water, wastewater treatment, electricity, natural gas or telecommunication facilities would be less than significant.

- **Impact UT-2: Water Supply.** The Proposed Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years because the Project is within the 2020 Urban Water Management Plan (UWMP) growth projections and implement sustainability features. Construction activities within the Project site would be served by existing recycled water systems and infrastructure. Because there is adequate recycled water service available at the Project site, construction activities that require water, such as for dust suppression and dewatering, would be met through either the use of onsite recycled water or use of recycled water conveyed by water trucks and tanks. Because the City determined that the Project's water demand would be within the City's modeled 2020 UWMP growth projections, an adequate water supply would be available to serve the Project under normal-year, single dry-year, and five consecutive dry-year conditions, as described above for the City's water service reliability assessment. Similarly, projected water demand for reasonably foreseeable future development, including the Project, would also be met with the City's water supply; therefore, the supply is projected to be adequate with respect to meeting demand through 2045. In addition, because recycled water is currently available at the Project site and at some of the reasonably foreseeable future development sites, the Project and future development could connect to the existing recycled water system. In addition to using recycled water, the Project would also include a number of sustainability features to reduce water use. Such features would involve building and landscape rainwater capture and reuse; greywater reuse; the use of reclaimed wastewater onsite, low-flow plumbing fixtures, native drought-tolerant landscaping, and flow-through planters; and reductions in impermeable surfaces. All of these Project-specific sustainability features would help offset potable water demand from the Project. Therefore, because the Project's water demand would be within the 2020 UWMP growth projects, and given the sustainability features that would be implemented, the Project's construction and operational impact on water supply would be less than significant.

Reduced Office/Increased Housing Alternative: Construction activities under the Reduced Office/Increased Housing Alternative would be served by existing water systems and infrastructure. Because there is adequate water service available at the Project site, construction activities that require water, such as dust suppression and dewatering, would be met through the metered use of water conveyed by water trucks and tanks. Therefore, the impact on water supplies during construction would be less than significant, similar to the Project. During operation, the Project's total water demand would be 646.4 acre-feet per year. Given the similar amount of development under the Reduced Office/Increased Housing Alternative, water demand associated with this alternative would be similar to that of the Project. When taking into account the water demand of other approved development as well as the water demand of the Reduced Office/Increased Housing Alternative, there would be an adequate water supply under the normal-year, single dry-year, and five consecutive dry-year scenarios, as with the Project. Therefore, as with the Project, implementation of the Reduced Office/Increased Housing Alternative would have a less-than-significant impact on water supplies. (LTS)

Revised Project: Construction activities under the Revised Project, would be served by existing water systems and infrastructure, and impacts on water supplies during construction would be less than significant, similar to the Project. During operation, the Revised Project total water demand would be 646.4 acre-feet per year, same as the Reduced Office/Increased Housing Alternative. Therefore, as with the Reduced Office/Increased Housing Alternative, implementation of the Revised Project would have a less-than-significant impact on water supplies. (LTS)

- **Impact UT-3: Wastewater Treatment Capacity.** The Project would result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments because portable restrooms would be temporarily installed onsite, construction is not anticipated to result in substantially elevated wastewater generation levels in the local sanitary sewer system, and dewatering discharge rates would be less than peak storm flows and within system capacity. Construction of the Project would not result in capacity deficiency in local or downstream sewers in the near term or future, according to the Project's Sanitary Sewer Capacity Evaluation (Sewer Study). Therefore, the San José/Santa Clara RWF would have adequate capacity to serve the Project's projected demand in addition to the wastewater facility's existing commitments. In addition, a Sewer Study evaluated wastewater treatment and sewer capacity projections for the Project, which found that both sewer options included in the Project would reduce the peak wet-weather flow reaching the Tasman Lift Station, and flows would not exceed the lift station's capacity. The wastewater treatment provider that serves the Project would have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, the Project would have a less-than-significant impact related to wastewater treatment capacity.

Reduced Office/Increased Housing Alternative: Construction activities associated with the Reduced Office/Increased Housing Alternative would be served by the existing sewer system and infrastructure. Because portable restrooms would be temporarily installed onsite, construction is not anticipated to result in substantially elevated wastewater levels in the local sanitary sewer system. In addition, dewatering discharge rates would be less than peak storm flows and within system capacity. Therefore, similar to the Project, this alternative would result in a less-than-significant impact on wastewater treatment providers during construction. During operation, the Project's estimated BWF would be 51,533 gpd by 2035. Development under the Reduced Office/Increased Housing Alternative would be similar to that of the Project; therefore, wastewater demand associated with this alternative would be similar to that of the Project and would be less-than-significant. (LTS)

Revised Project: Construction activities associated with the Revised Project would be served by the existing sewer system and infrastructure and would result in a less-than-significant impact on wastewater treatment providers during construction, same as the Reduced Office/Increased Housing Alternative. During operation, the Revised Project estimated BWF would be 51,533 gpd by 2035, same as the Reduced Office/Increased Housing Alternative and therefore impacts on wastewater facilities would likewise be less-than-significant. (LTS)

- **Impact UT-4: Solid Waste Capacity.** The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals because the Project would include a construction and demolition plan that would call for approximately 90 to 95 percent of demolition material to be recycled. The Project would use salvaged, recycled, and low-impact materials where appropriate and send them for treatment and reuse rather than to a landfill. During construction, the Project would reuse excavation materials, process demolition onsite, segregate waste streams, audit waste, and implement take-back schemes. Organic material cleared during construction could be reused as fill in future landscaped areas onsite or offsite. Therefore, because approximately 90 to 95 percent of demolition materials would be recycled, which is in excess of the 80 percent solid waste diversion goal in the City's CAP, the Project's construction impact would be less than significant. The Project would comply with the mandatory requirements of the Santa Clara Commercial and Residential Recycling Programs to help the City meet its waste diversion goal of 65 percent as well as City ordinances that regulate single-use carryout bags and expanded polystyrene foam food-service ware. In addition, the Project would be served by a landfill with adequate permitted capacity and able to accommodate the Project's solid waste disposal needs. Therefore, the Project would have a less-than-significant impact on solid waste capacity.
- **Impact UT-5: Solid Waste Regulations.** The Project would not result in the generation of unique types of solid waste that would conflict with applicable solid waste disposal and would be required to comply with City solid waste disposal requirements, including recycling, composting, and special materials disposal programs to comply with the provisions of AB 939. Therefore, the Project would have no impact related to compliance with applicable federal, State, and local statutes and regulations related to solid waste.
- **Impact C-UT-1: Cumulative Utilities Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not require or result in the construction of new water, wastewater, stormwater treatment, electricity, or telecommunication facilities; result in a determination of inadequate wastewater treatment capacity; or generate solid waste in excess of State or local standards because construction of the cumulative projects would be temporary and would use existing utility connections for construction purposes to connect with water, wastewater, stormwater, electrical, and telecommunication systems. In addition, construction of the cumulative projects and the Project would not permanently increase wastewater generation or solid waste generation. Valley Water would assess whether changes to Valley Water's Water Supply Master Plan 2040 would be needed to adapt to changing supply and demand conditions, climate change, regulatory and policy changes, other risks, and uncertainty. Therefore, the Project would not result in cumulatively considerable impacts related to water supply facilities because the master plan accounts for facility planning, which includes the Project and Project region. Flows to the Tasman Lift Station decrease in future conditions under both options because a number of improvements to the sewer system are planned, which would be implemented by 2035. Therefore, a significant cumulative impact on wastewater treatment facilities and capacity would not occur. Development in the City would consist primarily of redevelopment, which would not substantially increase impervious surfaces in the City. Existing regulations require new projects to address the need for stormwater treatment. As such,

there would be no cumulative impacts from development on the City's stormwater drainage facilities. The City has an arrangement with the Newby Island Landfill, as well as other landfills located outside of the county, to provide disposal capacity through 2041, according to CalRecycle. Therefore, there would be available capacity for the region, and no cumulative impacts related to solid waste would occur. The Project's proposed substation would be maintained by the City's public utility provider, SVP. As such, there would be no cumulative impacts from development on the City's electricity, natural gas, and telecommunications facilities. Therefore, the Project would result in a less than significant cumulative impact related to utilities.

B. Less-than-Significant Impacts that Require Mitigation

Potentially significant impacts have been determined by the City to be reduced to a level of less than significant through the environmental analysis of the Project and Revised Project, and identification of Project design features; compliance with existing laws, codes, and statutes; and the identification and incorporation of feasible mitigation measures. For these impacts, the City has thus found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1)—that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” (See also Public Resources Code Section 21081(a)(1).)

The Final EIR identified the significant impacts below that, with mitigation, can be reduced. Based on the findings in the Final EIR, inclusive of Attachment 3 regarding the Revised Project, as well as the evidence in the record, the impacts can be mitigated to a less-than- significant level, as discussed below.

1. Transportation

The topic of transportation was analyzed in Section 3.2 of the EIR. The EIR determined that the Project could result in significant impacts related to transportation and recommended mitigation measures, as discussed below.

Impact TRA-1: Consistency with Adopted Plans, Ordinances, and Policies Regarding Roadways (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Project, would reduce the construction impacts related to consistency with adopted plans, ordinances and policies regarding roadways to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. A Construction Management Plan would minimize disruptions to the roadway network caused by Project construction activities. The City hereby determines that any impacts related to consistency with adopted plans, ordinances, and policies regarding roadways from construction remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Typical activities related to

construction of the Revised Project could include lane narrowing and/or lane closures. Such activities could conflict with General Plan policies that require new development to provide streets that meet City goals and standards. Therefore, Revised Project construction could conflict with an applicable plan, ordinance, or policy addressing the roadway network, resulting in a significant impact. Mitigation Measure TRA-1.1 would require the Revised Project to prepare and submit a Construction Management Plan prior to issuance of any building permit and in the event of any type of closure, clear signage (e.g., closure and detour signs) must be provided to ensure that vehicles will be able to reach their intended destinations safely. With implementation of Mitigation Measure TRA-1.1, the Revised Project would not conflict with an applicable plan, ordinance, or policy addressing the roadway network. This would reduce construction impacts related to consistency with adopted plans, ordinances, and policies regarding roadways to a less-than-significant level.

Mitigation Measure TRA-1.1: Construction Management Plan. Prior to the issuance of each building permit, the Project Sponsor shall prepare a construction management plan for review and approval by the Public Works Department. The plan, which shall be implemented during construction, shall include at least the following items and requirements:

- A comprehensive set of traffic control measures, including measures regarding detour signs, if required; lane closure procedures; sidewalk closure procedures; signs; cones for drivers; and designated construction access routes.
- Notification procedures for adjacent property owners, the public, transit operators, and public safety personnel regarding when detours and lane closures will occur.
- The location of construction staging areas for materials, equipment, and vehicles (must be located on the Project site).
- Identification of haul routes for the movement of construction vehicles to minimize impacts on vehicular, pedestrian, and transit vehicle traffic, circulation, and safety and provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected. Construction vehicles shall be required to use designated truck/haul routes.
- Provisions for the removal of trash generated by Project construction activity.
- A process for responding to and tracking complaints pertaining to construction activity.
- Parking restrictions—specifically, construction vehicles and construction workers shall not be allowed to park in adjacent residential neighborhoods, and construction vehicles shall be required to park in the construction zone or in temporary parking lots onsite.
- Provisions that address the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes.

Reduced Office/Increased Housing Alternative: The Reduced Office/Increased Housing Alternative would generate a similar number of truck trips during construction and about the same number of trips by construction workers as the Project. Heavy-duty truck trips are excluded from VMT consideration; therefore, the hauling of demolition debris would not affect VMT. Furthermore, the VMT generated by construction workers' trips to and from the site would be less than the VMT generated upon build-out of the development because there would be fewer construction trips than operational trips, resulting in a less-than-significant impact. Similar to the Project, the Reduced Office/Increase Housing Alternative would require preparation of a construction management plan that would be reviewed and approved by the Public Works Department, similar to requirements under Project Mitigation Measure TRA-1.1 (Construction Management Plan). This mitigation measure would ensure that the impacts related to consistency with adopted plans, ordinances, and policies addressing the circulation system, hazards due to a geometric design feature or incompatible uses, and inadequate emergency access would be less than significant with mitigation. (LTS/M)

Revised Project: The Revised Project would generate a similar number of truck trips during construction and about the same number of trips by construction workers as the Reduced Office/Increased Housing Alternative. Similar to the Reduced Office/Increase Housing Alternative, the Revised Project would require preparation of a construction management plan that would be reviewed and approved by the Public Works Department, similar to requirements under Project Mitigation Measure TRA-1.1 (Construction Management Plan). Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be less than significant with mitigation. (LTS/M)

Impact TRA-2: Consistency with Adopted Plans, Ordinances, and Policies Regarding Transit (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding transit to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any construction impacts related to consistency with adopted plans, ordinances, and policies regarding transit remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Revised Project construction activities could temporarily impede light rail transit or bus operations or close the bus stop adjacent to the Project frontage on Tasman Drive. This would conflict with General Plan policies that encourage development of a multimodal transportation system. Therefore, Revised Project construction could conflict with an applicable plan, ordinance, or policy addressing public transit, resulting in a significant impact. Any changes to light rail or bus operations during construction would require prior approval and adequate countermeasures approved by the Santa Clara Valley Transportation Authority (VTA). Mitigation Measure TRA-1.1 would include provisions to maintain these facilities and services. With implementation of Mitigation Measure TRA-1.1, the Revised Project would not conflict with an applicable plan, ordinance, or policy addressing public

transit. This would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding transit to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-3: Consistency with Adopted Plans, Ordinances and Policies Regarding Bicycle Facilities (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce construction impacts to bicycle facilities to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any impacts related to consistency with adopted plans, ordinances, and policies addressing bicycle facilities remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Revised Project construction activities could result in the temporary closure of bike lanes on Tasman Drive. This would conflict with General Plan policies that encourage development of a multimodal transportation system and 2018 Bicycle Plan Update Policy 2.C.4, which states that bicycle lanes shall be maintained next to construction zones whenever feasible. Therefore, Revised Project construction could conflict with an applicable plan, ordinance, or policy addressing bicycle facilities, resulting in a significant impact. Any changes to existing bicycle facilities would require prior approval or adequate countermeasures approved by the Public Works Department. Mitigation Measure TRA-1.1 would include provisions to maintain bicycle connections within the Project vicinity during construction. With implementation of Mitigation Measure TRA-1, the Revised Project would not conflict with an applicable plan, ordinance, or policy addressing bicycle facilities. This would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding bicycle facilities to a less-than- significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-4: Consistency with Adopted Plans, Ordinances and Policies Regarding Pedestrian Facilities (Construction).

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies addressing pedestrian facilities to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any impacts related to consistency with adopted plans, ordinances, and policies regarding pedestrian facilities remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Revised Project construction activities could result in the temporary closure of sidewalks and crosswalks. This would conflict

with General Plan policies that encourage development of a multimodal transportation system and 2019 Pedestrian Master Plan Policy 2.C.4, which states that pedestrian lanes shall be maintained next to construction zones whenever feasible. Therefore, Revised Project construction could conflict with an applicable plan, ordinance, or policy addressing pedestrian facilities, resulting in a significant impact. Any changes to existing pedestrian facilities would require prior approval or adequate countermeasures approved by the Public Works Department. Mitigation Measure TRA-1.1 would include provisions to maintain pedestrian connections within the Project vicinity. With implementation of Mitigation Measure TRA-1.1, the Revised Project would not conflict with an applicable plan, ordinance, or policy addressing pedestrian facilities. This would reduce the construction impacts related to consistency with adopted plans, ordinances, and policies regarding pedestrian facilities to a less-than- significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-6: Hazards Due to Design Features or Incompatible Uses (Construction).

FINDINGS: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce the construction impacts related to hazards due to design features or incompatible uses to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any construction impacts related to hazards due to design features or incompatible uses remaining after Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities could temporarily infringe on the existing street right-of-way (ROW) adjacent to the Project site, creating substandard design elements such as narrow lane widths or inadequate sight distances that could pose a hazard to users. Therefore, Revised Project construction could substantially increase hazards due to a geometric design feature, resulting in a significant impact. As part of Mitigation Measure TRA-1.1, the City will review temporary traffic control plans to ensure that travel lane closures, on-street parking, shoulders, bike lanes, bus stops, and sidewalks during construction comply with the *California Temporary Traffic Control Handbook*⁶ and the latest *California Manual on Uniform Traffic Control Devices*.⁷ With implementation of Mitigation Measure TRA-1, and adherence to the design standards in these publications, the Revised Project would not substantially increase hazards due to a geometric design feature or incompatible uses. This would reduce the construction impacts related to hazards due to design features or incompatible uses to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact TRA-7: Emergency Access (Construction).

⁶ California Inter-Utility Coordinating Committee. 2018. *California Temporary Traffic Control Handbook*. Seventh edition. May.

⁷ California Department of Transportation. 2023. *2014 California Manual on Uniform Traffic Control Devices, Revision 7*. March 10.

FINDINGS: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce the construction impacts related to emergency access to a less-than- significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any construction impacts related to emergency access remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities could result in temporary closures along travel lanes, bike lanes, or roadway shoulders. Such closures could interfere with emergency access to the Project site or adjacent properties. Therefore, Revised Project construction could result in inadequate emergency access, resulting in a significant impact. As part of Mitigation Measure TRA-1.1, a construction management plan would include provisions to maintain adequate emergency access during each phase of construction. With implementation of Mitigation Measures TRA-1.1, the Revised Project would not result in inadequate emergency access. This would reduce the construction impacts on emergency access to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact C-TRA-1: Cumulative Adopted Plans, Ordinances, and Policies Addressing the Circulation System.

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to adopted plans, ordinances, and policies addressing the circulation system to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any cumulative impacts related to consistency with adopted plans, ordinances, and policies regarding roadways remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Revised Project and other future developments that may be constructed within the Patrick Henry Specific Plan Area and the Freedom Circle Focus Area, as well as other approved and proposed developments in the vicinity of the Project site, would be required to comply with existing regulations, including General Plan policies and zoning regulations that have been enacted to minimize impacts related to transportation and circulation. However, without mitigation, Revised Project construction, in combination with cumulative projects, could conflict with an applicable plan, ordinance, or policy addressing the roadway network, resulting in a significant cumulative impact. Construction management plans, similar to the construction management plan required under Mitigation Measure TRA-1.1 for the Revised Project, would be required for all new developments, subject to review and approval by the Public Works Department, to ensure that all elements of the transportation network meet City goals and standards during construction. With implementation of Mitigation Measure TRA-1.1, the Revised Project, in combination with other foreseeable

development in the vicinity, would not conflict with an applicable plan, ordinance, or policy addressing the circulation system, including roadway, transit, bicycle, and pedestrian facilities. This would reduce the cumulative impacts related to adopted plans, ordinances, and policies to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact C-TRA-3: Cumulative Hazards Due to Design Features or Incompatible Uses.

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any cumulative impacts related to hazards due to design features or incompatible uses remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Revised Project combined with future developments would not substantially increase hazards due to a geometric design feature or incompatible uses. Overall, cumulative land use development, including future developments within the Patrick Henry Specific Plan Area and the Project site, would promote accessibility for people traveling to and through northern Santa Clara by conforming to General Plan and specific plan policies, zoning regulations, and City standards and adhering to planning principles that emphasize providing convenient connections and safe routes for people bicycling, walking, driving, or taking transit. However, Revised Project construction activities could result in the temporary closure of bike lanes on Tasman Drive. Therefore, Revised Project construction, in combination with other cumulative development, could result in hazards due to design features or incompatible uses, resulting in a significant cumulative impact. Plans would be reviewed by the City's Public Works Department to ensure that projects are constructed according to City specifications. Construction management plans, similar to the construction management plan required under Mitigation Measure TRA-1.1 for the Revised Project, would be required for all new developments, subject to review and approval by the Public Works Department, to ensure that temporary design features used during construction would not increase hazards, both individually and collectively. With implementation of mitigation, the Revised Project, in combination with other foreseeable development in the vicinity, would not substantially increase hazards due to a geometric design feature or incompatible uses. This would reduce the cumulative impacts related to hazards due to design features or incompatible uses to a less-than- significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

Impact C-TRA-4: Cumulative Emergency Access.

FINDING: Implementation of Mitigation Measure TRA-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to emergency access to a less-than-significant level. The City finds preparation and implementation of a Construction Management Plan to be feasible. The City hereby determines that any cumulative

impacts related to emergency access remaining after implementation of Mitigation Measure TRA-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Revised Project construction activities could temporarily infringe on the existing street ROW adjacent to the Project site, creating substandard design elements such as narrow lane widths or inadequate sight distances that pose a hazard to users. Therefore, Revised Project construction, in combination with cumulative development, could substantially increase hazards due to a geometric design feature, resulting in a significant cumulative impact. Designs for EVA roadways would be subject to City review. This would ensure the adequacy of circulation patterns and compliance with City EVA standards related to minimum heights, clearance along circulation routes, drive aisle width, vertical clearance, turning radius, and slope. Construction management plans, similar to the construction management plan required under Mitigation Measure TRA-1.1 for the Revised Project, would be required for all new developments, subject to review and approval by the Public Works Department, to ensure that temporary closures of travel lanes, bike lanes, or roadway shoulders that may be planned during concurrent construction projects would not result in inadequate emergency access. With implementation of Mitigation Measure TRA-1.1, the Revised Project, in combination with other foreseeable development in the vicinity, would not result in inadequate emergency access. This would reduce the cumulative impacts related to emergency access to a less-than- significant level.

Mitigation Measure: Implement Mitigation Measure TRA-1.1.

2. Air Quality

The topic of air quality was analyzed in Section 3.3 of the EIR. The EIR determined that the Project could result in significant impacts related to air quality and recommended mitigation measures, as discussed below.

Impact AQ-2: Cumulatively Considerable Net Increase in Criteria Pollutants – Construction.

FINDING: Implementation of Mitigation Measures AQ-2.1 and AQ-2.2, which are hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to a cumulatively considerable net increase in criteria pollutants to a less-than-significant level. The City finds the use of clean diesel- powered or electric equipment during construction and implementation of BAAQMD basic construction mitigation measures to be feasible. The City hereby determines that any impacts related to a cumulatively considerable net increase in criteria pollutants during construction remaining after implementation of Mitigation Measures AQ-2.1 and AQ-2.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities would generate emissions of criteria pollutants from the exhaust of off-road equipment, the exhaust of construction workers' vehicles and heavy-duty trucks traveling to and from the Project site, the

application of architectural coatings, and paving. Fugitive PM₁₀ and PM_{2.5} dust would also be generated during soil movement and disturbance (e.g., grading and excavation) as well as demolition. The amount generated on a daily basis would vary, depending on the intensity and types of construction activities occurring simultaneously. The Revised Project's emissions would exceed BAAQMD thresholds during 6 years of the Project's estimated 9 year construction timeframe. Exceedances would not necessarily occur on every day of construction for 6 years; rather, emissions in these 6 calendar years would exceed the thresholds on days when the worst-case scenario would occur. Regardless, the construction impact of the Revised Project would be significant. In addition, BAAQMD's CEQA Air Quality Guidelines consider fugitive dust impacts to be significant prior to the application of BMPs to control dust. If BMPs are not implemented, then dust impacts would also be significant. Mitigation Measure AQ-2.1 would be implemented to reduce the Revised Project's nitrogen oxide (NO_x) emissions by requiring EPA Tier 4 Final diesel engines. As shown in Table 3.3-8, for the mitigated scenario, implementation of Mitigation Measure AQ-2.1 (i.e., the requirement for EPA Tier 4 Final diesel engines) would reduce construction emissions of NO_x to a level below the BAAQMD threshold. In addition, Mitigation Measure AQ-2.2 would be incorporated to ensure that BAAQMD best management practices (BMPs), as well as additional recommended construction-related mitigation measures, would be implemented during Project construction. BMPs would be required and implemented to reduce impacts from construction-related fugitive dust emissions, including any cumulative impacts. With implementation of Mitigation Measures AQ-2.1 and AQ-2.2, the Revised Project would not result in cumulatively considerable net increases in criteria pollutants during construction and any remaining construction impacts related to a cumulatively considerable net increase in criteria pollutants would be less-than- significant.

Mitigation Measure AQ-2.1: Use Clean Diesel-Powered or Electric Equipment during Construction to Control Construction-Related Emissions. The Project Sponsor shall ensure that all off-road diesel- powered equipment greater than 50 horsepower used during construction shall be equipped with EPA-approved Tier 4 Final engines or cleaner⁸ to reduce exhaust PM_{2.5} emissions. The construction contractor shall submit evidence of the use of EPA-approved Tier 4 Final engines or cleaner to the City of Santa Clara prior to the commencement of Project construction activities.

Mitigation Measure AQ-2.2: Implement BAAQMD Basic Construction Mitigation Measures to Reduce Dust Emissions. The Project Sponsor shall require all construction contractors to implement the BAAQMD Basic Construction Mitigation Measures as well as additional construction-related mitigation measures recommended by BAAQMD.⁹ The emissions reduction measures shall include, at a minimum, all of the items listed below. The Project Sponsor shall provide documentation to the City of Santa Clara that the Basic Construction Mitigation Measures as well as any additional measures recommended by BAAQMD, have been reflected in all construction contracts prior to the commencement of Project construction activities.

⁸ Cleaner engine technology includes electric equipment and CARB Tier 5 engine standards, which are expected to begin in 2028 (CARB n.d.).

⁹ Bay Area Air Quality Management District. 2017b. *California Environmental Quality Act, Air Quality Guidelines*. May. Available: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: February 2, 2023.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered at least three times per day to maintain a minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or a moisture probe.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- Paving of all roadways, driveways, and sidewalks shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485, of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be in proper running condition prior to operation.
- A publicly visible sign shall be posted with the name and telephone number of the person to contact at the Lead Agency regarding dust complaints. That 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.

Impact AQ-3: Substantial Pollutant Concentration - Fugitive Dust (Construction).

FINDING: Implementation of Mitigation Measure AQ-2.2, which is hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to fugitive dust to a less-than-significant level. The City finds implementation of Bay Area Air Quality Management District (BAAQMD) basic construction mitigation measures to be feasible. The City hereby determines that any construction impacts related to fugitive dust remaining after implementation of Mitigation Measure AQ-2.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Grading and excavation during Project construction would generate localized fugitive dust. BAAQMD's CEQA Guidelines

consider dust impacts to be less than significant if BAAQMD's construction BMPs are employed to reduce such emissions. With the implementation of BAAQMD's Basic Construction Mitigation Measures as required under Mitigation Measure AQ-2.2, any construction related-fugitive dust emissions would not expose receptors to substantial pollutant concentrations or risks. With implementation of Mitigation Measure AQ-2.2, any remaining construction impacts related to fugitive dust would be less-than-significant.

Mitigation Measure: Implement Mitigation Measure AQ-2.2.

3. Greenhouse Gas Emissions

The topic of GHG emissions was analyzed in Section 3.4 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to GHG emissions and recommended mitigation measures, as discussed below.

Impact GHG-1: Generate GHG Emissions (Construction).

FINDING: Implementation of Mitigation Measure GHG-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts to a less-than-significant level. The City finds implementation of applicable construction-related measures from the 2017 Scoping Plan (Appendix B) and the 2022 BAAQMD Air Quality Guidelines recommended BMPs to be feasible. The City hereby determines that any impacts related to GHG emissions during construction and operation remaining after implementation of Mitigation Measure GHG-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. BAAQMD has not established a quantitative threshold for assessing construction-related GHG emissions, noting that they represent a very small portion of a project's lifetime GHG emissions.¹⁰ As noted in the BAAQMD 2022 CEQA Air Quality Guidelines, BAAQMD recommends evaluating whether construction activities would conflict with statewide emission reduction goals, based on whether feasible BMPs for reducing GHG emissions would be implemented.¹¹ If a project fails to implement feasible BMPs identified by BAAQMD, its GHG emissions could conflict with statewide emission goals and represent a cumulatively considerable contribution to climate change, which would be a potentially significant impact. As such, before the inclusion of feasible BAAQMD-identified BMPs, the Revised Project's construction-generated GHG emissions would be considered significant. Mitigation Measure GHG-1.1 requires implementation of applicable construction-related measures from the 2017 Scoping Plan (Appendix B) and the 2022 BAAQMD Air Quality

¹⁰ Bay Area Air Quality Management District. 2022. *Appendix B: Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*. April. Available: <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en>. Accessed: January 31, 2023

¹¹ Bay Area Air Quality Management District. 2017b. *California Environmental Quality Act Air Quality Guidelines*. May. Available: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: January 31, 2023.

Guidelines to reduce the level of GHGs associated with construction of the Revised Project and avoid any conflict with statewide GHG reduction goals. Because Mitigation Measure GHG-1.1 would require implementation of all construction-related GHG reduction measures recommended by BAAQMD and CARB,¹² construction of the Revised Project would not generate GHG emissions that could have a significant impact on the environment. With implementation of Mitigation Measure GHG-1.1, the Revised Project would not generate GHG emissions that could have a significant impact on the environment. This would reduce construction impacts related to GHG emissions to a less-than- significant level.

Mitigation Measure GHG-1.1 Require Implementation of Scoping Plan and BAAQMD-Recommended Best Management Practices to Reduce Construction GHG Emissions. The Project Sponsor shall require its contractors, as a condition of contracts (e.g., standard specifications), to reduce construction- related GHG emissions by implementing BAAQMD’s recommended BMPs, including, but not limited to, the measures listed below, based on BAAQMD’s 2022 CEQA Air Quality Guidelines.¹³ The Project Sponsor shall submit evidence of compliance to the City prior to permit issuance.

- Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or within a Bay Area Air Quality Management District–designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.¹⁴
- Require all diesel-fueled off-road construction equipment to be equipped with U.S. Environmental Protection Agency Tier 4 Final engines or better.
- Require all on-road heavy-duty trucks to be zero emissions or meet the most stringent model-year emissions standard where feasible.
- Minimize idling time, either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Use California Air Resources Board–approved renewable diesel fuel in off-road construction equipment and on-road trucks where feasible.
- Use U.S. Environmental Protection Agency SmartWay-certified trucks for deliveries and equipment transport where feasible.
- Require all construction equipment to be maintained and properly tuned in accordance with the manufacturer’s specifications.

¹² The current scoping plan, adopted in 2022, does not contain construction-related measures analogous to those in the 2017 scoping plan.

¹³ Bay Area Air Quality Management District. 2017b. *California Environmental Quality Act Air Quality Guidelines*. May. Available: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: January 31, 2023.

¹⁴ The Project site is not located within a CARE or AB 617 community.

- Where grid power is available, prohibit portable diesel engines and provide electrical hook-ups for electric tools, such as saws, drills, and compressors; use electric tools whenever feasible.
- Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites whenever feasible.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options onsite or shuttles to nearby meal destinations for construction employees.
- Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.
- Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more, by weight, than the diversion requirement in Title 24.
- Use locally sourced or recycled materials for construction (goal of at least 20 percent, based on cost of building materials and volume of roadway, parking lot, sidewalk, and curb materials).
- Use low-carbon concrete, minimize the amount of concrete used, and produce concrete onsite where feasible if it is more efficient than transporting ready-mix.
- Develop a plan to efficiently use water for adequate dust control because substantial amounts of energy can be consumed by pumping water.
- Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply compliant on- or off-road construction equipment prior to any ground-disturbing and construction activities.

Project Design Feature GHG-1: Implement Applicable and Mandatory Actions from the City of Santa Clara 2022 Climate Action Plan Compliance Checklist. The Project Sponsor shall ensure that the Project is consistent with the City of Santa Clara's 2022 CAP by including all mandatory and applicable actions from the City of Santa Clara 2022 Climate Action Plan Compliance Checklist (CAP Checklist). Inclusion of the following CAP Checklist measures is necessary to ensure the performance standard is met:

- B-1-5: Reach codes for new construction
- B-2-3: Energy-efficient and electric-ready building code
- T-1-2: EV charging for all new construction

- T-2-1: Pedestrian & Bicycle Master Plans Implementation
- T-3-1: TDM plan requirements
- T-3-3: Transit-oriented development (Projects within ½ mile of transit corridor only)
- T-3-5: Transportation Analysis Policy compliance
- M-1-1: Compliance with State Solid Waste Ordinances
- N-1-1: Right-of-way tree planting (Residential Projects Only)
- T-2-3: Bike & shared mobility improvements
- M-3-1: Reuse of salvageable building materials
- N-3-3: Water-efficient landscaping requirements
- N-3-5: Recycled water connection requirements
- C-2-2: Onsite & natural stormwater systems
- M-3-4: Carbon-smart building materials

The Project Sponsor would also include the following five optional actions from the CAP Checklist:

- B-3-5: Local grid resiliency & energy storage improvements (Optional)
- T-3-4: Telework (Optional)
- N-3-4: Community water portfolio diversion (Optional)
- T-2-2: Curb management improvements (Optional)
- N-2-3: Sustainable planting guide (Optional)

The Project Sponsor will submit evidence to the City demonstrating that each of the CAP Checklist actions listed above would be implemented prior to issuance of the first construction or grading permit for the Project.

4. Energy

The topic of energy was analyzed in Section 3.5 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to energy and recommended mitigation measures, as discussed below.

Impact EN-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources (Construction).

FINDING: Implementation of Mitigation Measure GHG-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce construction impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources to a less-than-significant level. The City finds implementation of a scoping plan and BAAQMD-recommended BMPs to be feasible. The City hereby determines that any construction impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources after implementation of Mitigation Measure GHG-1.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Energy usage during construction would include the electricity used to power electric construction equipment or deliver water to construction sites, the gasoline and diesel fuel used to transport workers and drive haul trucks to and from construction sites, and the fuel used to operate off-road equipment. During build-out of the Revised Project, construction-related energy usage and consumption would vary, depending on the level of activity, the length of the different construction periods, specific construction operations, the types of equipment, and the number of workers. Approximately 610,268 million BTUs would be consumed over the Project's approximately 9-year construction period. All construction under the Revised Project would be required to comply with Mitigation Measure GHG-1.1, which would require construction contractors to implement BAAQMD- and CARB- recommended construction BMPs. In addition, the Project Sponsor would commit to achieving a construction diversion rate of 65 percent (minimum) as well as preparing a Construction Waste Management Plan or hiring a waste management company to recycle, reduce, and/or reuse construction waste. These measures would reduce the amount of fossil fuel consumed during construction as well as the energy intensiveness associated with building materials, including discarded construction and demolition waste. With implementation of Mitigation Measure GHG-1.1, the Revised Project would not result in significant environmental impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. Mitigation Measure GHG-1.1 would reduce construction impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources to a less-than-significant level.

Mitigation Measure: Implement Mitigation Measure GHG-1.1.

5. Noise

The topic of noise was analyzed in Section 3.6 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to noise and recommended mitigation measures, as discussed below.

Impact NOI-2: Operational Noise from Mechanical Equipment.

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts related to operation of mechanical equipment to a less-than-significant level. The City finds implementation of a Noise Reduction

Plan for stationary sources to be feasible. The City hereby determines that any impacts related to operational noise from mechanical equipment and emergency generators remaining after implementation of Mitigation Measure NOI-2.1 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Revised Project would include the operation of HVAC equipment as well as a substation. Specifically, proposed equipment would include cooling towers, air-source heat pumps, air handling units, exhaust fans, chillers, and heat pumps, along with the substation. If all of the equipment listed above were to operate simultaneously, which is unlikely to occur frequently or at all, the combined noise level would be 84 dBA. Although there are many unknown variables, it is conservatively assumed that equipment noise levels could exceed the City's allowable levels at the nearest land use because an estimated level of 84 dBA would exceed the City Code limits during daytime and nighttime hours. Mitigation Measure NOI-2.1 would ensure that noise from Project mechanical equipment would comply with the exterior noise limits outlined in Section 9.10.040 of the City Code. With implementation of Mitigation Measure NOI-2.1, Revised Project operation would not generate a substantial permanent increase in ambient noise levels in the vicinity of the Project site that would be in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Mitigation Measure NOI-2.1 would reduce impacts related to mechanical equipment noise to a less-than-significant level.

Mitigation Measure NOI-2.1. Stationary Sources Noise Reduction Plan. To reduce potential noise impacts resulting from Project mechanical equipment and other stationary sources, including HVAC equipment and emergency generators, the Project Sponsor shall conduct a noise analysis to estimate noise levels of Project-specific mechanical equipment, based on the final equipment models and design features selected. This analysis shall be included in a Noise Reduction Plan to ensure that the noise levels of the equipment, once installed, are below the criteria specified in City Code Section 9.10.040 and presented in Table 3.6-4. The Noise Reduction Plan shall include any necessary noise reduction measures required to reduce Project-specific mechanical equipment noise to less-than-significant levels. The plan shall demonstrate that, with the inclusion of selected measures, noise from equipment will be below the City Code noise limits. Potential noise reduction measures to reduce noise to levels below the City Code Section 9.10.040 noise limits include, but are not limited to:

- Selecting quieter equipment, where feasible,
- Utilizing silencers and acoustical equipment at vent openings,
- Installing exhaust mufflers or silences,
- Siting equipment farther from the roofline and increasing the distance between the source and noise-sensitive receptor,
- Enclosing all equipment in a mechanical equipment room designed to reduce noise and / or placing barriers around the equipment to facilitate the attenuation of noise, and

- Orienting or shielding equipment to protect noise-sensitive receptors to the greatest extent feasible.

To result in meaningful attenuation from shielding, all walls, enclosures, or screens surrounding generators must be solid, with no holes or gaps. Attenuation also varies, based on the type of material used for the walls or screens. In addition, the Project Sponsor shall incorporate all feasible methods to reduce the noise levels identified above, as well as other feasible recommendations from the Noise Reduction Plan, into both the building design and operations as necessary to ensure that noise sources do not exceed the City Code noise limits at receiving properties.

The Noise Reduction Plan shall be provided to the City prior to the issuance of building permits for each building and prepared by persons qualified in acoustical analysis and/or engineering. The plan shall demonstrate, with reasonable certainty, that noise from mechanical equipment selected for the Project, with attenuation features incorporated into the Project design, will not exceed the City Code noise limits, presented in Table 3.6-4, at noise-sensitive land uses located either within or external to the Project site.

Impact NOI-2: Operational Noise from Emergency Generators.

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts related to operation of emergency generators to a less-than-significant level. The City finds implementation of a Noise Reduction Plan for stationary sources to be feasible. The City hereby determines that any impacts related to operational noise from emergency generators remaining after implementation of Mitigation Measure NOI-2.1 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Twenty-one 400-kilowatt (kW) generators would be required for the Revised Project. The units would create noise during monthly testing and during power outages when backup power is required. Generator testing and maintenance is anticipated to occur for a duration of 2 to 4 hours per month, or up to 50 hours per year, for each generator. Testing of the proposed generators is not anticipated to occur simultaneously. Even though the testing of emergency generators is short term and intermittent, noise resulting from generator testing must comply with City Code Section 9.10.040. It is conservatively assumed that noise levels from testing of the proposed 400kW generators would affect onsite uses and exceed the City Code criteria of 55 dBA and 50 dBA at residential receptors during daytime and nighttime hours, respectively, if generators are located within 50 feet of onsite residential uses. Mitigation Measure NOI-2.1 would ensure that noise from emergency generators during testing would comply with the noise limits outlined in Section 9.10.040 of the City Code. Therefore, noise impacts from Revised Project emergency generator testing would be less than significant with Mitigation Measure NOI-2.1.

Mitigation Measure: Implement Mitigation Measure NOI-2.1.

Impact C-NOI-2: Cumulative Operational Noise from Mechanical Equipment.

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to operational noise from mechanical equipment to a less-than-significant level. The City finds implementation of a Noise Reduction Plan for stationary sources to be feasible. The City hereby determines that any impacts related to cumulative operational noise from mechanical equipment remaining after implementation of Mitigation Measure NOI-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project area contains many disparate buildings, with each likely to have its own noise-generating mechanical equipment. Because multiple cumulative projects may be located close to one another, it is possible that noise from the Revised Project's mechanical equipment could combine with equipment from nearby projects to cause a cumulative noise impact at noise-sensitive land uses. As such, it is conservatively assumed that cumulative impacts from stationary sources would be significant. Noise from the mechanical equipment at the Project site could exceed the noise limits in the City Code, particularly at future onsite residences and commercial uses located within 50 feet. This could be considered a cumulatively considerable contribution to noise from other projects in the area. In addition, in the future, there will be an expansion in noise-sensitive land uses in the area, with construction of the residential units at the site for the Patrick Henry Specific Plan approximately 100 feet from the Project site. With implementation of Mitigation Measure NOI-2.1, the Project's-contribution to the cumulative noise impact would not be cumulatively considerable. Mitigation Measure NOI-2.1 would reduce noise from mechanical equipment associated with the Revised Project, which would minimize the noise exposure for future receptors south of the Project site. In addition, it is likely that similar mitigation would be required for other projects in the vicinity, ensuring that equipment noise would be in compliance with the applicable local noise standards. As a result, the contribution of the Revised Project to the significant cumulative operational equipment noise impact would not be cumulatively considerable. This impact would be less than significant with Mitigation Measure NOI-2.1.

Mitigation Measure: Implement Mitigation Measure NOI-2.1.

Impact C-NOI-2: Cumulative Operational Noise from Emergency Generators

FINDING: Implementation of Mitigation Measure NOI-2.1, which is hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to operational noise from emergency generators to a less-than-significant level. The City finds implementation of a Noise Reduction Plan for stationary sources to be feasible. The City hereby determines that any impacts related to cumulative operational noise from emergency generators remaining after implementation of Mitigation Measure NOI-2.1 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Emergency generators included in the development of cumulative projects would result in the generation of audible noise during testing. It is very unlikely that the testing of an emergency generator for the Revised Project would occur concurrently with the testing of a generator at a nearby project. Even if testing were

to occur simultaneously, it is not likely that the generators would be close enough together for the noise to meaningfully combine at an individual receptor. However, the Patrick Henry Specific Plan is a future project that would allow up to 12,000 net new residential units, resulting in noise-sensitive land uses being located approximately 100 feet from the southern border on the Project site. Although the Patrick Henry Specific Plan residential units would be more than 50 feet from the Project site, generator noise could still exceed the City Code noise limits at 100 feet. Mitigation Measure NOI-2.1 would reduce generator noise from the Revised Project, which would minimize the noise exposure for future receptors located south of the Project site. With implementation of Mitigation Measure NOI-2.1, the Revised Project, in combination with other foreseeable development, would not generate a substantial permanent increase in ambient noise levels in the vicinity of the Project site that would be in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Therefore, a significant cumulative impact would not occur with respect to mechanical equipment and emergency generator noise, and the impact would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure NOI-2.1.

6. Cultural Resources

The topic of cultural resources was analyzed in Section 3.7 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to cultural resources and recommended mitigation measures, as discussed below.

Impact CUL-2: Archaeological Resources (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, CUL-2.3, which are hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to archaeological resources to a less-than-significant level. The City finds implementation of a monitoring plan, worker awareness training, and requirements to stop work if archaeological deposits are encountered during ground-disturbing activities to be feasible. The City hereby determines that any construction impacts related to archaeological features remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2, CUL-2.3 would be less than significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The results of the NWIC records search conducted in 2019 and 2022 indicate that no known previously recorded cultural resources are located within or adjacent to the Project site. Historic-period maps and aerial photographs indicate that the Project site was undeveloped and primarily agricultural fields until mid-twentieth century; therefore, it is unlikely that any historic-period archaeological deposits are located within the Project site that could qualify as historical resources. However, a review of the relevant geologic literature indicated sensitivity for buried pre-European contact archaeological deposits. Revised Project construction would require below-grade excavations of up to 16 feet for parking, service access to buildings, foundations, and most utilities and up to a depth of approximately 28 feet for jack-and-bore pits to install transmission lines within a San Francisco Public Utilities Commission easement. Therefore, excavations related to Project construction

could encounter archaeological deposits and result in an adverse change to a buried archaeological deposit that could qualify as a historical resource and/or unique archaeological resource. Thus, significant impacts related to buried archaeological deposits could result from construction of the Revised Project. With implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, the Revised Project would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5. This would reduce the potential construction impacts on archaeological features to a less-than-significant level.

Mitigation Measure CUL-2.1: Develop and Implement Archaeological Monitoring Plan.

Given the potential for buried pre-European contact archaeological deposits to be encountered during Project construction, the following measures shall be undertaken to avoid any significant impacts on such resources. An Archaeological Monitoring Plan shall be developed by a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology¹⁵ prior to any Project-related ground disturbance to determine specific areas of archaeological sensitivity within proposed work areas. The Archaeological Monitoring Plan shall detail when and where monitoring will take place. The plan shall include protocols that outline archaeological monitoring best practices, anticipated resource types, and an Unanticipated Discovery Protocol. The Archaeological Monitoring Plan shall, at a minimum, detail the role and responsibility of the monitor, the monitoring methods to be used, the communication protocol, and the procedures to be followed in case of inadvertent discoveries. The Unanticipated Discovery Protocol shall describe steps to follow if unanticipated archaeological discoveries are made during Project work and identify a chain of contact, including, at a minimum, the following steps: halting construction, evaluating the find, and implementing appropriate mitigation measures. The Archaeological Monitoring Plan shall be submitted for review and approval by the City prior to the issuance of any grading or other permit that would allow ground disturbance on the Project site.

Mitigation Measure CUL-2.2: Conduct Cultural Resource Sensitivity Training Prior to Project-Related Ground Disturbance. Prior to any Project-related ground disturbance, the Project Sponsor shall ensure that all construction workers who directly oversee excavation or operate ground-disturbing vehicles receive training, which shall be overseen by a qualified professional archaeologist who is experienced in teaching non-specialists, to ensure that contractors can recognize archaeological artifacts and deposits, as well as tribal cultural resources, in the event that any are discovered during construction. Construction personnel directly overseeing excavation, or operating ground-disturbing vehicles, will be required to participate in this preconstruction training.

Mitigation Measure CUL-2.3: Stop Work if Archaeological Deposits Are Encountered during Ground-Disturbing Activities. If archaeological deposits are encountered during Project-related ground disturbance, work in the area (i.e., within a 100-foot radius) shall stop immediately. The onsite qualified archaeologist (if required) shall assess the find and determine the path forward. Archaeological deposits include, but are not limited to, flaked

¹⁵ U.S. Department of the Interior. 1983. *Archaeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines*. Available: <https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>.

stone or ground stone, midden and shell deposits, historic-era refuse, and/or structure foundations.

If any human remains are discovered during ground-disturbing activities, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie human remains. The remains would be treated in accordance with existing State laws, including PRC Section 5097.98 and Health and Safety Code Section 7050.5.

Impact CUL-3. Human Remains (Construction).

FINDINGS: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to human remains to a less-than-significant level. The City finds adherence to State regulations, including Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, regarding the discovery of human remains during construction, along with implementation of mitigation measures, to be feasible. The City hereby determines that any construction impacts related to human remains remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2 and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Human remains would not be encountered during the Project operations, therefore there would be no impact to human remains from operation of the Revised Project. The Revised Project could disturb human remains, including those interred outside of dedicated cemeteries during Project construction. The results of the NWIC records searches conducted in 2019 and 2022 and the historic- period maps and aerial photographs indicate that no known previously recorded dedicated cemeteries or cultural resources that include human remains are located within or adjacent to the Project site. However, given the sensitivity for buried pre-European contact archaeological deposits, as well as requirements for below-grade excavations up to 16 feet for parking, service access to buildings, foundations, and most utilities and up to a depth of approximately 28 feet for jack-and-bore pits to install transmission lines within a San Francisco Public Utilities Commission easement, the potential exists for encountering unknown remains associated with archaeological deposits. Should human remains be unearthed during Revised Project construction, they would be treated in accordance with existing State laws, including PRC Section 5097.98 and Health and Safety Code Section 7050.5. With enforcement of State laws and implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, Revised Project impacts related to a disturbance of human remains would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Impact C-CUL-1: Cumulative Impacts on Archaeological Resources and Human Remains (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Revised Project, would reduce cumulative construction impacts related to archaeological resources and human remains to a less-than-significant level. The

City finds the mitigation measures to be feasible. The City hereby determines that cumulative construction impacts related to archaeological resources and human remains remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Revised Project, in combination with other foreseeable development in the vicinity, could result in impacts on unknown archaeological resources and human remains. Because the Project site is situated in an archaeologically sensitive area, the possibility exists of encountering unknown archaeological resources during ground-disturbing activities associated with Project construction. The Revised Project could contribute to a cumulative loss of archaeological resources and disturbance of human remains. Therefore, the Revised Project's cumulative impact prior to the application of mitigation measures could be cumulatively considerable. In addition to adopted policies and existing regulations to protect cultural resources and human remains, the Revised Project would be subject to Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which call for development and implementation of a monitoring plan, worker awareness training, and requirements to stop work if archaeological deposits are encountered during ground-disturbing activities. Compliance with Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would reduce the Revised Project's contribution to a cumulative construction impact to less than cumulatively considerable, resulting in a cumulative construction impact that would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

7. Biology

The topic of biology was analyzed in Section 3.8 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to biology and recommended mitigation measures, as discussed below.

Impact BIO-1: Loss or Damage to Nesting Birds and Bats.

FINDING: Implementation of Mitigation Measures BIO-1.1 and BIO-4.1, which are hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to nesting birds and bats to a less-than-significant level. The City finds protection for roosting bats to be feasible. With implementation of mitigation, the Revised Project would not have a substantial adverse effect on nesting birds or their nests or on bats. The City hereby determines that any construction impacts related to nesting birds and bats remaining after implementation of Mitigation Measures BIO-1.1 and BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If the Revised Project is implemented during the nesting season for birds (February 1 through August 31), construction activities could result in the direct mortality of adult or young birds, the destruction of active nests, and/or disturbance of nesting adults, causing nest abandonment and/or loss of reproductive effort.

Any disturbance of nesting birds that results in the abandonment of active nests or the loss of active nests through vegetation or building removal would be considered a significant impact. In addition, construction activities could result in the direct mortality of roosting bats, including pallid bat, during tree and building removal, which would also be considered a significant impact. Implementation of Mitigation Measure BIO-4.1, described below under Impact BIO-4, would reduce potential impacts on nesting migratory birds to less than significant with mitigation. Implementation of Mitigation Measure BIO-1.1 would reduce potential Project construction impacts on bats, including pallid bat, to less than significant with mitigation.

Mitigation Measure BIO-1.1: Protect Roosting Bats. To avoid impacts on roosting bats that may utilize trees and/or vacant buildings in the Project area for day roosting, the Project Sponsor 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 with ingress and egress points, as determined by a qualified wildlife biologist, that could be used by bats or the removal of suitable roosting vegetation (i.e., trees) for bats. If building demolition or vegetation removal efforts do not begin within the 14 days following the survey for roosting bats, another survey shall be required. Trees adjacent to the transmission line routing options would not require surveys for bats because they would not be affected by construction activities. If roosting bats are detected, the biologist shall enact a 150-foot (minimum) no-work buffer from the perimeter of the area the bats are thought to be occupying and confer with CDFW to determine potential roost protection or roost eviction practices, such as installing one-way exclusion devices or using lights to deter roosting. After conferring with CDFW, the protective buffer may be adjusted, based on specific roost needs. Once bats have been protected by a buffer, construction may resume outside the buffered area. The buffer may be removed and construction may resume inside the buffered area once the bats have been safely evicted from roosting sites (as approved by CDFW), thereby avoiding take, as defined by CESA and the California Fish and Game Code.

Mitigation Measure: Implement Mitigation Measure BIO-4.1 (below).

Impact BIO-4: Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Nesting Birds During Construction).

FINDING: Implementation of Mitigation Measure BIO-4.1, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to nesting birds during construction to a less-than- significant level. The City finds protection for nesting birds to be feasible. The City hereby determines that any impacts related to nesting migratory birds during construction remaining after implementation of Mitigation Measure BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Currently, there are approximately 350 ornamental and landscaping trees on the Project site and four buildings, all of which are planned for removal during construction. Trees along streets adjacent to the transmission line routing options are located outside of the Project boundaries and would not be affected by

construction activities. Impacts on native migratory birds, including tree-nesting raptors, could involve direct impacts from the removal of nesting trees or shrubs, or other nesting substrate (e.g., buildings), as well as indirect impacts from increases in noise and human activity near nesting habitat. An increase in noise and human activity could reduce the quality of that habitat and ultimately change the behavior of nesting birds, resulting in nest abandonment. Construction activities have the potential to produce noise levels that would be higher than those that currently exist in the Project area. Therefore, impacts on bird nesting sites from construction noise, as well as impacts from eliminating bird nesting sites during construction, are considered significant. Mitigation Measure BIO-4.1 would reduce potential Revised Project impacts related to nesting migratory birds during construction to a less-than-significant level.

Mitigation Measure BIO-4.1: Protect Nesting Birds. To the extent feasible, the Project Sponsor and its contractor shall avoid conducting vegetation removal during the migratory bird season (February 1 through August 31). If Project-related activities must take place during the migratory bird season, the Project Sponsor shall retain a qualified wildlife biologist to conduct a survey for nests of migratory birds. Surveys for nesting migratory birds shall occur within 3 days prior to the commencement of ground disturbance and vegetation removal in areas that will be affected by Project construction activities. Multiple nest surveys shall be required if construction is phased or when construction work stops for more than 2 weeks at a portion of the site where suitable nesting habitat occurs within the minimum nest buffer zone widths described below. If construction is ongoing for multiple years, these surveys shall be conducted each year.

If an active nest is discovered, a no-disturbance buffer zone around the nest tree or shrub, or, for ground-nesting species, the nest itself, shall be established. The no-disturbance zone shall be marked with flagging or fencing that can be easily identified by the construction crew and shall not affect the nesting bird or attract predators to the nest location. In general, the minimum nest buffer zone widths shall be as follows: 50 feet (radius) for non-raptor ground-nesting species, 50 feet (radius) for non-raptor shrub- and tree-nesting species, and 300 feet (radius) for raptor species. Buffer widths may be modified, based on discussion with CDFW. Buffers shall remain in place as long as the nest is active or young remain in the area and are dependent on the nest.

Impact BIO-4: Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species (Bird Collisions).

FINDING: Implementation of Mitigation Measure BIO-4.2, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to bird collisions to a less-than-significant level. The City finds implementation of bird-safe design standards to be feasible. The City hereby determines that any impacts related to bird collisions remaining after implementation of Mitigation Measure BIO-4.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Revised Project would construct buildings up to 20 stories tall. Resident and migratory birds could experience injury or death from collisions with buildings due to the use of transparent or reflective glass on the

buildings or improper lighting at the Project site, which could misdirect or confuse birds during flight. Impacts on the movement of birds due to collisions with buildings are considered significant. Although bird collisions cannot be completely avoided, the Revised Project Sponsor would incorporate the City's standard condition of approval for bird safety into the final design of Project buildings to reduce potentially significant impacts related to bird collisions. Mitigation Measure BIO-4.2, along with building designs, would reduce potential Revised Project impacts related to bird collisions to a less-than-significant level.

Mitigation Measure BIO-4.2: Implement Bird-Safe Design Standards into Project Buildings and Lighting Design. The Project Sponsor, either directly or through its contractor, shall prepare and implement a set of specific standards in the site plans submitted for approval by the City for minimizing hazards to birds. These specific standards shall include the following measures to minimize hazards to birds:

- Reduce large areas of transparent or reflective glass
- Locate water features and other bird habitat away from building exteriors to reduce reflection
- Reduce the visibility of landscaped areas behind glass or eliminate them
- To the extent feasible, take appropriate measures to avoid the use of unnecessary lighting at night, especially during bird migration season (i.e., February–May and August–November), through the installation of motion sensors for lighting, automatic shut-off mechanisms, downward-facing exterior light fixtures, or other effective measures to the extent possible.

Impact C-BIO-1: Cumulative Special-Status Species—Nesting Birds and Bats (Construction).

FINDINGS: Implementation of Mitigation Measures BIO-1.1 and BIO-4.1, which are hereby adopted and incorporated into the Revised Project, would reduce cumulative construction impacts related to special-status species, including nesting birds and bats, to a less-than-significant level. The City finds protection for roosting bats and nesting birds to be feasible. The City hereby determines that any cumulative construction impacts related to special-status species, including nesting birds and bats, remaining after implementation of Mitigation Measures BIO-1.1 and BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Because Santa Clara is largely built out and has limited undeveloped land, cumulative projects in the vicinity of the Project site would involve primarily the construction of new buildings on previously developed sites or modifications to existing buildings or infrastructure. Cumulative impacts on biological resources could be significant because reasonably foreseeable projects could affect or remove additional structures and trees or erect new structures. However, environmental review for individual projects would address potential impacts. Impacts on nesting birds and bats would be reduced because the

cumulative projects would also be subject to the requirements of the wildlife protection laws, including CESA, the MBTA, and the California Fish and Game Code. However, the Revised Project's contribution to a cumulative impact could be significant. Implementation of Mitigation Measures BIO-1.1 and BIO-4.1 would require pre-construction surveys for nesting birds and bats. In addition, the Revised Project would be required to comply with Policy 5.3.1-P10 of the General Plan as well as City Code Chapter 12.35, which requires new development to replace removed protected trees at a 2:1 ratio for 24-inch box trees, 4:1 for 15-gallon trees, or 1:1 for dead trees; therefore, any nesting habitat lost from tree removal would be replaced. Implementation of these mitigation measures and compliance with City policies and codes would ensure that the Revised Project's contribution to cumulative construction impacts on nesting bird and bat species would not be cumulatively considerable.

Mitigation Measures: Implement Mitigation Measures BIO-1.1 and BIO-4.1.

Impact C-BIO-3: Cumulative Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species.

FINDING: Implementation of Mitigation Measure BIO-4.1, which is hereby adopted and incorporated into the Revised Project, would reduce the impacts related to native wildlife nursery sites and movement of native migratory wildlife species, specifically birds and their active nests, to a less-than-significant level. The City finds pre-construction surveys for nesting birds and compliance with Policy 5.3.1-P10 of the General Plan as well as City Code Chapter 12.35 to be feasible. The City hereby determines that any impacts related to native wildlife nursery sites and migratory wildlife species, specifically birds and their active nests, due to tree removal and bird collisions remaining after implementation of Mitigation Measure BIO-4.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Cumulative impacts on native wildlife nursery sites and migratory wildlife species could be significant because reasonably foreseeable projects could affect or remove additional structures and trees and erect new structures. However, impacts on nesting birds would be reduced because cumulative projects would also be subject to the requirements of wildlife protection laws, including the MBTA and California Fish and Game Code, and individual project environmental review would address potential impacts. For Revised Project-specific impacts, Mitigation Measure BIO-4.1 would require pre-construction surveys for nesting birds. In addition, the Revised Project would be required to comply with Policy 5.3.1-P10 of the General Plan as well as City Code Chapter 12.35, which requires new development to replace protected trees to be removed at a 2:1 ratio for 24- inch box trees, 4:1 for 15-gallon trees, or 1:1 for dead trees; therefore, any nesting habitat lost from tree removal would be replaced onsite. Implementation of this mitigation measure and compliance with City policies and codes would ensure that the Revised Project's contribution to cumulative impacts on the use of native wildlife nursery sites would not be cumulatively considerable and would be less than significant.

In addition, cumulative impacts on these biological resources could be significant because it is reasonable to expect that cumulative projects would erect new buildings or structures that could

also result in injury or death involving resident or migratory birds from collisions with buildings. Although bird collisions cannot be completely avoided, the City's standard condition of approval with respect to bird safety would require the final design of Revised Project buildings to reduce significant impacts related to bird collisions. For the Revised Project, Mitigation Measure BIO-4.1 would require implementation of bird-safe design standards in Project buildings and lighting designs. Implementation of Mitigation Measure BIO-4.1 would ensure that the Revised Project's contribution to cumulative impacts on the movement of native migratory wildlife species would not be cumulatively considerable.

Mitigation Measure: Implement Mitigation Measure BIO-4.1.

8. Geology and Soils

The topic of geology and soils was analyzed in Section 3.9 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to geology and soils and recommended mitigation measures, as discussed below.

Impact GEO-3: Soil Instability (Construction).

FINDINGS: Implementation of Mitigation Measure GEO-3.1, which is hereby adopted and incorporated into the Revised Project, would reduce the impacts related to soil instability, specifically subsidence and settlement, to a less-than-significant level. The City finds preparation of a design-level geotechnical report with recommendations and implementation of corrective measures to be feasible. The City hereby determines that any impacts related to soil instability, specifically subsidence and settlement, remaining after implementation of Mitigation Measure GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of the Revised Project would require excavation up to a depth of approximately 16 feet for the one level of below-grade parking and up to a depth of approximately 28 feet for jack-and-bore pits to install transmission lines within a San Francisco Public Utilities Commission easement. Settlement due to new loads from the placement of fill material could damage existing improvements surrounding the Project site (e.g., streets, sidewalks, utilities) or proposed improvements on the Project site (e.g., proposed structures, streets, sidewalks, utilities), which would be a significant impact. Shoring would be required to restrain the sidewalls of the excavations laterally, ensuring that they would not collapse, and limit the movement of adjacent improvements, such as public streets, sidewalks, and utilities. If potential settlement due to the placement of fill material is not accounted for in the Project design, damage to existing or proposed improvements could occur. If appropriate shoring systems are not designed and installed, the movement or collapse of excavation sidewalls, as well as subsidence due to dewatering, could result in damage to adjacent improvements. Thus, significant impacts related to soil instability could result from construction of the Revised Project. But such impacts would be adequately addressed by Mitigation Measure GEO-3.1, which would reduce soil instability impacts, specifically related to subsidence and settlement, to a less-than-significant level.

Mitigation Measure GEO-3.1: Static Settlement, Subsidence, or Collapse. The Project Sponsor shall define the extent and depth of fill materials that would be placed on the Project site in the Project plans. The Project Sponsor shall hire a qualified geotechnical engineer to prepare a design-level geotechnical report for the Project, which shall include the following:

- A design-level analysis of potential total and differential settlement associated with the placement of defined amounts of fill material, construction of other improvements, and dewatering activities on the Project site. The settlement analysis shall define a buffer distance away from the Project site within which settlement could occur as a result of the Project and describe the settlement amounts that could occur within this buffer distance.
- Allowable settlement estimates for planned and existing improvements, both on the Project site and within the buffer distance described above, which shall account for estimated settlement amounts developed for existing and planned improvements on surrounding properties.
- Recommendations to minimize the amount of subsidence/settlement and differential settlement that would result from the Project (e.g., minimizing the placement of fill, using lightweight fill, employing shoring systems that minimize the amount of excavation dewatering required).
- Recommendations to mitigate potential damage to proposed and existing improvements (e.g., structures, pavement surfaces, roadways, utilities), both on and off the Project site, that could result from settlement of existing unstable soil on and near the Project site as a result of the Project. Such recommendations could include the installation of flexible utility couplings or relocation of utilities.
- If the settlement analysis indicates that existing offsite improvements could be adversely affected by settlement as a result of the Project, a pre-construction survey (e.g., crack survey) and settlement monitoring program shall be developed and implemented before and during construction for existing improvements that may be affected by the Project. This survey shall be used as a baseline for evaluating any damage claims; it shall also be used to assist the contractor when assessing the performance of shoring systems. The pre-construction survey shall record the elevation and horizontal position of all existing installations within the buffer distance determined by the settlement analysis, as described above, and shall consist of, but not be limited to, photographs, video documentation, and topographic surveys. The settlement monitoring program shall include the installation of inclinometers and groundwater monitoring wells within an approximate distance of 5 to 15 feet from excavations toward existing improvements. Settlement surveys shall be performed on a weekly basis during excavation and on a monthly basis starting approximately 1 month after the excavation has been completed and continuing for a period of at least 2 years after the completion of construction activities (or other frequency and duration recommended by the geotechnical engineer of record).

The Project Sponsor shall submit the Project plans and design-level geotechnical report to the City for review and approval prior to the City issuing grading or building permits. The Project Sponsor shall repair damage to existing or planned improvements if settlement monitoring identifies obvious damage or an exceedance of allowable settlement amounts or an exceedance of allowable settlement amounts. The repair of damage shall be performed prior to the City issuing a certificate of occupancy for the applicable portion of the Project.

Impact GEO-6: Paleontological Resources (Construction)

FINDINGS: Implementation of Mitigation Measure GEO-6.1, which is hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to paleontological resources to a less-than- significant level. The City finds paleontological resource monitoring, the evaluation of found resources, and preparation of a recovery plan to be feasible. The City hereby determines that any construction impacts related to paleontological resources remaining after implementation of Mitigation Measure GEO-6.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Revised Project would be located in areas that are underlain by geologic units that have yielded scientifically important fossil finds, including vertebrate remains. There would be no impact on paleontological resources during Revised Project operation. The Revised Project construction involves excavation to a maximum depth of 28 feet bgs in sediments that have been previously disturbed at ground surface. Based on boring samples, it appears that geologic units underlying the site have not been disturbed at depth. Therefore, it is possible that Project-related excavation could encounter significant paleontological resources. Accordingly, the Revised Project could have a significant impact on significant paleontological resources because construction of the Revised Project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Implementation of Mitigation Measure GEO-6.1 would protect any paleontological resources discovered during Project construction and ensure that impacts would be less than significant, providing for identification, recovery, and curation of paleontological resources.

Mitigation Measure GEO-6.1: Paleontological Resources. Monitor for Discovery of Paleontological Resources, Evaluate Found Resources, and Prepare and Follow a Recovery Plan for Found Resources.

Given the potential for paleontological resources to be present in construction areas at ground surface and at excavation depths in sensitive geologic units in the paleontological resources study area, the following measures shall be undertaken to avoid any potentially significant effect on paleontological resources from the improvements. Before the start of any drilling or pile-driving activities, the Project Sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists. The qualified paleontologist shall be approved by the City prior to the start of any drilling or pile-driving activities. Prior to construction, the qualified paleontologist shall prepare a general (high-level) recovery plan, which could be tailored to a specific area in the event of a discovery. The qualified paleontologist shall train all

construction personnel, including the site superintendent, who are involved with earthmoving activities regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate the significance. The qualified paleontologist shall also visit the Project site once per week during earthmoving to verify that workers are following the established procedures, unless determined by the qualified paleontologist that more frequent visits are warranted.

If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work within 50 feet of the find and notify the City and Project Sponsor. Construction work in the affected areas shall remain stopped or be diverted to allow recovery of fossil remains in a timely manner. The Project Sponsor shall retain a qualified paleontologist (who has been approved by the City) to evaluate the resource and tailor the general recovery plan to the specific nature of the discovery, in accordance with Society of Vertebrate Paleontology guidelines.¹⁶ The tailored recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. The City shall review and approve the tailored recovery plan prior to recommendations being implemented. Recommendations in the tailored recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. The Project Sponsor, with City oversight, shall be responsible for ensuring that the monitor's recommendations regarding treatment and reporting are implemented.

Impact C-GEO-4: Cumulative Settlement or Subsidence of Unstable Soil (Construction).

FINDING: Implementation of Mitigation Measure GEO-3.1, which is hereby adopted and incorporated into the Revised Project, would reduce cumulative construction impacts related to settlement or subsidence of unstable soil to a less-than-significant level. The City finds preparation of a design-level geotechnical report with recommendations and implementation of corrective measures to be feasible. The City hereby determines that the Revised Project's contribution to a cumulative construction impact related to settlement or subsidence of unstable soil would not be cumulatively considerable and any cumulative construction impacts from the Revised Project related to unstable soil remaining after implementation of Mitigation Measure GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Potential cumulative impacts associated with the settlement or subsidence of unstable soil could occur if projects near the Project site cause settlement from new loads or subsidence from dewatering, which could affect existing

¹⁶ Society of Vertebrate Paleontology. 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*. Available: http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed: September 1, 2023.

and proposed improvements, including structures, pavement/roadways, and utilities. Multiple projects are adjacent to the Project site that could cause cumulative settlement and subsidence impacts. Cumulative projects could involve the placement of fill material or structures that could contribute to the settlement of unstable soil in adjacent areas from new loads. They could also involve dewatering, which could contribute to subsidence in adjacent areas. Settlement or subsidence in areas adjacent to these cumulative projects could combine with settlement or subsidence associated with the Revised Project and contribute to damage for existing or planned improvements. Therefore, the Revised Project, in combination with other foreseeable development in the vicinity, could result in a cumulatively considerable contribution to settlement or subsidence. Implementation of Mitigation Measure GEO-3.1 would ensure that 1) the potential for settlement, including subsidence, from the Revised Project would be evaluated in the design-level geotechnical report and geotechnical recommendations to address potential settlement issues; 2) settlement monitoring would be performed during and following construction of the Revised Project, as necessary; and 3) if excessive settlement occurs, corrective measures (e.g., repair of damage) would be implemented. Therefore, the Revised Project's contribution to a cumulative impact related to settlement or subsidence of unstable soil during construction would not be cumulatively considerable, and the cumulative construction impact would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure GEO-3.1.

Impact C-GEO-6: Cumulative Paleontological Resources Impacts (Construction).

FINDINGS: Implementation of Mitigation Measure GEO-6.1, which is hereby adopted and incorporated into the Revised Project, would reduce construction impacts to a less-than-significant level. The City finds paleontological resource monitoring, the evaluation of found resources, and preparation of a recovery plan to be feasible. The City hereby determines that the Revised Project's contribution to a cumulative impact related to paleontological resources would not be cumulatively considerable and any construction impacts related to paleontological resources remaining after implementation of Mitigation Measure GEO-6.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The Project vicinity has seen extensive development over the past decades, and a small number of important early Holocene and Pleistocene vertebrate fossils have been recovered. Cumulative projects on this geologic unit, including all projects involving excavation into the Quaternary alluvium, could affect paleontological resources as a result of ground-disturbing activities, such as grading and excavation during construction. Therefore, construction of the Revised Project, in combination with other foreseeable development in the vicinity, could result in a substantial effect on paleontological resources. Implementation of Mitigation Measure GEO-6.1 would protect any paleontological resources discovered during Project construction and ensure that impacts would be less than significant, providing for identification, recovery, and curation of paleontological resources. Therefore, the Revised Project's contribution to a cumulative impact on paleontological resources would not be considerable, and the cumulative impact would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure GEO-6.1.

9. Hydrology and Water Quality

The topic of hydrology and water quality was analyzed in Section 3.10 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to hydrology and water quality and recommended mitigation measures, as discussed below.

Impact WQ-1: Water Quality.

FINDING: Implementation of Mitigation Measures HAZ-2.1, WQ-1.1, and WQ-1.2, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to water quality to a less-than-significant level. The City finds implementation of a Dewatering Plan and a Soil and Groundwater Management Plan, as well as monitoring wells, to address known and potential unidentified subsurface contamination to be feasible. The City hereby determines that any impacts related to water quality remaining after implementation of Mitigation Measures HAZ-2.1, WQ-1.1 and WQ-1.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Groundwater dewatering would be required for subsurface construction activities. Excavation dewatering activities can affect groundwater quality by contributing to saltwater intrusion or the migration of contaminated groundwater to previously uncontaminated areas. Construction is anticipated to occur over a period of about 9 years and could require a substantial amount of excavation dewatering. The effects of dewatering on groundwater conditions in the area surrounding the Project site would depend on the characteristics of the water-bearing zones encountered by excavation, the excavation shoring and dewatering system designs, and the duration/phasing of Project construction. Historic groundwater pumping and land subsidence resulted in saltwater intrusion in the shallow aquifer of the Santa Clara Plain. Furthermore, saltwater intrusion has been identified in the Project area. Therefore, dewatering at the Project site could contribute to further saltwater intrusion, which would be a significant impact related to groundwater quality. Mitigation Measure WQ-1.1 would evaluate the potential for saltwater intrusion through geotechnical analysis and modeling and require the Revised Project to use shoring systems that would limit dewatering volumes and durations to the maximum extent possible, if deemed necessary by Valley Water. Implementation of Mitigation Measure WQ-1.1 would ensure that the significant impacts related to saltwater intrusion during dewatering during construction would be reduced to a less-than-significant level.

In addition, previously unidentified groundwater contamination could be present in areas near the Project site because of previous and existing commercial/industrial land uses in the Project area. Therefore, dewatering activities at the Project site could contribute to the migration of potentially contaminated groundwater to previously uncontaminated areas, which would be a significant impact related to groundwater quality. Implementation of Mitigation Measures WQ-1.1 and HAZ-2.1 would ensure that the significant impact related to the migration of contaminated groundwater would be reduced to a less-than-significant level by ensuring that subsurface contamination at the Project site and along proposed transmission line routes for the Revised Project would be further investigated and remediated, if necessary, under the oversight of a regulatory agency and that

modeling of the proposed dewatering activities would include an evaluation of the potential for the migration of contaminated groundwater. Implementation of Mitigation Measure HAZ-2.1 also requires preparation and implementation of a Soil and Groundwater Management Plan to address known and potential unidentified subsurface contamination that may be encountered during construction. With implementation of Mitigation Measures WQ-1.1 and HAZ-2.1, plus compliance with State, regional, and local regulations, the Revised Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality and impacts on water quality would be less-than-significant.

If there are wells on the Project site and the wells are not properly destroyed prior to or during redevelopment, the wells could act as vertical conduits and allow future migration of saltwater and other potential contaminants from shallow groundwater into deeper groundwater zones, which would be a significant impact on groundwater quality. Additionally, the installation of landscaping (in particular, stormwater treatment/infiltration features) over areas of contaminated soil or groundwater could increase the leaching of contaminants from soil into groundwater or the migration of contaminated groundwater, which would be a significant impact on groundwater quality. Implementation of Mitigation Measure WQ-1.2 would ensure that the significant impact related to wells would be reduced to a less- than-significant level by requiring potential wells on the Project site to be investigated and properly destroyed. Implementation of Mitigation Measure HAZ-2.1 would ensure that the significant impact related to contaminated groundwater would be reduced to a less-than-significant level by ensuring that subsurface contamination at the Project site would be further investigated and remediated, as necessary, under the oversight of a regulatory agency. Implementation of Mitigation Measure HAZ-2.1 would require preparation and implementation of a Soil and Groundwater Management Plan to address known and potential unidentified subsurface contamination that may be encountered during construction. Thus, compliance with the MRP and implementation of Mitigation Measures WQ-1.2 and HAZ-2.1 would ensure the protection of groundwater and surface water quality during operation and maintenance of the Revised Project, and impacts would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measures HAZ-2.1 (*Subsurface Contamination*), below.

Mitigation Measure WQ-1.1: Dewatering. The Project Sponsor shall prepare a Dewatering Plan that shall be submitted to Valley Water and City for review and approval. The Dewatering Plan shall account for phasing of excavation/construction activities and include the following:

- A detailed analysis of soil formations that would be affected by excavation and dewatering activities;
- A detailed description of proposed excavation shoring systems;
- The proposed dewatering locations, flow rates, and durations that would be required, based on the soil formations present and the proposed excavation activities and shoring systems;
- The design of the proposed dewatering systems and effluent treatment systems;

- Geotechnical analysis and hydraulic modeling to demonstrate the anticipated performance of the dewatering systems and potential changes to surrounding hydrogeologic conditions, including changes in groundwater levels and flow directions, potential movement of contaminated groundwater, potential saltwater intrusion, and potential settlement due to subsidence.
- Proposed dewatering effluent discharge locations and flow rates; and
- Adequate onsite storage capacity to limit or cease dewatering discharges during times of heavy rain/flooding.

The Project shall utilize shoring systems, such as soil/cement cutoff walls, if deemed necessary by Valley Water to ensure sustainable management of the Santa Clara Subbasin, that limit dewatering volumes and durations to the maximum extent possible. The designs for the proposed shoring systems and dewatering systems as well as the Dewatering Plan shall be revised as necessary, based on comments from the City or Valley Water. The Dewatering Plan shall be approved by Valley Water and the City prior to the issuance of permits by Valley Water for the installation of dewatering wells and permits from the City for construction of shoring and dewatering systems.

Mitigation Measure WQ-1.2: Wells. The Project Sponsor shall evaluate the potential presence of wells on the Project site, based on Valley Water records. If suspected wells have already been properly destroyed, the Project Sponsor shall provide evidence to Valley Water to demonstrate this. If it cannot be readily determined whether any wells are present on the Project site or whether the suspected wells have been properly destroyed, the Project Sponsor shall further investigate the locations of suspected wells. This investigation shall be performed under the direction of Valley Water and may include the use of geophysical surveying methods, potholing, excavation, or other exploratory activities, as deemed necessary by Valley Water, to evaluate the locations and conditions of the suspected wells. If any wells are identified at the Project site that have not been properly destroyed, the Project Sponsor shall properly destroy the wells under permits from Valley Water. The Project Sponsor shall provide the City with evidence that suspected wells on the Project site have been investigated and properly destroyed, if necessary, to the satisfaction of Valley Water prior to the City issuing demolition or grading permits for the Project. If any well is discovered during construction that has not been properly destroyed, the well shall be protected until it can be properly destroyed under permits from Valley Water at the soonest possible time.

Impact WQ-2: Groundwater Supplies.

FINDING: Implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to groundwater supplies to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report and the Dewatering Plan as well as the water-saving features during operation in the MWENDO to be feasible. The City hereby determines that any impacts related to groundwater supplies remaining after implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of the Revised Project would require excavation for utilities and below-grade parking. The amount of excavation dewatering required for the Revised Project could vary significantly, depending on the excavation shoring systems utilized but construction dewatering for such excavation would be required. Extraction of groundwater for several years by the Project construction could be considered a substantial use of groundwater resources, particularly during periods of drought and when considering that construction and operation of other developments in the Santa Clara Plain could also increase groundwater pumping in the plain. In addition, construction dewatering could contribute to a significant impact related to decreasing groundwater supplies. Depending on the amount of construction dewatering performed and the characteristics of the soil formations and overlying improvements within the area that would be affected by dewatering, there is potential for permanent subsidence to occur, which would be a significant impact related to dewatering and subsidence. The below-grade structures on the Project site would be waterproofed; therefore, operational dewatering would not be required following the completion of construction. However, because of future water demand in Santa Clara and reasonably anticipated deficiencies from other sources, the City may need to rely more heavily on groundwater for the future water supply. Valley Water has requested that the City and Project Sponsor implement specific measures from the Model Water Efficiency New Development Ordinance (MWENDO) to reduce or avoid impacts on the water supply. If the Revised Project does not implement specific measures from the MWENDO to reduce or avoid impacts on the water supply, the Revised Project could contribute to unsustainable management of the Santa Clara Subbasin by increasing groundwater pumping and contributing to unsustainable levels of groundwater extraction from the Santa Clara Subbasin, which would be a significant impact.

Implementation of Mitigation Measure WQ-1.1 would require a Dewatering Plan to be prepared and submitted to Valley Water and the City for review and approval. It would also require the Revised Project to use shoring systems, such as soil/cement cutoff walls, if deemed necessary by Valley Water to ensure sustainable management of the Santa Clara Subbasin, that would limit dewatering volumes and durations to the maximum extent possible. Therefore, Implementation of Mitigation Measure WQ-1.1 would ensure that potential impacts of Revised Project construction on groundwater supplies would be less than significant with mitigation. In addition, implementation of Mitigation Measures GEO-3.1 and WQ-1.1 would ensure that potential subsidence due to construction dewatering would be evaluated in the design-level geotechnical report and the Dewatering Plan that would be prepared for the Revised Project, which would be required to modify the proposed shoring systems and dewatering systems, as deemed necessary by Valley Water, to ensure sustainable management of the Santa Clara Subbasin. This includes controlling subsidence due to groundwater pumping. Implementation of Mitigation Measures GEO-3.1 and WQ-1.1 would therefore ensure that impacts related to impeding sustainable groundwater management of the basin and subsidence from construction of the Revised Project would be less than significant with mitigation.

Implementation of Mitigation Measure WQ-2.1 would ensure that potential operational impacts of the Revised Project related to substantially decreasing groundwater supplies or impeding sustainable groundwater management of the basin would be less than significant with mitigation, ensuring that water efficiency measures would be incorporated into the Project design, as requested

by Valley Water. With implementation of Mitigation Measure WQ-2.1, the Revised Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Revised Project would impede sustainable groundwater management of the basin.

Mitigation Measures GEO-3.1 and WQ-1.1.

Mitigation Measure WQ-2.1: Water Supply. The Project shall incorporate specific measures from the MWENDO into the Project design, as requested by Valley Water, to ensure that projected use of water by the Project is consistent with Valley Water's countywide water-supply planning efforts and the WSA. The Project Sponsor shall provide the City and Valley Water with evidence of approval from SBWR for the Project's use of recycled water to reduce the demand generated by the Project to the extent feasible, based on Project design and operation. The water-saving features of the Project design and WSA prepared for the Project shall be provided to Valley Water for review. Additional water-saving measures shall be incorporated into the Project design if requested by Valley Water or the City, ensuring that the Project would be consistent with the WSA and Valley Water's countywide water-supply planning efforts. The water-saving features of the Project design shall be approved by Valley Water and the City prior to the City issuing building permits for the Project. The following specific measures from the MWENDO shall be incorporated into the Project design, as applicable:

- Install hot-water recirculation systems;
- Install graywater dual-distribution plumbing;
- Incorporate alternative water sources (e.g., cisterns) and recycled water connections as feasible;
- Install pool and spa covers;
- Encourage reuse of recycled water, graywater, and rainwater/stormwater in new development and remodels through the installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable uses;
- Require dedicated landscape meters where applicable;
- Require installation of separate submeters to each unit in multifamily developments and individual spaces within commercial buildings to encourage efficient water use; and
- Install weather- or soil-based irrigation controllers.

Impact WQ-3: Drainage Patterns (Stormwater).

FINDING: Implementation of Mitigation Measures WQ-3.1 and WQ-3.2, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to stormwater conveyance and flooding to a less-than-significant level. The City finds a hydraulic study,

modifications to the Project design (if necessary), and implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to stormwater conveyance and flooding remaining after implementation of Mitigation WQ-3.1 and WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction activities would involve excavation and grading, which could temporarily alter drainage patterns and expose soil to potential erosion. The precise timing for stormwater drainage system construction has not been defined. If modifications to the existing stormwater drainage systems are not appropriately designed or constructed at the appropriate times with regard to the different phases of Revised Project construction, as well as weather conditions (e.g., rain), then runoff from the Project site could exceed the capacity of existing or proposed stormwater drainage systems, flooding could occur onsite or offsite, and floodflows could be impeded or redirected by the Revised Project, which would be a significant impact related to altering stormwater drainage patterns. In addition, if the proposed stormwater drainage systems are not appropriately designed and constructed, runoff from the Project site during operation could exceed the capacity of existing or proposed stormwater drainage systems. Flooding could occur onsite or offsite, and floodflows could be impeded or redirected by the Revised Project, which would be a significant impact related to altering stormwater drainage patterns. Implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would ensure that potential construction impacts of the Revised Project related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, and impeding or redirecting floodflows would be less than significant by requiring a hydraulic study to be prepared to evaluate the potential impacts; modifications to the Project design, if necessary; and implementation of a Construction-Period Stormwater Drainage Control Plan. In addition, implementation of Mitigation Measure WQ-3.1 would ensure that potential operational impacts of the Project related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, and impeding or redirecting floodflows would be less than significant by requiring a hydraulic study to be performed and the Revised Project design to be modified, if necessary, to demonstrate that the Revised Project would not result in significant impacts related to stormwater conveyance and flooding.

Mitigation Measure WQ-3.1: Drainage and Flooding during Construction and Operation.

The Project Sponsor shall prepare a Hydraulic Study to evaluate whether that the existing and proposed stormwater drainage systems that would receive runoff from the Project site would be capable of conveying the 10-year peak runoff from the Project site and flows from the Project site during a 100- year flood event would remain within public roadway limits and would not extend into private property, per City requirements. For Project construction, the Hydraulic Study shall also evaluate stormwater runoff patterns during all phases, including surface runoff flow directions and estimated discharge rates. For Project operation, the Hydraulic Study shall also evaluate the proposed changes to drainage patterns at the Project site and placement of fill material and structures within the special flood hazard area currently mapped within Democracy Way and determine whether such changes would result in an increase in the base flood elevation by more than 1 foot in any areas within Santa Clara when combined with changes in flooding conditions from all other existing and anticipated development. If the Hydraulic Study finds that the Project would

not meet the required stormwater conveyance and flooding conditions above, the Project design shall be modified to the satisfaction of the City to meet these conditions. Such design modifications could include additional stormwater retention systems, such as swales or underground cisterns/storage pipes with metered outlets, and/or changing the size and location of proposed storm drain systems on the Project site. The Hydraulic Study shall be submitted to the City for review and approval prior to the City issuing grading or building permit.

Mitigation Measure WQ-3.2: Construction Stormwater Drainage. The Project Sponsor shall prepare and implement a Construction-Period Stormwater Drainage Control Plan, which shall be submitted to the City for review and approval prior to the City issuing grading or building permits. The Construction-Period Stormwater Drainage Control Plan shall account for the phasing of construction activities and include the following:

- A detailed construction schedule for the entire Project that includes the timing for construction of new stormwater drainage systems and removal of existing stormwater drainage systems.
- Figures depicting the proposed grading of the Project site, including areas of excavation and the placement of fill during various phases of construction, and the drainage control systems that would be utilized during the various phases of construction (e.g., temporary berms and swales, sumps/pumps for subsurface structures, existing and planned stormwater drainage systems);
- A summary of detailed hydraulic evaluations of stormwater runoff patterns (see Mitigation Measure WQ-3.1), including surface runoff flow directions and estimated discharge rates for all construction phases.
- The proposed construction-period drainage control systems shall be designed such that the estimated rates and volumes of stormwater discharged to existing or proposed offsite stormwater drainage systems shall not increase beyond the existing condition. If rates and volumes of stormwater discharge to existing or proposed offsite stormwater drainage systems increase beyond the existing condition, the Construction-Period Stormwater Drainage Control Plan shall demonstrate that the existing or proposed offsite stormwater drainage systems have the capacity necessary to convey the increased discharges.
- Timing restrictions and methods for rerouting flows from existing storm drain systems during modification to ensure that construction activities do not impede flows within the systems.
- Special precautions to be taken for construction activities within special flood hazard zones, including not allowing the storage of hazardous materials or placement of features that could impede or redirect floodflows within special flood hazard zones.

Impact WQ-4: Release of Pollutants Due to Inundation (Flooding During Construction).

FINDING: Implementation of Mitigation Measure WQ-3.2, which is hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to release of pollutants due to inundation to a less-than-significant level. The City finds implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any construction impacts related to the release of pollutants due to inundation remaining after implementation of Mitigation Measure WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If hazardous materials are stored during construction within special flood hazard areas and flooding occurs, the Revised Project could result in a release of pollutants due to inundation, which would be a significant impact. In addition, the Revised Project would include the placement of fill material and structures within the special flood hazard area mapped within Democracy Way. Implementation of Mitigation Measure WQ-3.2 would ensure that the potential impact from release of pollutants due to inundation during construction would be less than significant with mitigation by requiring hazardous materials not to be stored in special flood hazard areas during construction of the Revised Project.

Mitigation Measure: Implement Mitigation Measure WQ-3.2.

Impact WQ-5: Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan.

FINDINGS: Implementation of Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO-3.1, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to conflicts with a water quality control plan or sustainable groundwater management plan to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report, Dewatering Plan, and Soil and Groundwater Management Plan as well as the water-saving features during operation in the MWENDO to be feasible. The City hereby determines that any impacts related to conflicts with a water quality control plan or sustainable groundwater management plan remaining after implementation of Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of the Revised Project would be required to comply with National Pollutant Discharge Elimination System (NPDES) permit requirements, including the Construction General Permit. Implementation of Mitigation Measures WQ-1.1 and HAZ-2.1 would further ensure the protection of groundwater and surface water quality during construction of the Revised Project. Implementation of Mitigation Measures WQ-1.1 and GEO-3.1 would ensure that construction of the Revised Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. Therefore, potential construction impacts related to conflicting with or obstructing implementation of the Basin Plan or Groundwater Management Plan (GMP) for the Santa Clara and Llagas Subbasins would be less than significant with mitigation.

Operation of the Revised Project would be required to comply with the MRP, which would ensure the protection of surface water quality. Implementation of Mitigation Measures WQ-1.2 and HAZ-2.1 would ensure the protection of groundwater water quality during operation of the Revised Project. Implementation of Mitigation Measure WQ-2.1 would ensure that operation of the Revised Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. Therefore, potential operational impacts related to conflicting with or obstructing implementation of the Basin Plan or GMP for the Santa Clara and Llagas Subbasins would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO- 3.1.

Impact C-WQ-1: Cumulative Water Quality Impacts.

FINDING: Implementation of Mitigation Measures WQ-1.1, WQ-1.2, and HAZ-2.1, which are hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to water quality to a less-than-significant level. The City finds implementation of a Dewatering Plan and a Soil and Groundwater Management Plan, as well as monitoring wells, to address known and potential unidentified subsurface contamination to be feasible. The City hereby determines that the Revised Project's contribution to a cumulative impact related to water quality would not be cumulatively considerable and any impacts related to cumulative water quality would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Stormwater discharged from past and existing land uses in the Project area and surrounding areas have contained pollutants and cumulatively contributed to impairment of the water quality in San Tomas Aquino Creek, Guadalupe Slough, and South San Francisco Bay. Furthermore, historical groundwater pumping in the Santa Clara Valley has resulted in cumulative impacts on groundwater quality through saltwater intrusion. Therefore, cumulative conditions exist for impacts on water quality in the Project area. Stormwater runoff and groundwater dewatering from the Project site and cumulative projects could result in the degradation of surface water and groundwater if not appropriately managed.

Stormwater runoff and groundwater from dewatering during construction of the Revised Project would be managed, treated, and monitored in accordance with NPDES permit requirements, including the Construction General Permit. Cumulative projects would also be required to comply with these existing regulations to protect water quality. The Revised Project would be required to implement Mitigation Measures WQ-1.1 and HAZ-2.1, which would further ensure the protection of groundwater and surface water during construction. As a result, construction of the Revised Project would not have a cumulatively considerable impact on surface water or groundwater quality; therefore, the Revised Project's contribution to cumulative impacts would not be considerable. The cumulative construction impact related to water quality would be less than significant with mitigation.

Stormwater runoff during operation of the Revised Project would be managed and treated in accordance with the MRP. Cumulative projects would also be required to comply with the MRP to protect water quality. The Revised Project would be required to implement Mitigation Measures WQ-1.2 and HAZ-2.1 to ensure the protection of groundwater during operation. As a result, operation of the Revised Project would not have a cumulatively considerable impact on surface water or groundwater quality; therefore, the Revised Project's contribution to cumulative impacts would not be considerable. The cumulative operational impact related to water quality would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures WQ-1.1, WQ-1.2, and HAZ-2.1.

Impact C-WQ-2: Cumulative Groundwater Supply Impacts.

FINDING: Implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1, which are hereby adopted and incorporated into the Revised Project, would reduce impacts to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report and the Dewatering Plan, plus the water-saving features during operation in the MWENDO, to be feasible. The City hereby determines that any impacts related to cumulative groundwater supply remaining after implementation of Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Historical groundwater pumping in the Santa Clara Valley has resulted in cumulative impacts, including a decline in groundwater levels and subsidence. Management of groundwater use in the Santa Clara Subbasin is currently performed by Valley Water through implementation of the GMP for the Santa Clara and Llagas Subbasins to limit cumulative impacts related to groundwater supply and subsidence. However, the extraction of groundwater during construction of the Revised Project and cumulative projects could result in decreased groundwater supplies as well as subsidence. During construction, the Revised Project would be required to implement Mitigation Measures GEO-3.1 and WQ- 1.1, which would ensure that construction of the Revised Project would not substantially decrease groundwater supplies or result in subsidence that could impede sustainable management of the groundwater basin. Similar requirements would be applied to the cumulative projects, as applicable. As a result, construction of the Revised Project would not have a cumulatively considerable impact on groundwater supplies or sustainable management of the groundwater basin; the Revised Project's contribution to cumulative impacts would not be considerable. The cumulative impact related to groundwater supply would be less than significant with mitigation.

During operation, the Revised Project would be required to implement Mitigation Measure WQ-2.1, which would ensure that operation of the Revised Project would not substantially decrease groundwater supplies or result in subsidence that could impede sustainable management of the groundwater basin. Similar requirements would be applied to the cumulative projects, as applicable. As a result, operation of the Revised Project would not have a cumulatively considerable impact on groundwater supplies or sustainable management of the groundwater basin; the Revised Project's contribution to cumulative impacts would not be considerable. The impact related to groundwater supply would be less than significant with mitigation.

Mitigation Measures: Implement Mitigation Measures GEO-3.1, WQ-1.1, and WQ-2.1.

Impact C-WQ-3: Cumulative Drainage Pattern Impacts.

FINDING: Implementation of Mitigation Measures WQ-3.1 and WQ-3.2, which are hereby adopted and incorporated into the Revised Project, would reduce the cumulative impacts related to drainage patterns to a less- than-significant level. The City finds a hydraulic study, modifications to the Project design (if necessary), and implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to cumulative drainage patterns after implementation of Mitigation Measures WQ-3.1, and WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Erosion and siltation can result in cumulative impacts by reducing the conveyance capacity of stormwater drainage systems and creeks (though sedimentation) and reducing water quality. Furthermore, the erosion of contaminated soils can increase pollutant loads in runoff and receiving waters. Similar to the Revised Project, cumulative projects would involve excavation and grading that could temporarily alter drainage patterns and expose soil to potential erosion and siltation. Portions of the Project site and surrounding areas are susceptible to flooding hazards due to inadequate drainage systems. Increased runoff from developments and altered drainage patterns have resulted in a cumulative condition related to flooding hazards in the Project area. The Revised Project, along with cumulative projects in the area, could also result in impacts related to stormwater drainage systems and flooding, which would be a potentially cumulatively considerable impact and therefore significant with respect to altering stormwater drainage patterns. Although the Revised Project would result in an overall decrease in stormwater runoff from the Project site compared to the existing condition, different amounts of runoff from the Revised Project site could be conveyed to different storm drain systems compared to the existing condition. The Revised Project could also alter flooding conditions by placing fill material and structures within a special flood hazard zone. Cumulative projects may involve similar changes to drainage patterns.

During construction, the Revised Project would be required to implement Mitigation Measures WQ-3.1 and WQ- 3.2, which would ensure that construction of the Revised Project would not exceed the capacity of existing or proposed stormwater drainage systems, result in flooding onsite or offsite, or impede or redirect floodflows. As a result, construction of the Revised Project would not create a cumulatively considerable impact related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, or impeding or redirecting floodflows; therefore, these cumulative impacts would be less than significant with implementation of Mitigation Measure WQ-3.1 and WQ-3.2.

During operation, the Revised Project would be required to implement Mitigation Measures WQ-3.1, which would ensure that operation of the Revised Project would not exceed the capacity of existing or proposed stormwater drainage systems, result in flooding onsite or offsite, or impede or redirect floodflows. As a result, operation of the Revised Project would not create a cumulatively considerable impact related to exceeding the capacity of existing or proposed stormwater drainage systems, flooding onsite or offsite, or impeding or redirecting floodflows;

therefore, these cumulative impacts would be less than significant with implementation of Mitigation Measure WQ-3.1.

Mitigation Measures: Implement Mitigation Measures WQ-3.1 and WQ-3.2.

Impact C-WQ-4: Cumulative Release of Pollutants Due to Inundation.

FINDING: Implementation of Mitigation Measure WQ-3.2, which is hereby adopted and incorporated into the Revised Project, would reduce impacts due to inundation to a less-than-significant level. The City finds implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to the cumulative release of pollutants due to inundation remaining after implementation of Mitigation Measure WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If hazardous materials are stored for construction of the cumulative projects within special flood hazard areas and flooding occurs, the cumulative projects, in combination with the Revised Project, could risk the release of pollutants, which would be a significant cumulative impact. During construction, implementation of Mitigation Measure WQ-3.2 would ensure that the Revised Project's contribution would not be considerable by requiring hazardous materials not to be stored in special flood hazard areas. As a result, construction of the Revised Project would not create a cumulatively considerable impact related to the release of pollutants due to inundation; therefore, this cumulative impact would be less than significant with implementation of Mitigation Measure WQ-3.2.

Mitigation Measure: Implement Mitigation Measure WQ-3.2.

Impact C-WQ-5: Cumulative Conflicts with a Water Quality Control Plan or Sustainable Groundwater Management Plan.

FINDING: Implementation of Mitigation Measures WQ-1.1, WQ-2.1, HAZ-2.1, and GEO-3.1, which are hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to conflicts with a water quality control plan or sustainable groundwater management plan to a less-than-significant level. The City finds the evaluation of construction dewatering in the design-level geotechnical report, Dewatering Plan, and Soil and Groundwater Management Plan as well as the water-saving features during operation in the MWENDO to be feasible. The City hereby determines that any cumulative impacts related to conflicts with a water quality control plan or sustainable groundwater management plan remaining after implementation of Mitigation Measures WQ-1.1, WQ-2.1, HAZ-2.1, and GEO-3.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Construction of projects in the area would be required to comply with NPDES permit requirements, including the Construction General Permit. Operation of cumulative projects would be required to comply with the MRP, which would ensure the protection of surface water quality. However, without mitigation, groundwater and surface water could be affected during cumulative construction and operation.

During construction, the Revised Project would be required to implement Mitigation Measures WQ-1.1 and HAZ-2.1 to ensure the protection of groundwater and surface water quality. In addition, implementation of Mitigation Measures WQ-1.1 and GEO-3.1 would ensure that construction of the Revised Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. As a result, construction of the Revised Project would not create cumulatively considerable impacts related to conflicting with or obstructing implementation of the Basin Plan or GMP for the Santa Clara and Llagas Subbasins; therefore, the Revised Project's contribution to cumulative impacts would not be considerable. The cumulative construction impacts related to conflicts with a water quality control plan or sustainable groundwater management plan would be less than significant with implementation of Mitigation Measures WQ-1.1 and HAZ-2.1.

During operation, stormwater runoff would be managed and treated in accordance with the MRP. Cumulative projects would also be required to comply with the MRP to protect water quality. The Revised Project would be required to implement Mitigation Measures WQ-1.2 and HAZ-2.1 to ensure the protection of groundwater during operation. Furthermore, the use of groundwater by the cumulative projects for the water supply could result in decreased groundwater supplies and subsidence, which would be a significant cumulative impact related to conflicting with the GMP for the Santa Clara and Llagas Subbasins. Implementation of Mitigation Measure WQ-2.1 would ensure that operation of the Revised Project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin. As a result, operation of the Revised Project would not create cumulatively considerable impacts related to conflicting with or obstructing implementation of the Basin Plan or GMP for the Santa Clara and Llagas Subbasins; therefore, the Revised Project's contribution to cumulative impacts related to conflicts with a water quality control plan or sustainable groundwater management plan would not be considerable. The cumulative impact related to conflicts with a water quality control plan or sustainable groundwater management plan remaining after implementation of Mitigation Measures WQ-1.2 and HAZ-2.1 would be less than significant.

Mitigation Measures: Implement Mitigation Measures WQ-1.1, WQ-1.2, WQ-2.1, HAZ-2.1, and GEO- 3.1.

10. Hazards and Hazardous Materials

The topic of hazards and hazardous materials was analyzed in Section 3.11 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to hazards and hazardous materials and recommended mitigation measures, as discussed below.

Impact HAZ-2: Accidental Releases of Hazardous Materials (Subsurface Contamination).

FINDING: Implementation of Mitigation Measure HAZ-2.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts related to subsurface contamination to a less-than-significant level. The City finds the investigation and appropriate management of subsurface contamination under the oversight of a regulatory agency to be feasible. The City hereby determines that any impacts related to the accidental releases of hazardous materials due to subsurface contamination would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The disturbance of contaminated soil or groundwater, if encountered, during construction activities could result in impacts on construction workers, the public, and the environment because dust or vapors containing hazardous materials could be released into the environment, and the movement of contaminated soil could spread contamination to new areas. Construction in areas with elevated levels of methane could also create hazards related to fire and explosion due to potential methane accumulation within excavations or enclosed spaces. Therefore, the potential release of subsurface hazardous materials into the environment during construction of the Revised Project is a significant impact. If landscaping would be installed over areas of contaminated soil or groundwater not excavated as part of the Revised Project, stormwater infiltration during operation of the Revised Project could increase the leaching of contaminants from soil into groundwater or the migration of contaminated groundwater. The placement of buildings and utilities in areas with elevated methane and VOC levels in soil vapor could create hazards related to fire and explosion due to potential methane accumulation within enclosed spaces and create health hazards for future occupants of the Project site due to vapor intrusion to indoor air. Therefore, the potential release of subsurface hazardous materials into the environment during operation of the Revised Project is a significant impact. Implementation of Mitigation Measure HAZ-2.1 would ensure that subsurface contamination would be further investigated and appropriately managed under the oversight of a regulatory agency. With implementation of this mitigation, the Revised Project would not create a significant hazard for the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Implementation of Mitigation Measure HAZ-2.1 would reduce impacts from accidental releases of hazardous materials due to subsurface contamination to a less-than-significant level.

Mitigation Measure HAZ-2.1: Subsurface Contamination. The Project Sponsor shall engage with an appropriate regulatory agency (e.g., the San Francisco Bay Regional Water Board, Santa Clara County DEH, DTSC) to provide oversight for additional subsurface investigation at the Project site and proposed transmission line routes for the Project, prepare and implement a Soil and Groundwater Management Plan (SGMP), and implement remedial actions, as necessary and required by the appropriate regulatory agency. When site uses and building layouts/designs are finalized and available, additional soil vapor testing shall be performed to evaluate the need for vapor intrusion mitigation measures. The additional subsurface investigation activities shall include, to the extent required by the appropriate regulatory agency, investigation of potential contamination along the proposed transmission line routes for the Project and investigation of potential contamination source areas/features of environmental concern (e.g., former hazardous materials storage areas, clarifiers/sumps/vaults and associated piping, possible UST areas) to define the extent of subsurface contamination at the Project site. The SGMP shall outline the soil and groundwater management protocols that would be implemented during redevelopment of the Project site to ensure that construction workers, the public, future occupants, and the environment would not be exposed to hazardous materials that may be present in the subsurface of the Project site. The SGMP shall include, at a minimum, the following procedures, to be implemented during construction:

- Health and safety requirements for construction workers who may handle contaminated soil or groundwater
- Guidelines for controlling airborne dust, vapors, and odors
- Air monitoring requirements for methane and VOCs during construction
- Guidelines for controlling hot work (e.g., welding) in areas where methane concentrations approach or exceed 10 percent of the lower explosive limit (i.e., 0.5 percent)
- Regulatory notification requirements if undocumented contamination, features of environmental concern (e.g., USTs or clarifiers/sumps/vaults and associated piping), or elevated methane levels are encountered, which shall include notification of the City's Community Risk Reduction Division for USTs and the fire department for hot work in methane areas
- Inspection and sampling protocols for contaminated soil or groundwater by a qualified environmental professional
- Guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements
- Guidelines for the segregation of contaminated soil, stockpile management, characterization of soil for offsite disposal or onsite re-use, and importing of clean fill material

The SGMP shall be submitted to applicable regulatory oversight agencies, including the City, for review and approval prior to the City issuing demolition or grading permits for the Project. Remedial actions that may be required for the Project could include, but would not necessarily be limited to, removal of hazardous material containers/features (e.g., USTs, piping, clarifiers/sumps/vaults), removal and offsite disposal of contaminated soil or groundwater, in-situ treatment of contaminated soil or groundwater, or implementation of engineering/institutional controls (e.g., capping of contaminated soils, installation of vapor intrusion mitigation systems, establishment of deed restrictions).

If remedial actions are required for any portion of the Project site or proposed transmission line routes for the Project, the Project Sponsor shall submit to the City evidence of approvals from all applicable regulatory oversight agencies for any proposed remedial action plans prior to the City issuing any demolition, grading, or building permits for that portion of the Project site or transmission line route. The Project Sponsor shall submit to the City evidence of approval(s) from all applicable regulatory oversight agencies for the completion of remedial actions on the applicable portion of the Project site prior to the City issuing a certificate of occupancy for any buildings located on said portion of the Project site.

Impact C-HAZ-2: Cumulative Accidental Releases of Hazardous Materials (Construction).

FINDING: Implementation of Mitigation Measure HAZ-2.1, which is hereby adopted and incorporated into the Revised Project, would reduce cumulative construction impacts related to accidental release of hazardous materials to a less-than-significant level. The City finds the investigation and appropriate management of subsurface contamination under the oversight of a regulatory agency to be feasible. The City hereby determines that any cumulative construction impacts related to an accidental release of hazardous materials remaining after implementation of Mitigation Measure HAZ-2.1 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Cumulative projects may include the demolition of buildings that contain hazardous building materials or redevelopment in areas with subsurface contamination. Given the past and current commercial/industrial land uses near the Project site that may have involved the storage and use of hazardous materials, it is possible that previously unidentified subsurface contamination could be present at other cumulative projects near the Project site. Redevelopment of multiple projects in areas of subsurface contamination at the same time could result in cumulative exposure of construction workers, the public, and the environment to hazardous materials, which would be a significant cumulative impact. Implementation of General Plan policies, including Policies 5.10.5-P22 and 5.10.5-P23, would ensure that the City would regulate development on sites with suspected soil and/or groundwater contamination and require appropriate cleanup and remediation of contaminated sites, ensuring that construction workers, the public, future occupants, and the environment would be adequately protected from hazards associated with contamination. Implementation of Mitigation Measure HAZ-2.1 would ensure that potential impacts of the Revised Project associated with accidental releases of hazardous materials due to subsurface contamination would not be cumulatively considerable. Cumulative construction impacts related to accidental releases of hazardous materials remaining after implementation of Mitigation Measure HAZ-2.1 would be less than significant with mitigation.

Mitigation Measure: Implement Mitigation Measure HAZ-2.1.

11. Tribal Cultural Resources

The topic of tribal cultural resources was analyzed in Section 3.14 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to tribal cultural resources and recommended mitigation measures, as discussed below.

Impact TCR-1: Tribal Cultural Resources (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Revised Project, would reduce construction impacts related to tribal cultural resources to a less-than-significant level. The City finds mitigation measures that call for development and implementation of a monitoring plan, worker awareness training, and requirements to stop work if tribal cultural resource deposits are encountered during ground-disturbing activities to be feasible. The City hereby determines that any construction impacts related to tribal cultural resources remaining after implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. The results of the Northwest Information Center records search and literature review indicate no previously recorded cultural resources within or adjacent to the Project site. This includes tribal cultural resources listed or eligible for listing in the CRHR or a local register of historical resources. In addition, no tribal cultural resources were identified during the 2019 and 2022 consultation outreach by the City. However, archaeological deposits that qualify as tribal cultural resources could be encountered during Project excavation. Should deposits be encountered during Project excavation, this could result in an adverse change to a tribal cultural resource. Thus, significant impacts related to tribal cultural resources could result from construction of the Revised Project. Implementation of Mitigation Measures CUL-2.1, CUL-2.2 and CUL-2.3 would ensure that impacts related to any tribal cultural resources that may be uncovered at the site would be less than significant with mitigation through development and implementation of an archaeological monitoring plan, implementation of cultural resources sensitivity training (including training regarding sensitivity to tribal cultural resources) for all construction crews participating in ground-disturbing activities, and requirements to stop work if archaeological deposits are encountered during ground-disturbing activities. With implementation of mitigation, the Revised Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed in or eligible for listing in the California Register of Historical Resources (CRHR) or a local register of historical resources, as defined in PRC Section 5020.1(k), or determined by the lead agency to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1. Therefore, this impact would be less than significant with implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Impact C-TCR-1: Cumulative Impacts on Tribal Cultural Resources (Construction).

FINDING: Implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which are hereby adopted and incorporated into the Revised Project, would reduce cumulative construction impacts related to tribal cultural resources to a less-than-significant level. The City finds mitigation measures that call for development and implementation of a monitoring plan, worker awareness training, and requirements to stop work if archaeological deposits are encountered during ground-disturbing activities to be feasible. The City hereby determines that any cumulative construction impacts related to tribal cultural resources would not be cumulatively considerable and after implementation of Mitigation Measure CUL-2.1, CUL- 2.2, and CUL-2.3 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. Urban development that has occurred over the past several decades in the vicinity of the Project site has resulted in the demolition or alteration of non-archaeological and archaeological resources that may qualify as tribal cultural resources under CEQA. It is reasonable to assume that present and future development will continue to result in impacts on these resources by disturbing native soils and altering the landscape. Because tribal cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. For this

reason, the cumulative effects of development in the region on tribal cultural resources are considered significant. Because the Project site is situated in an archeologically sensitive area, the possibility exists of encountering unknown tribal cultural resources during ground-disturbing activities associated with Revised Project construction. The Revised Project would be subject to Mitigation Measures CUL-2.1, CUL- 2.2, and CUL-2.3, which require implementation of an archaeological monitoring plan, cultural resources sensitivity training (including training regarding sensitivity to tribal cultural resources) for all construction crews participating in ground-disturbing activities, and stopping work if archaeological deposits are encountered during ground-disturbing activities. Compliance with these mitigation measures would reduce the Revised Project's contribution to a cumulative impact to less than cumulatively considerable, resulting in a cumulative construction impact that would be less than significant with implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

Mitigation Measures: Implement Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3.

12. Utilities and Service Systems

The topic of utilities and service systems was analyzed in Section 3.15 of the EIR. The EIR determined that the Revised Project could result in significant impacts related to utilities and service systems and recommended mitigation measures, as discussed below.

Impact UT-1: Utility Relocation, Construction, or Expansion (Stormwater Facilities).

FINDING: Implementation of Mitigation Measures WQ-3.1 and WQ-3.2, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to stormwater facilities to a less-than- significant level. The City finds a hydraulic study, modifications to the Project design (if necessary), and implementation of a Construction-Period Stormwater Drainage Control Plan to be feasible. The City hereby determines that any impacts related to stormwater facilities remaining after implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would not be significant.

FACTS IN SUPPORT OF FINDING: Changes or alterations have been required in, or incorporated into, the mitigation measures for the Revised Project that would avoid or substantially lessen the significant environmental effect, as identified in the EIR. If modifications to the existing stormwater drainage systems are not appropriately designed or constructed at the appropriate times with regard to the different phases of Revised Project construction, as well as weather conditions (e.g., rain), then runoff from the Project site could exceed the capacity of existing or proposed stormwater drainage systems, thereby requiring the construction of additional stormwater drainage facilities, which would be a significant impact. Implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would ensure that potential impacts of the Revised Project related to exceeding the capacity of existing or proposed stormwater drainage systems would be less than significant. Specifically, the mitigation measures would require a hydraulic study to be prepared to demonstrate that existing and proposed stormwater drainage systems would be capable of conveying 10-year peak runoff flows from the Project site and ensure that such flows during a 100-year flood event would remain within public roadway limits and would not extend into private property. Furthermore, modifications to the Project design would be implemented, if necessary, and a construction-period stormwater drainage control plan would be implemented. Therefore,

with implementation of stormwater treatment measures and Mitigation Measures WQ-3.1 and WQ-3.2, impacts on stormwater drainage facilities would be less than significant.

Mitigation Measures: Implement Mitigation Measures WQ-3.1 and WQ-3.2.

C. Significant and Unavoidable Impacts

Where, as a result of the environmental analysis of the Revised Project, the City has determined that either (1) even with the identification of Project design features; compliance with existing laws, codes, and statutes; and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found, in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), that “specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” These impacts have been designated significant and unavoidable.

1. Air Quality

Impact AQ-2: Cumulatively Considerable Net Increase in Criteria Pollutants – Operation and Construction plus Operation.

FINDING: Implementation of Mitigation Measures AQ-2.1 through AQ-2.6, which are hereby adopted and incorporated into the Revised Project, would reduce impacts related to cumulatively considerable net increase in criteria pollutions from operation of the Revised Project and concurrent construction and operation, but not to a less-than-significant level. Although the City finds Mitigation Measures AQ-2.1 through AQ-2.6 feasible, there are no additional feasible mitigation measures that will reduce this impact a less-than-significant level. Therefore, the City hereby determines that impacts related to a cumulatively considerable net increase in criteria pollutants during operation or construction plus operation would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: Long-term operational emissions from the Revised Project would be caused by vehicle trips and area sources (e.g., cleaning supplies, architectural coatings, landscape maintenance equipment). In addition, stationary-source emissions would result from intermittent use of 21 diesel- powered emergency generators, which were conservatively assumed to be tested 50 hours per year. Operation of the Revised Project would generate levels of reactive organic gas (ROG), nitrogen oxide (NOX), particulate matter less than 10 microns in aerodynamic diameter (PM10), and particulate matter less than 2.5 microns in aerodynamic diameter (PM2.5) that would exceed the applicable Bay Area Air Quality Management District (BAAQMD) mass emissions thresholds. Therefore, unmitigated operation of the Revised Project would result in a cumulatively considerable net increase in criteria air pollutants for which the San Francisco Bay Area Air Basin (SFBAAB) is designated as a nonattainment area with respect to the federal or State ambient air quality standards, resulting in a significant impact. In addition, construction could overlap with Revised Project operations because the Revised Project would be constructed over a period of nearly 10 years. Concurrent construction and operation of the Revised Project would result in unmitigated ROG, NOX, and PM10 emissions that would exceed

BAAQMD's recommended thresholds. Thus, the Revised Project would result in a significant impact during concurrent construction and operation. The amount of emissions would be less than the Project under the Revised Project. As evaluated in Tables 3.3-15 through 3.3-18, the cumulative exposure during Project operations and construction and operation overlap would be greater than BAAQMD cumulative thresholds for PM_{2.5} at onsite and offsite receptors. Due to the magnitude of exceedances for the cumulative exposure to PM_{2.5}, the Revised Project would not prevent significant impacts. Like the Project, no feasible mitigation has been identified that would eliminate the significant cumulative impact on sensitive receptors, but the Revised Project's contribution to this impact would be less than the Project's contribution.

Mitigation Measure AQ-2.1 would be implemented to reduce the Revised Project's NOX emissions by requiring EPA Tier 4 Final diesel engines. Implementation of Mitigation Measure AQ-2.1 (i.e., the requirement for EPA Tier 4 Final diesel engines) would reduce construction emissions of NOx to a level below the BAAQMD threshold. In addition, Mitigation Measure AQ-2.2 would be incorporated to ensure that BAAQMD BMPs, as well as additional recommended construction-related mitigation measures, would be implemented during Revised Project construction. BMPs would be required and implemented to reduce impacts from construction-related fugitive dust emissions, including any cumulative impacts.

However, project operation and concurrent Revised Project construction and operation would result in a cumulatively considerable net increase in a criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or State ambient air quality standard. Implementation of Mitigation Measures AQ-2.3 through AQ-2.6 would reduce operational ROG, NOX, PM10, and PM2.5 emissions but not to a less-than-significant level. Mitigation Measures AQ-2.3 and AQ-2.4 would require the Project Sponsor to use architectural coatings and cleaning supplies with a low volatile-organic-compound (VOC) content for all Project buildings, thereby reducing fugitive emissions of ROG throughout operations. Mitigation Measure AQ-2.5 would require the Project Sponsor to replace gas-powered landscape equipment with zero-emission landscape equipment, thereby reducing emissions of ROG, NOX, PM10, and PM2.5 by eliminating the use of internal-combustion engines for landscaping activities. Mitigation Measure AQ-2.6 would require the Project Sponsor to install EPA Tier 4 Final stationary emergency generators, if commercially available in a timely manner. EPA Tier 4 Final stationary emergency generators would reduce ROG, NOX, PM10, and PM2.5 emissions; however, the emissions modeling assumes the use of Tier 3 generators because of uncertainties in the availability of Tier 4 generators. Mitigated emissions are estimated in Table 3.3-10, which shows that net mitigated ROG, NOX, PM10, and PM2.5 emissions would exceed the applicable BAAQMD thresholds. Most of the emissions that contribute to the exceedance in ROG emissions result from the volume of consumer products used, which is dependent on the size of a project. The other main contributor to ROG emissions, as well as NOX, PM10, and PM2.5, is travel to and from the Project site by vehicles. The ROG and NOx exceedances are from vehicle exhaust; the PM10 and PM2.5 exceedances are primarily from road dust that gets re-suspended by vehicle movement. The Revised Project would reduce motor vehicle travel by locating a high-density, mixed-use development in an infill and transit-rich location, thereby promoting transportation efficiency, implementing a TDM plan, and exploring alternative transit methods. Nonetheless, the high-density aspect of the Revised Project would lead to emissions from vehicles traveling to and from the site, emissions that would represent a large portion of the Revised Project's ROG, NOX, PM10, and PM2.5 emissions. There are no additional onsite mitigation measures to reduce

emissions from vehicle trips. Therefore, even with implementation of Mitigation Measures AQ-2.1 through AQ-2.6, operation of the Revised Project and concurrent construction and operation of the Revised Project would result in a cumulatively considerable net increase in criteria air pollutants for which the SFBAAB is designated as a nonattainment area with respect to the federal or State ambient air quality standards. This impact would be significant and unavoidable with mitigation.

Mitigation Measures AQ-2.1 and 2-2: For Construction plus Operation (described in Section B)

Mitigation Measure AQ-2.3: Require Low-VOC Coatings during Project Construction and Operation. The Project Sponsor shall require contractors, as a condition of contract, to reduce construction- related fugitive ROG emissions by ensuring that low-VOC coatings with a VOC content of 50 grams per liter or less are used during construction and operation. For construction coatings, prior to permit issuance, the Project Sponsor shall submit evidence to the City of Santa Clara regarding the use of low- VOC coatings.

Mitigation Measure AQ-2.4: Use Low-VOC Cleaning Supplies. The Project Sponsor shall provide educational resources for residential and commercial tenants concerning zero- or low-VOC cleaning products. Prior to receipt of any certificate of final occupancy, the Project Sponsor shall work with the City of Santa Clara to develop the electronic correspondence to be distributed by email to new residential and commercial tenants regarding a requirement to purchase cleaning products that generate less than the typical VOC emissions.

Mitigation Measure AQ-2.5: Replace Gas-Powered Landscape Equipment with Zero-Emission Landscape Equipment. The Project Sponsor shall provide educational resources for tenants concerning zero-emission landscape equipment. The Project Sponsor, as a condition of contract, shall require all tenants to use only electric landscaping equipment throughout Project operation to reduce ROG, NOX, PM10, and PM2.5 emissions. By the time the Project is operational, new internal-combustion engine landscaping equipment will not be available for purchase in California; thus, electric landscaping equipment will be the only commercially available landscaping equipment for purchase.

Mitigation Measure AQ-2.6: EPA Tier 4 Final Stationary Emergency Generators. The Project Sponsor shall require contractors or lessees, as a condition of contract, to install EPA Tier 4 Final stationary emergency generators, if commercially available at any point before occupancy. If Tier 4 Final emergency generators are not commercially available before occupancy, the Project Sponsor and contractor shall install Tier 3 emergency generators. Prior to occupancy permit issuance, the Project Sponsor shall submit evidence to the City regarding the use of Tier 4 Final emergency generator, if commercially available, or Tier 3 emergency generators.

Impact AQ-3: Substantial Pollutant Concentrations - Toxic Air Contaminants (Health Risks from Diesel Particular Matter and Localized PM2.5).

FINDING: Implementation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, which are hereby adopted and incorporated into the Revised Project, would reduce the impacts related to substantial concentrations of toxic air contaminant (specifically health risks from diesel particulate matter and localized PM_{2.5}) but not to a less-than-significant level. Although the City finds Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6 feasible, there are no additional feasible mitigation measures or alternatives that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to substantial pollutant concentrations of toxic air contaminants (specifically health risks from diesel particulate matter and localized PM_{2.5}) would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Revised Project would expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants, specifically diesel particulate matter and localized PM_{2.5}. The health risks to sensitive receptors and PM_{2.5} concentrations would exceed BAAQMD thresholds. The cancer risk threshold exceedance for onsite receptors is due to future residential receptors being exposed to DPM during construction and then to DPM during operations from generator testing and vehicle traffic for nearly 30 years. The primary cause of the PM_{2.5} exceedance is the operation of vehicles as they travel to and from the site and generate fugitive PM_{2.5} from re-suspended road dust. Therefore, impacts related to DPM and localized PM_{2.5} would be significant. Mitigation Measures AQ-2.1 and AQ-2.2 would reduce DPM and PM_{2.5} concentrations by requiring clean diesel-powered or electric construction equipment and implementing BAAQMD basic construction mitigation measures, respectively. Mitigation Measure AQ-2.6 would reduce DPM and PM_{2.5} concentrations through the use of Tier 4 emergency generators; however, because there is uncertainty regarding the availability of the generators, the analysis results reflect the use of Tier 3 emergency generators. In addition, because the Revised Project would generate a relatively large number of daily vehicle trips, fugitive dust and exhaust emissions would result in a correspondingly large increase in PM_{2.5} concentrations.

The Revised Project would result in DPM and PM_{2.5} emissions that would contribute to cumulative exposure for onsite and offsite sensitive receptors, including future receptors at the site of the Patrick Henry Specific Plan. The amount of emissions would be less than the Project under the Revised Project. As evaluated in Tables 3.3-15 through 3.3-18, the cumulative exposure during Project operations and construction and operation overlap would be greater than BAAQMD cumulative thresholds for PM_{2.5} at onsite and offsite receptors. Due to the magnitude of exceedances for the cumulative exposure to PM_{2.5}, the Revised Project would not prevent significant impacts. Like the Project, no feasible mitigation has been identified that would eliminate the significant cumulative impact on sensitive receptors, but the Revised Project's contribution to this impact would be less than the Project's contribution.

There is no feasible mitigation to reduce PM_{2.5} concentrations because of the nature of the emissions source (i.e., the large number of privately owned vehicles traveling on public roadways). The Project Sponsor has little control over this type of emissions source. Nonetheless, the Revised Project would reduce the demand for motor vehicle travel by promoting transportation efficiency, implementing a TDM plan, and exploring alternative transit methods. Still, the health risks and PM_{2.5} concentrations would exceed BAAQMD thresholds. There are no additional onsite mitigation measures that would reduce vehicle trips to and from the site. Thus, health risks and PM_{2.5} concentrations would exceed BAAQMD thresholds after the incorporation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, and no further mitigation is available. Therefore, the

Revised Project would result in an impact that would be significant and unavoidable with mitigation with respect to health risks and PM_{2.5}.

Mitigation Measures: Implement Mitigation Measures AQ-2.1, AQ-2.2, described in Section B, and AQ- 2.6.

Impact C-AQ-2: Cumulatively Considerable Net Increase in Criteria Pollutants.

FINDING: Implementation of Mitigation Measures AQ-2.1 through AQ-2.6, which are hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to a cumulatively considerable net increase in criteria pollutants but not to a less-than-significant level. Although the City finds Mitigation Measures AQ-2.1 through AQ-2.6 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any cumulative impacts related to cumulatively considerable net increases in criteria pollutants during operation and concurrent construction and operation would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: BAAQMD's emissions thresholds represent the daily emissions that a Revised Project may generate before contributing to a cumulative impact on regional air quality. Therefore, exceedances of the BAAQMD project-level thresholds would be cumulatively considerable for project activities in the SFBAAB. The Revised Project would exceed established BAAQMD regional construction and operational mass thresholds, even with mitigation incorporated. Specifically, the Revised Project's construction-generated NOX emissions, as well as operational ROG, NOX, PM₁₀, and PM_{2.5} emissions, would exceed applicable BAAQMD emissions thresholds before mitigation. With implementation of Mitigation Measure AQ-2.1, which requires the use of clean diesel-powered or electric construction equipment, and Mitigation Measure AQ-2.2, which requires implementation of BAAQMD basic construction mitigation measures to reduce dust emissions, the Revised Project's construction-generated emissions would not exceed applicable BAAQMD emissions thresholds. However, even with implementation of Mitigation Measures AQ-2.3 through 2.6, which require the use of coatings and cleaning supplies with low VOC content, zero-emission landscape equipment, and EPA Tier 4 Final stationary emergency generators, the Revised Project's operational emissions of ROG, NOX, PM₁₀, and PM_{2.5}, as well as construction and operational overlap emissions of ROG, NOX, and PM₁₀, would exceed BAAQMD mass emissions thresholds. Moreover, the use of consumer products and generation of vehicle trips to and from the Revised Project site would represent a large portion of the Revised Project's operational ROG, NOX, PM₁₀, and PM_{2.5} emissions. There are no further mitigation strategies to reduce emissions from these activities. Because the Revised Project would exceed regional thresholds, which are inherently cumulative, the Revised Project, would result in a cumulatively considerable net increase in criteria pollutants for which the Project region is classified as a nonattainment area under an applicable federal or State ambient air quality standard, resulting in a cumulative impact that would be significant and unavoidable with mitigation.

Mitigation Measures: Implement Mitigation Measures AQ-2.1 through AQ-2.6.

Impact C-AQ-3: Cumulative Substantial Pollutant Concentrations.

FINDING: Implementation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, which are hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to substantial pollutant concentrations but not to a less-than-significant level. Although the City finds Mitigation Measures AQ- 2.1, AQ-2.2, and AQ-2.6 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any construction or operation impacts related to cumulative substantial pollutant concentrations (health risks and PM_{2.5}) remaining after implementation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6 would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Revised Project, in combination with other foreseeable development in the vicinity, would expose sensitive receptors to substantial pollutant concentrations (health risks and PM_{2.5}). Health risks associated with existing stationary, roadway, and railway sources in combination with the Revised Project would exceed BAAQMD cumulative thresholds. Specifically, operational PM_{2.5} concentrations, as well as construction and concurrent construction and operation, would exceed the BAAQMD PM_{2.5} cumulative threshold for several types of receptors (i.e., residential, worker, recreational). No cumulative thresholds would be exceeded at any school receptors. In addition, no cancer or non-cancer risk cumulative thresholds would be exceeded at any receptors. Impacts related to cumulative substantial pollutant concentrations (health risks and PM_{2.5}) during construction and operation would be significant. Mitigation Measures AQ-2.1 and AQ-2.2 would reduce DPM and PM_{2.5} concentrations by requiring clean diesel-powered or electric construction equipment and implementing BAAQMD basic construction mitigation measures, respectively. Mitigation Measure AQ-2.6 would reduce DPM and PM_{2.5} concentrations through the use of Tier 4 emergency generators; however, because there is uncertainty regarding the availability of the generators, the analysis reflects the use of Tier 3 emergency generators. In addition, because the Revised Project would generate a relatively large number of daily vehicle trips, the resulting fugitive dust and exhaust emissions from that vehicle travel would cause a correspondingly large increase in PM_{2.5} concentrations. There is no feasible mitigation to reduce PM_{2.5} concentrations because of the nature of the emissions source (i.e., the large number of privately owned vehicles traveling on public roadways). The Project Sponsor has little control over this type of emissions source. Nonetheless, the Revised Project would reduce demand for motor vehicle travel by promoting transportation efficiency, implementing a TDM plan, and exploring alternative transit methods. Still, the PM_{2.5} concentrations resulting from Revised Project operation, as well as construction and operational overlap, would exceed the BAAQMD PM_{2.5} cumulative threshold, and there are no additional onsite mitigation measures to reduce the number of vehicle trips to and from the site. Thus, health risks and PM_{2.5} concentrations would exceed BAAQMD thresholds after the incorporation of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6, and no further mitigation is available. Therefore, the cumulative effect of health risks associated with toxic air contaminants (TACs) emitted by the Revised Project in combination with health risks associated with existing TAC sources would result in a cumulatively considerable local health risk at sensitive land uses. This impact would be significant and unavoidable with mitigation.

Mitigation Measures: Implement Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6.

2. Noise

Impact NOI-1: Construction Noise (Daytime Offsite and Nighttime Offsite and Onsite).

FINDING: Implementation of Mitigation Measure NOI-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-1.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to construction noise would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: During daytime hours, construction activities would temporarily elevate ambient noise levels. The pile-driving subphase would result in the loudest noise levels; therefore, those noise levels are used to evaluate the worst-case impacts that would occur. Other construction activities would also result in elevated noise levels. Although construction activities associated with the Revised Project would not conflict with the City Code, because daytime construction noise is exempt, construction may increase noise at off-site sensitive receptors by more than 10 dB during some activities. Therefore, daytime construction noise could result in a substantial physical effect on the environment at offsite land uses, despite being exempt from regulation by City Code. Daytime construction noise impacts to off-site sensitive receptors would be considered significant. Nighttime construction outside the City's allowed construction hours is subject to the City's exterior noise limits. The Revised Project would generate a substantial temporary increase in ambient noise levels in the vicinity of the Project due to construction activities during nighttime hours in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Impacts from nighttime construction noise would not be significant at the nearby Hilton Santa Clara because an increase of more than 10 dB over ambient noise would not occur and nighttime construction noise would most likely not exceed the City's exterior noise limits. However, estimated noise levels during nighttime construction would very likely exceed the City's exterior noise limits at onsite and offsite residential receptors. Therefore, construction noise impacts on onsite and offsite uses during nighttime hours would be significant.

Implementation of Mitigation Measure NOI-1.1 would reduce construction noise at offsite land uses as well as onsite land uses by incorporating practices to minimize noise. Mitigation Measure NOI-1.1 is informed by Mitigation Measure 4.14-3 in the *Integrated Final EIR for the City of Santa Clara 2010–2035 General Plan*, which states that property owners should develop construction noise control plans that consider available controls to reduce construction noise levels as much as practical. The precise locations of construction equipment cannot be known at this stage of Project development; therefore, it is not currently possible to indicate the specific timing and physical location requirements for implementing this measure. The construction noise analysis uses a worst-case scenario analysis, which is simultaneous operation of the three loudest pieces of equipment. It would be speculative to attempt to predict the exact time and location where the worst-case scenario would occur and when the mitigation measure would be necessary. Implementation of this mitigation measure would require development of a noise reduction plan to determine the specific details and components needed to reduce noise. Noise controls may not

reduce noise enough in all instances to prevent a noise increase of 10 dB or more relative to ambient noise levels or reduce nighttime construction noise to levels that would comply with City Code noise limits. Therefore, construction noise impacts would be significant and unavoidable with mitigation during daytime hours at off-site sensitive receptors and during nighttime hours at on-site sensitive receptors and off-site residential sensitive receptors.

Mitigation Measure NOI-1.1: Construction Noise Reduction Control Plan. The Project Sponsor and/or contractor(s) shall develop a construction noise control plan to reduce noise levels as much as possible and, to the extent feasible, comply with City Code noise limits, ensuring that a 10 dB increase over the ambient noise level will not occur at offsite and onsite noise-sensitive land uses, as defined by Policy 5.10.6-P6 from the General Plan.

For nighttime construction activities, the plan shall demonstrate that noise from construction activities will comply with the applicable City Code noise limits at the nearest offsite and onsite land uses and that a 10 dB increase over ambient noise levels will not occur at offsite or onsite noise-sensitive land uses. For daytime construction activities, which are exempt from the City Code limits, the plan shall demonstrate that a 10 dB increase over ambient noise levels will not occur. If the plan does not demonstrate these findings, it shall explain why compliance with such noise limits is not feasible and adopt all feasible measures to reduce noise impacts to the extent possible.

The construction noise control plan shall be approved by the City prior to the issuance of building permits for the portion of the Revised Project at issue in the noise control plan to confirm the actual minimization strategies that will be implemented. Project construction shall comply with all identified measures in the noise control plan. In addition, because Project construction would not be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday or 9:00 a.m. to 6:00 p.m. on Saturdays, excluding holidays, the Project Sponsor shall obtain an exemption permit for all activities occurring outside of the exempt hours, per the City Code.

At a minimum, the following measures to reduce noise from construction activity shall be incorporated into the Construction Noise Control Plan:

- Use “quiet” models of air compressors and other stationary noise sources where technology exists;
- Equip all internal-combustion engines with mufflers that are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent noise-sensitive land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent noise-sensitive land uses;
- Prohibit all unnecessary idling of internal-combustion engines;
- Notify all adjacent land uses of the construction schedule in writing;

- Designate a “disturbance coordinator,” a person who will be responsible for responding to local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and require reasonable measures to correct the problem to be implemented;
- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule; and
- Install noise-reducing soundwalls or fencing with sound blankets around noise-generating equipment, to the extent feasible.

During permit approval, the City may impose additional or alternative noise reduction control measures to further reduce noise levels as much as possible and, to the extent feasible, comply with City Code noise limits. Any such additional or alternative noise reduction measures required by the City shall also be incorporated into the Construction Noise Control Plan.

Impact NOI-3: Ground-borne Vibration and Noise Levels (Daytime Construction Onsite Uses and Offsite Commercial Uses).

FINDING: Implementation of Mitigation Measure NOI-3.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts related to ground-borne vibration at offsite commercial and onsite uses from daytime construction but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-3.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to ground-borne vibration and noise levels at offsite commercial and onsite uses from daytime construction would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: Construction of the Revised Project would involve the use of construction equipment that could generate ground-borne vibration. Although commercial and office uses are not always considered sensitive to vibration, vibration-related annoyance impacts on the nearby commercial buildings (approximately 100 feet from the Project site) were evaluated. At a distance of 100 feet, an impact pile driver could produce a PPV of up to 0.190 in/sec. This level is above the identified strongly perceptible level. Therefore, annoyance-related vibration impacts from daytime construction activities on the nearby commercial buildings would be considered significant. In addition, during daytime construction activities, vibration-generating equipment may be operated approximately 100 feet from onsite residential buildings developed as part of the Revised Project. Vibration from daytime construction activities, which could include the use of an impact pile driver, could exceed the strongly perceptible level at the nearest future onsite residences (100 feet from pile driving). Therefore, annoyance-related vibration impacts from daytime construction activities on future onsite residences would be significant. Implementation of Mitigation Measure NOI-3.1 would reduce vibration-related annoyance effects at sensitive uses by requiring implementation of vibration attenuation measures under the supervision of a qualified acoustical consultant. However, because pile drivers are considered more vibration intensive than typical equipment, it cannot be determined if vibration levels would be reduced to below the strongly perceptible threshold in all circumstances. Therefore, annoyance-related vibration impacts could be considered excessive, even with mitigation, during daytime

hours. Therefore, vibration-related annoyance impacts at offsite commercial and onsite uses from daytime construction would be significant and unavoidable with mitigation.

Mitigation Measure NOI-3.1: Pile Driving Vibration Reduction Plan. The Project Sponsor and/or contractor(s) shall develop a construction Vibration Reduction Plan to reduce vibration levels to the extent feasible. This plan shall be approved by the City prior to the issuance of building permits to confirm the actual minimization strategies that will be implemented. To reduce vibration levels from pile driving, alternative pile installation methods, such as those indicated below, shall be implemented under the supervision of a qualified acoustical consultant during the Project construction period. The goal of the measures shall be to achieve a PPV that is less than 0.10 in/sec., which is considered the strongly perceptible threshold.

The Project Sponsor shall require the construction contractor to limit pile-driving activity so that the PPV at offsite uses is less than 0.10 in/sec, to the extent feasible. Alternative pile installation methods that do not require impact or vibratory pile driving, such as auger cast pressure-grouted displacement piles, cast-in-drilled-hole piles, or sonic pile drivers, shall be utilized where feasible.

The Project Sponsor shall also ensure that the construction contractor appoints a coordinator who will serve as the point of contact for vibration-related complaints during Project construction. Contact information for the coordinator shall be posted at the Project site and on a publicly available Project website. The coordinator shall work with the construction team to adjust activities if complaints are received, to the extent feasible, or reschedule activities for a less sensitive time. The coordinator shall notify the City of all vibration-related complaints and actions taken to address the complaints.

Impact C-NOI-1: Cumulative Construction Noise.

FINDING: Implementation of Mitigation Measure NOI-1.1, which is hereby adopted and incorporated into the Revised Project, would reduce impacts related to cumulative construction noise but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-1.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to cumulative construction noise would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Revised Project, in combination with other foreseeable development in the vicinity, would generate a substantial temporary increase in ambient noise levels due to construction activities in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. Future or approved projects in proximity to the Project site could undergo construction concurrently with the Revised Project, resulting in significant noise-level increases and an increased number of people exposed to construction noise. Construction noise from the Revised Project and other cumulative projects could exceed the City's exterior noise limits at sensitive land uses or result in a 10 dB or greater increase over the ambient noise level. Therefore, cumulative construction noise impacts would be considered significant. Implementation of Mitigation Measure NOI-1.1 would reduce construction noise levels by incorporating practices to minimize noise and ensuring that Revised Project

construction activities would comply with the City Code provisions pertaining to construction noise. However, the noise controls may not reduce noise enough in all instances to prevent a noise increase of 10 dB or more relative to ambient noise levels or reduce nighttime construction noise to a level that would be in compliance with City Code noise limits. Although mitigation would be implemented for the Revised Project to reduce construction noise impacts, project-level construction noise impacts for the Revised Project were determined to be significant and unavoidable. Because Revised Project construction noise could exceed the City's exterior noise limits at sensitive land uses or result in a 10 dB or greater increase over the ambient noise level, resulting in a significant impact on its own due to the inability to mitigate the impact to less than significant, the Revised Project's contribution to this cumulative impact would be cumulatively considerable. The cumulative impact would occur at onsite receptor locations and the future residential uses at the site for the Patrick Henry Specific Plan. Thus, this cumulative impact would be significant and unavoidable with mitigation.

Mitigation Measure: Implement Mitigation Measure NOI-1.1.

Impact C-NOI-3: Cumulative Ground-borne Vibration and Noise Levels (Construction).

FINDING: Implementation of Mitigation Measure NOI-3.1, which is hereby adopted and incorporated into the Revised Project, would reduce cumulative impacts related to ground-borne vibration during construction but not to a less-than-significant level. Although the City finds Mitigation Measure NOI-3.1 feasible, there are no additional feasible mitigation measures that will reduce this impact a less than significant level. Therefore, the City hereby determines that any impacts related to cumulative ground-borne vibration and noise levels during construction would be significant and unavoidable.

FACTS IN SUPPORT OF FINDING: The Revised Project, in combination with other foreseeable development in the vicinity, would generate excessive ground-borne vibration or ground-borne noise levels. In general, vibration from multiple construction sites, even if they are close to one another, would not combine to raise the maximum PPV level at sensitive uses. For this reason, a significant cumulative impact from construction vibration from multiple construction projects near one another (or even adjacent to one another) would not occur. However, the Patrick Henry Specific Plan would construct new residential units, which would result in vibration-sensitive land uses being located approximately 100 feet from the southern border on the Project site. Although there are currently no sensitive land uses in this area, the land uses and occupants would very likely be present during construction. At a distance of 100 feet, pile driving would generate vibration that would be above the level considered strongly perceptible. In addition, although no structural damage would occur, pile driving would generate substantial vibration, affecting future occupants on the site for the Patrick Henry Specific Plan. Mitigation Measure NOI-3.1 would be implemented to minimize this cumulative impact as well as the Revised Project impact; however, it cannot be determined whether vibration levels would be reduced to a level below the strongly perceptible threshold in all circumstances. For this reason, cumulative vibration impacts from construction would be significant and unavoidable with mitigation.

Mitigation Measure: Implement Mitigation Measure NOI-3.1.

V. Findings Regarding Alternatives

CEQA requires the lead agency to consider a reasonable range of alternatives, “which would feasibly attain most of the” project objectives but “substantially lessen” or “avoid” significant environmental impacts that would otherwise occur (State CEQA Guidelines Sections 15126.6). The concept of “feasibility” encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (see *City of Del Mar*, *supra*, 133 Cal. App. 3d at 417; *Sierra Club v. County of Napa* [2004], 121 Cal. App. 4th 1490, 1506–1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; and *CNPS*, *supra*, 177 Cal. App. 4th at 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”]) (quoting *Kostka & Zischke, Practice Under the Cal. Environmental Quality Act* [Cont. Ed. Bar 2d ed. 2009] [*Kostka*], Section 17.30, p. 825); *In re Bay-Delta*, 43 Cal. 4th 1143, 1165-66 (“[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives;” “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”). Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (*City of Del Mar*, *supra*, 133 Cal. App. 3d at p. 417; *CNPS*, *supra*, 177 Cal. App. 4th at p. 1001 [“an alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible”] [quoting *Kostka*, *supra*, Section 17.29, p. 824]; and *San Diego Citizenry Group v. County of San Diego* [2013]. 219 Cal. App. 4th 1, 17.) The EIR’s alternatives analysis included a reasonable range of project alternatives focused on avoiding or substantially reducing significant impacts of the Project.

A. Alternatives Considered and Rejected

The following alternatives were considered but rejected as infeasible during the scoping process:

- **Alternative Site Locations.** Other than the Project site, there are no comparable large areas of land within the city where the Project could be relocated so as to meet the Project’s objectives. The Project site is uniquely located because it is in proximity to Levi’s Stadium, the Santa Clara Convention Center, and Great America Amusement Park and well served by public transit. It is unlikely that relocating Project uses to a different site would avoid or substantially lessen any of the significant environmental impacts of the Project at its proposed location because the impacts associated with increased vehicle trips (e.g., air quality and GHG impacts) are likely to be similar anywhere in the Bay Area. Other sites could result in potentially more severe trip-related impacts if the sites are not in an areas that are well served by transit options like the Project site. Thus, an offsite alternative would be infeasible because it would not attain most of the basic Project objectives and would not substantially reduce the Project impacts. Therefore, because issues related to site suitability, economic viability, acquisition and control, and inconsistency with Project objectives, consideration of an alternative site for the Project has been rejected.
- **Proposed 2018 Project.** In 2018, the Project Sponsor proposed to construct a similar project on the Project site. In total, the Proposed 2018 Project would include up to 10.61 million gsf of uses. After extensive community outreach, the Project Sponsor voluntarily

withdrew the Proposed 2018 Project as infeasible; therefore, this alternative has been rejected.

- **Alternative Development Scenario – Greater Reductions in Intensity.** Reductions greater than 30 percent in the development intensity of the Project were evaluated as an alternative and determined to be economically infeasible due to the baseline costs associated with developing the site, including land cost and infrastructure costs, as well as costs associated with providing the proposed community benefits. Therefore, alternatives with greater reductions in development intensity have been rejected.
- **Alternative Development Scenario – Residential and Open Space Only.** A Residential and Open Space Only Alternative (Residential-Only Alternative) would consist of development of residential and open space uses only on the Project site. Although the Residential-Only Alternative would reduce impacts related to commercial employees, this alternative would still require a similar amount of construction and, therefore, would not eliminate all of the significant and unavoidable impacts related to air quality and noise. In addition, the Residential-Only Alternative would not satisfy most of the basic Project objectives. Since the Residential-Only Alternative would not provide a variety of uses, the objective to reduce VMT through mixed-use development would not be met. This alternative would limit the site's economic potential and local and regional growth by not including a range of development, such as office and retail uses. The Residential- Only Alternative would be inconsistent with City policies related to mixed-use development, reduced transportation impacts, and commercial development. Therefore, because the Residential-Only Alternative would not significantly reduce potential impacts, would be inconsistent with existing zoning, and would not meet the majority of Project objectives, this alternative has been rejected.

B. Alternatives Studied in the EIR

Pursuant to the CEQA sections, Chapter 5 of the EIR identifies and evaluates the following alternatives to the Project:

- **No Project Alternative:** The No Project Alternative is provided in the EIR to compare the impacts of the Project with what would be reasonably expected to occur in the foreseeable future if the Project were not approved (State CEQA Guidelines Section 15126.6[e][1]). Under the No Project Alternative, no additional construction would occur at the Project site. The existing 142,050 gsf of light industrial buildings would be occupied with tenants permitted under the existing zoning. The onsite features associated with the buildings would also remain. The existing paved surface parking lot south of Democracy Way, with approximately 5,081 parking spaces, would continue to operate as it does currently (i.e., primarily temporary parking for events at Levi's Stadium, which uses 3,300 parking spaces; the rest of the parking spaces would continue to be used by Amazon as drivers' training grounds).
- **Code Compliant Alternative:** The Code Compliant Alternative, the second No Project Alternative, is based on what would be reasonably expected to occur in the foreseeable future if the Project were not approved and development continued to occur in accordance

with the City's General Plan and Zoning Code consistent with available infrastructure and community services. Under the Code Compliant Alternative, the Project would be implemented under the as High-Intensity Office/R&D designation in the City's General Plan, which does not permit housing. The High-Intensity Office/R&D designation allows for "high-rise or campus-like developments for corporate headquarters, R&D, and supporting uses, with landscaped areas for employee activities." Permitted uses include offices and prototype R&D uses with a maximum floor area ratio (FAR) of 2.00. Therefore, the Project site could be developed with up to approximately 4.2 million gsf of office/R&D space.

- **Reduced Scale Alternative:** The Reduced Scale Alternative would reduce development on the Project site by 30 percent proportionately compared to the Project. This alternative would result in up to 3,440,000 gsf of new development, including approximately 1,260,000 gsf of residential uses (up to 1,260 units) and approximately 2,180,000 gsf of office/R&D space, along with neighborhood retail uses, facilities, and community space. In addition, the amount of publicly accessible open space and private open space would also be reduced by 30 percent, resulting in approximately 7 acres of public parkland, 4 acres of publicly accessible open space, and 7 acres of other private open space for residential and office uses. Likewise, the number of parking spaces included as part of this alternative would be reduced to 6,300 spaces.
- **Reduced Office/Increased Housing Alternative:** Under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall number of housing units would increase. This would be accomplished by removing all 789,000 gsf of office/R&D space in Area C and replacing it with 800 multifamily housing units. The substation would be relocated to Area B. The retail uses, amenities, open space, and substation in Area C would all remain the same as under the Project. In addition, all other land use and development assumptions for Areas A, B, and D would remain the same as under the Project. Thus, the Reduced Office/Increased Housing Alternative would result in up to 4,913,000 gsf of new development, including up to 2,600 housing units, approximately 2,211,000 gsf of office/R&D space, approximately 100,000 gsf of neighborhood retail uses, and approximately 10,000 gsf of childcare facilities, along with 3,000 gsf of community space. As noted throughout these Findings, the Revised Project is substantially the same as this alternative.
- **Construction Sequence Alternatives:** The Construction Sequence Alternatives were developed to modify the order in which the four areas of the Project could be constructed. The Construction Sequence Alternatives include:
 - Simultaneous project construction,
 - No overlapping construction,
 - Residential uses constructed first, and
 - Residential uses constructed last.

All other Project characteristics and assumptions would remain the same under each Construction Sequence Alternative as under the Project, including total development potential, types of land uses, parking, open space, access, and circulation.

C. Environmentally Superior Alternative

Public Resources Code Section 21002 requires lead agencies to adopt feasible mitigation measures or feasible alternatives to “avoid or substantially lessen” a project’s significant adverse environmental effects, unless specific economic, social, or other conditions make such mitigation measures or alternatives infeasible. (See also CEQA Guidelines Sections 15091[a][3], [c] [requiring the lead agency to make findings identifying specific economic, legal, social, technological, or other considerations that make adoption of identified alternatives infeasible]). CEQA also requires an environmentally superior alternative to be identified among the alternatives analyzed. In general, the environmentally superior alternative is the alternative that avoids or substantially lessens some or all of the significant and unavoidable impacts of a proposed project (State CEQA Guidelines Section 15126.6).

On the basis of comparing the extent to which the alternatives would reduce or avoid the significant impacts of the Project, the No Project Alternative would be the environmentally superior alternative. However, if the No Project Alternative is the environmentally superior alternative, CEQA requires the EIR to also specify which of the build alternatives would be environmentally superior (State CEQA Guidelines Section 15126.6[e][2]). The following factors may be used to eliminate alternatives from detailed consideration in an EIR: (1) failure to meet most of the basic Project objectives, (2) infeasibility, or (3) inability to avoid significant environmental impacts. These factors are considered in the selection of the environmentally superior alternative.

The Reduced Scale Alternative is the environmentally superior alternative because the alternative would have fewer construction and operational impacts than the other alternatives. The Reduced Scale Alternative would have less gross square footage for development (3.44 million gsf) compared to the other alternatives as well as the Project, which would reduce the construction effort and overall construction-period impacts related to air quality, GHG emissions, noise, and energy. Compared to the Project, the Reduced Scale Alternative would result in 30 percent fewer residential uses (approximately 2,709 new residents in 1,260 units) and 30 percent fewer employees (approximately 8,796 net new employees at the Project site but 1,615 fewer employees compared to the assumptions in the General Plan). Similarly, compared to the Revised Project, the Reduced Scale Alternative would result in as much as 1340 fewer residential units or a similar reduction in office/R&D space, and related employee generation. Therefore, operational impacts related to residents and employees, such as the demand related to public services and utilities, the jobs/housing imbalance, and population growth, would also be reduced. Although gross square footage would be less, construction-period disturbance impacts associated with cultural resources, tribal cultural resources, erosion, and water quality would most likely be similar to those of the other alternatives and the Project and Revised Project. The Reduced Scale Alternative would result in fewer daily trips compared to the other alternatives, the Project, and the Revised Project and thus lower overall operational air quality, GHG, and traffic noise impacts. There are no resource areas for which the Reduced Scale Alternative would have greater impacts than the other alternatives, the Project, or the Revised Project. However, the Reduced Scale Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with

mitigation, significant and unavoidable) as the Project. Most notably, although the significant and unavoidable impacts of the Project would be slightly less under this alternative, none of these impacts would be reduced to less than significant under the Reduced Scale Alternative.

The Reduced Scale Alternative would reduce air quality impacts related to operational criteria air pollutant emissions, exposure of sensitive receptors to CO hot-spots, and construction and operational TAC emissions compared to the Project or the Revised Project. However, the impact conclusions of the Reduced Scale Alternative would remain the same as the Project and Revised Project, significant and unavoidable with mitigation for operational criteria air pollutant emissions and construction and operational TAC emissions, and less than significant for exposure of sensitive receptors to CO hot-spots. Because it would have fewer construction and operational impacts than the other alternatives, the Reduced Scale Alternative is the environmentally superior alternative.

The Reduced Scale Alternative would also meet the majority of the Project objectives but to a lesser extent than the Project or Revised Project because of a reduction in floor area. As detailed above, the Reduced Scale Alternative would reduce the proposed development at the Project site by 30 percent but would still include a variety of uses, including residential, office/R&D, neighborhood retail, childcare, and community uses. Therefore, similar to the Project and Revised Project, the Reduced Scale Alternative would meet the primary objective of supporting the City's planning efforts by converting an underutilized single-use site to a high-intensity mixed-use development with a range of building types. Because mixed-use buildings would be constructed, the objective of providing a mix of residential, commercial, retail, and community uses would be met, although to a lesser extent than under the Project or Revised Project. The Reduced Scale Alternative would also provide housing at a similar ratio. Therefore, Santa Clara's housing supply would be broadened, and the City's Affordable Housing Ordinance and Inclusionary Zoning requirements would be met. Since the Reduced Scale Alternative would develop the site with a variety of uses, this alternative would facilitate ridership of multimodal transportation, minimize vehicular infrastructure, and provide sufficient and flexible parking for current and future demands. The Reduced Scale Alternative would also support local, regional, and State mobility and GHG reduction objectives to reduce VMT and infrastructure costs through infill and mixed-use development in an existing urbanized and transit-rich area. Under the Reduced Scale Alternative, the Project site would be developed with public and private open spaces and interconnected pedestrian pathways, similar to the Project and Revised Project, but at a proportionately reduced amount. Therefore, this alternative would meet the objective of promoting an active pedestrian realm with public and private open spaces, with flexible programming, but to a lesser extent than the Project or Revised Project. Community benefits, including public open space, childcare facilities, community space, and upgraded utility infrastructure, would be provided but to a lesser extent than the Project. The Reduced Scale Alternative would generate additional tax revenue for the City but to a lesser extent than the Project or Revised Project. This alternative is likely to allow flexibility, based on market demand, because the Reduced Scale Alternative could be built out in any order to respond to the market. The alternative would also create permanent and construction-related jobs, although to a lesser extent due to the reduction in development. In addition, Democracy Way would be privatized under this alternative to allow this street to be more utilized than under existing conditions, and utility infrastructure would be upgraded.

In light of the land cost, upfront cost from utility and infrastructure relocation and excavation for underground parking, and the reduced amount of revenue-generating development, it is unlikely that the Reduced Scale Alternative would be economically feasible. The Reduced Scale Alternative would result in a 43% increase in the land, utility, and infrastructure costs that each square foot of revenue generating development must bear, which materially reduces the already-constrained feasibility of the Project. Therefore, the Reduced Scale Alternative would meet some but not all of the basic Project objectives— many to a lesser extent.

Therefore, although the Reduced Scale Alternative was initially determined to be *potentially* feasible (subject to further review as the CEQA process proceeded), the City has now determined that the Reduced Scale Alternative is not feasible for the following specific economic, social, environmental, technological, legal or other considerations:

- The Reduced Scale Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with mitigation, significant and unavoidable) as the Project or Revised Project and the significant and unavoidable impacts of the Project or Revised Project would be slightly less under this alternative, but none of the significant and unavoidable impacts would be reduced to less than significant under the Reduced Scale Alternative.
- The Reduced Scale Alternative would not meet all of the Project objectives because although the alternative would provide a mix of uses, the reduction in scale would impact this Alternative's ability to meet the City's objective to "Develop a model for urban growth that maximizes the Project site's economic, cultural, and ecological potential."
- The Reduced Scale Alternative would reduce the amount of potential housing in the Project or Revised Project, which would not further important state or City housing policies, including the City's Housing Element Goals and Policies.
- Based on current and reasonably foreseeable market conditions, the Reduced Scale Alternative not economically feasible in light of the significant baseline costs associated with redeveloping the site, including land cost, infrastructure costs (e.g. vacation of Democracy Way and related utility relocations), the high cost of site excavation and underground parking), as well as the costs associated with meeting the City's development fees and exactions, and providing the additional proposed community benefits (e.g. public park dedication, substation land and development, childcare, and circulation improvements).

D. Other Alternatives

While the Reduced Scale Alternative would be the Environmentally Superior Alternative, the other alternatives have been rejected as environmentally superior for the following reasons.

- **No Project Alternative.** The No Project Alternative would result in either no impacts or less-than-significant impacts due to the limited amount of construction and operation that would occur at the Project site. However, the No Project Alternative would not meet the primary objective of supporting the City's planning efforts by converting an underutilized

single-use site to a vibrant pedestrian-oriented high-intensity mixed-use development. The No Project Alternative would not promote the objective of supporting local, regional, and State mobility and GHG reduction objectives through infill development in transit-rich areas. None of the Project objectives would be met and, therefore, the No Project Alternative would not be the Environmentally Superior Alternative.

- **Code Compliant Alternative.** The Code Compliant Alternative would result in several impacts that would be greater than the Project or Revised Project. Conflicts with adopted City land use plans and policies regarding the job/housing ratio and cumulative land use impacts would be significant and unavoidable under the Code Compliant Alternative, compared to no impact and less than significant under the Project or Revised Project and all other alternatives. Impacts related to operational criteria air pollutant emissions would also be significant and unavoidable under the Code Compliant Alternative, to a greater extent than the significant and unavoidable impacts under the Project or Revised Project and the other alternatives. In addition, impacts related to population growth and cumulative population and housing impacts would be significant and unavoidable under the Code Compliant Alternative, compared to less than significant under the Project or Revised Project and the other alternatives. Therefore, the Code Compliant Alternative would not be the Environmentally Superior Alternative.
- **Reduced Office/Increased Housing Alternative.** The Reduced Office/Increased Housing Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with mitigation, significant and unavoidable) as the Project. The significant and unavoidable impacts of the Project would be slightly less under this alternative, but none of the significant and unavoidable impacts would be reduced to less than significant under the Reduced Office/Increased Housing Alternative. The Reduced Office/Increased Housing would reduce air quality impacts related to operational criteria air pollutant emissions, exposure of sensitive receptors to CO hot-spots, and construction and operational TAC emissions compared to the Project. However, the impact conclusions of the Reduced Office/Increased Housing Alternative would remain the same as the Project, significant and unavoidable with mitigation for operational criteria air pollutant emissions and construction and operational TAC emissions, and less than significant for exposure of sensitive receptors to CO hot-spots. Although Reduced Office/Increased Housing Alternative would have fewer construction and operational impacts than the Project, the Reduced Scale Alternative would result in slightly fewer impacts than this alternative. Therefore, the Reduced Office/Increased Housing Alternative would not be the Environmentally Superior Alternative. However, for the reasons set forth in Attachment 3 to the Final EIR, the Revised Project is substantially similar to this alternative, and would have incrementally reduced impacts overall as compared to the Project.
- **Construction Sequence Alternatives.** In general, the Construction Sequence Alternatives would result in similar impacts as the Project or Revised Project. However, the No Overlapping Construction Alternative would result in fewer construction criteria air pollutant emissions than the Project or Revised Project, but would require the same mitigation measures to reduce these impacts to less than significant. The other three Construction Sequence Alternatives (Simultaneous Project Construction Alternative,

Residential Uses Constructed First Alternative, and Residential Uses Constructed Last Alternative) would result in greater construction criteria air pollutant emissions than the Project or Revised Project. While impacts would be less than significant with mitigation under the Project, these three Construction Sequence Alternatives would result in significant and unavoidable construction criteria air pollutant emissions impacts. All Construction Sequence Alternatives would result in construction and operational TAC emissions that would be similar or less than the Project and Revised Project. Regardless, the alternatives would not reduce the impact conclusions compared to the Project, also resulting in significant and unavoidable impacts. In addition, the significant and unavoidable construction noise under the Project would be greater under the Residential Uses Constructed First Alternative. All other impacts under the Construction Sequence Alternatives would be similar to the Project. Therefore, the Construction Sequence Alternatives would not be the Environmentally Superior Alternative.

VI. Findings Regarding Growth-Inducing Impacts of the Project

Under State CEQA Guidelines Section 15126.2(d) a project is growth inducing if it could “foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

Growth can be induced in a number of ways, including through the elimination of obstacles to growth; through the stimulation of economic activity within the region, including the generation of significant employment opportunities; or through precedent-setting action. CEQA requires a discussion of how a project could increase the population, employment, or housing in areas surrounding a project as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

The Project’s projected office-/R&D-related jobs (and 3 million gsf of office/R&D space) were accounted for in the General Plan and, thus, factored into Plan Bay Area 2040. However, the proposed 100,000 gsf for neighborhood retail uses, 10,000 gsf for childcare facilities, and up to 1,800 new multifamily residential units were not accounted for in the General Plan or Plan Bay Area 2040. The Project’s 1,800 residential units are also not accounted for in the General Plan Housing Element; the additional units would further offset demand for new housing in the city and region. It is not anticipated that the Project would induce further growth in the city or region that is not accounted for in the General Plan and/or Plan Bay Area.

The Revised Project’s office-/R&D-related jobs would be lower than those accounted for in the General Plan and, thus, factored into Plan Bay Area 2040. However, the proposed 100,000 gsf for neighborhood retail uses, 10,000 gsf for childcare facilities, and up to 2,600 new multifamily residential units were not accounted for in the General Plan or Plan Bay Area 2040. The Project’s 2,600 residential units are also not accounted for in the General Plan Housing Element; the additional units would further offset demand for new housing in the city and region. It is not anticipated that the Revised Project would induce further growth in the city or region that is not accounted for in the General Plan and/or Plan Bay Area, and would be less growth inducing than the Project, based on the increase in residential units.

An electric substation is proposed onsite to meet the anticipated energy demand of the Project. The substation would be located on the east side of the Project site. The substation is currently proposed to serve the Project site only, although it could include the capacity needed to serve adjacent planned developments as well if desired. If additional capacity were included, it could facilitate development in the immediate area; however, this growth would be in line with what is anticipated under the General Plan and Plan Bay Area. The additional capacity would have the potential to influence developers with respect to where they choose to develop, without affecting the overall amount of development within the city.

The Revised Project is an infill development within an already-developed area of the city, and the employment growth under the Project is largely accounted for in the General Plan as well as regional growth plans, such as Association of Bay Area Governments (ABAG) projections. The Project would increase the supply of housing in the city by providing 2,600 new housing units. The indirect regional housing demand generated by the additional employees associated with the Revised Project would constitute less than 0.07 percent of household growth expected in the Bay Area between 2025 and 2040, which is minimal. Because the Revised Project would construct housing, anticipated housing demand in the city could be accommodated in the city, and the level on unanticipated housing demand in the region would be small. The Revised Project, therefore, is not anticipated to induce further growth beyond than anticipated in the General Plan or Plan Bay Area.

VII. Findings Regarding Recirculation of the Draft EIR

The City Council adopts the following findings with respect to whether to recirculate the Draft EIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required “when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review” but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting as well as additional data or other information. (State Guidelines Section 15088.5.) New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (State CEQA Guidelines § 15088.5(a).) “‘Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from a project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.

- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (State CEQA Guidelines, Section 15088.5).

“Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” State CEQA Guidelines § 15088.5(b). The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs” (*Laurel Heights Improvement Assn. v. Regents of the University of California* [1993], 6 Cal. 4th 1112, 1132). “Recirculation was intended to be an exception, rather than the general rule” (*Ibid.*).

The City Council recognizes that the Final EIR contains additions, clarifications, modifications, and other changes to the Draft EIR. Some comments on the Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR as well as additional mitigation measures. As explained in the Final EIR (Responses to Comments), some suggestions were not appropriate or feasible. Where changes have been made to mitigation measures, these changes do not change the significance of any conclusions presented in the Draft EIR.

CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal” (*Kings County Farm Bureau v. City of Hanford* [1990] 221 Cal. App. 3d 692, 736–737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* [1995] 37 Cal. App. 4th 154, 168, fn. 11). As the court stated in *Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.*:

CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. In short, a project must be open for public discussion and subject to agency modification during the CEQA process ([1986] 42 Cal. 3d 929, 936 [internal citations omitted]). Here, the changes made to the Draft EIR in the Final EIR are exactly the kind of revisions that the case law recognizes as legitimate and proper.

The City Council finds that none of the revisions to the Draft EIR made by, or the discussion included in, the Final EIR involves “significant new information” that would trigger recirculation because the changes would not result in any new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or feasible project alternatives that would clearly lessen the environmental effects of the Project. Similarly, no documentation produced by, or submitted to, the City and relied on by the City after publication of the Final EIR, including, but not limited to, public comments and Attachment 3 to the Final EIR, identifies any new significant effect, substantial increase in the severity of any environmental effect, or feasible project alternatives that would clearly lessen the environmental effects of the Project. All Project modifications or amendments to the EIR were either environmentally benign or environmentally neutral, and all additional documentation relied on by the City merely clarifies or amplifies conclusions in the EIR and thus represents the kinds of common changes that occur and

supplemental information that is received during the environmental review process as it works toward its conclusion.

Further, analysis of impacts the Revised Project, as detailed in Final EIR Attachment 3, shows that :

1. The Revised Project would **not** result in any new significant environmental effects and
2. The Revised Project would **not** cause a substantial increase in the severity of previously identified significant effects.
3. The Revised Project is essentially the same as the Reduced Office/Increased Housing Alternative, which was fully analyzed in the DEIR.
4. All Project modifications or amendments to the EIR are either environmentally benign or environmentally neutral, and thus represents the kinds of common changes that occur and supplemental information that is received during the environmental review process as it works toward its conclusion; Comments provided on the EIR have not shown the EIR to be inadequate or conclusory.

VIII. Under such circumstances, the City Council hereby finds that recirculation of the EIR is not required.

Pursuant to Public Resources Code Section 21082.1(c)(3), the City Council hereby finds that the Final EIR reflects the independent judgment of the lead agency.

IX. Statement of Overriding Considerations

Where a proposed project may result in significant impacts on the environment, and it is infeasible to reduce impacts to less-than-significant levels through project alternatives or mitigation measures, CEQA allows a public agency to approve the project only if the benefits of the project outweigh the unavoidable adverse environmental effects. CEQA Section 21081(b); State CEQA Guidelines Section 15093.

Section 15093 of the State CEQA Guidelines provides the following:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide and statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

As discussed in detail in the EIR and summarized in Section IV, above, the Revised Project would result in four significant unavoidable impacts related to air quality and noise, despite the City adopting and incorporating mitigation into the Revised Project. Specifically, the Revised Project would have significant and unavoidable impacts related to the following:

- Cumulatively Considerable Net Increase in Criteria Pollutants (project-level and cumulative)
- Substantial Pollutant Concentrations (project-level and cumulative)
- Construction Noise (project-level and cumulative)
- Ground-borne Vibration and Noise Levels (project-level and cumulative)

The City identified a potentially feasible alternative (the Reduced Scale Alternative) that would result in the reduction of some of the Revised Project's impacts. The Reduced Scale Alternative would have less gross square footage for development (3.44 million gsf) compared to the other alternatives as well as the Project, which would reduce the construction effort and overall construction-period impacts related to air quality, GHG emissions, noise, and energy. Compared to the Project, the Reduced Scale Alternative would result in 30 percent fewer residential uses (approximately 2,709 new residents in 1,260 units) and 30 percent fewer employees (approximately 8,796 net new employees at the Project site but 1,615 fewer employees compared to the assumptions in the General Plan). Therefore, operational impacts related to residents and employees, such as the demand related to public services and utilities, the jobs/housing imbalance, and population growth, would also be reduced. Although gross square footage would be less, construction-period disturbance impacts associated with cultural resources, tribal cultural resources, erosion, and water quality would most likely be similar to those of the other alternatives and the Project. The Reduced Scale Alternative would result in fewer daily trips compared to the other alternatives and the Project and thus lower overall operational air quality, GHG, and traffic noise impacts. There are no resource areas for which the Reduced Scale Alternative would have greater impacts than the other alternatives or the Project. However, the Reduced Scale Alternative would generally result in the same impact conclusions (i.e., less than significant, less than significant with mitigation, significant and unavoidable) as the Project. Most notably, although the significant and unavoidable impacts of the Project would be slightly less under this alternative, none of these impacts would be reduced to less than significant under the Reduced Scale Alternative.

Specifically, the Reduced Scale Alternative would reduce air quality impacts related to operational criteria air pollutant emissions, exposure of sensitive receptors to carbon monoxide (CO) hot-spots, construction and operational TAC emissions, and cumulative health risks, compared to the Project. However, the impact conclusions of the Reduced Scale Alternative would remain the same as the Project, significant and unavoidable with mitigation for operational criteria air pollutant emissions and construction and operational TAC emissions, and less than significant for exposure of sensitive receptors to CO hot-spots. In addition, the Reduced Scale Alternative would result in similar significant and unavoidable cumulative criteria pollutant impacts as the Project. The Reduced Scale Alternative would also result in similar significant and unavoidable noise impacts as the Project related to construction noise, ground-borne vibration and noise levels, and

cumulative construction noise and cumulative vibration effects. Therefore, although impacts would be slightly reduced or similar to the Project, the impact conclusions under the Reduced Scale Alternative would remain the same.

Furthermore, although the Reduced Scale Alternative was initially determined to be *potentially* feasible (subject to further review as the CEQA process proceeded), the City has now determined that the Reduced Scale Alternative is not feasible for the specific economic, social, environmental, technological, legal or other considerations set forth in Section V, above. Under CEQA, “the decision-makers may reject as infeasible alternatives that were identified in the EIR as potentially feasible” (*San Diego Citizenry Group v. County of San Diego* [2013], 219 Cal. App. 4th 1, 18).

The City certifies that it has considered the information on alternatives provided in the EIR and in the record and finds that, as described in the EIR, and for the reasons identified in Section V, above, there are no feasible alternatives that would avoid all of the above-listed significant and unavoidable impacts.

A. Overriding Considerations

The City finds that, notwithstanding the disclosure of the above significant unavoidable impacts, there are specific overriding economic, social, technological, and other reasons for approving the Revised Project. Those reasons are as follows:

- The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations, as well as the benefits of the Revised Project separately and independently, outweighs the remaining significant adverse impacts that are unavoidable or not mitigated to below a level of significance after mitigation and is an overriding consideration independently warranting approval.

The remaining significant adverse impacts that are unavoidable or not mitigated to below a level of significance after mitigation identified above are acceptable in light of each of the benefits of the Revised Project, as identified below. These benefits and considerations are based on the facts set forth in the Findings, the Final EIR (including, without limitation, the response to comments and appendices and attachments thereto), and the record of the proceedings for the Project and Revised Project. The City finds that substantial evidence in the record supports the determination made in this Statement of Overriding Considerations, that the facts stated are supported by substantial evidence in the record, including comments received at the Planning Commission and City Council hearings, the staff reports and presentations, and all materials in the project files. To the extent that other evidence was presented that is contrary to the determinations made in this Statement of Overriding Considerations or in the Findings, such evidence was considered, weighed, and determined to be insufficient in weight or credibility to detract from the determinations made herein or in the Findings such that the City reached these determinations after due consideration of all evidence presented to it. Each of these benefits and considerations is a separate and independent basis that justifies approval of the Revised Project, so that if a court were to set aside the determination that any particular benefit or consideration will occur and justifies project approval, the City determines that it would stand by its determination that the remaining benefit(s) or consideration(s) is or are sufficient to warrant project approval.

Facts in Support of Statement of Overriding Considerations

Each benefit set forth below constitutes an overriding consideration warranting approval of the Revised Project, independent of the other benefits, and the City determines that the adverse environmental impacts of the Revised Project are “acceptable” if any one of these benefits will be realized. The Revised Project will provide benefits to the City of Santa Clara as follows:

1. Provides Economic Benefits and Jobs to the City of Santa Clara.

The Project would develop a model for urban growth that maximizes the Project site’s economic, cultural, and ecological potential; generates tax revenue for the City; and creates permanent and construction-related jobs. At buildout, the Project is expected to annually generate revenue to the City’s General Fund from property taxes, sales and use taxes, franchise fees, permits and licenses, document transfer taxes, business license taxes, and other governmental revenues that more than offset the annual cost of re-occurring public services to the Project, representing an estimated annual net benefit to the General Fund of more than \$4 million.¹⁷ Additionally, the Project is estimated to create permanent onsite jobs, related to the development of up to 3 million gross square feet (“gsf”) of office/research and development space, 100,000 gsf of neighborhood retail space, and supportive jobs related to the operation and management of the up to 1,800 residential units (or up to 2,600 units with a corresponding reduction in commercial square footage under the Revised Project). The Project is also expected to create approximately 400 onsite construction worker jobs, with many construction jobs extending over the project buildout period. The Development Agreement for the Project obligates persons and entities providing materials to be used in connection with the construction and development of the Project to designate the Property as the place of use of materials used in the construction of the Project and the place of sale of all fixtures installed in and/or furnished in order to have the local portion of the sales and use tax distributed directly to the City instead of through the county- wide pool. This designation will result in significant additional revenue to the City generated throughout the Project’s buildout with an estimated value of up to \$10 million.¹⁸

2. Accommodates Regional Housing Needs

Over its projected buildout period, the Revised Project proposes to construct up to 2,600 new dwelling units. The Project will provide fifteen percent (15%) of the residential units constructed as deed restricted affordable units with a maximum average Area Median Income (“AMI”) of eighty percent (80%) to be maintained as the Project builds out (i.e. by sub-phase). The maximum rental qualifying income level is one hundred percent (100%) AMI and the maximum for-sale qualifying income level is one hundred twenty percent (120%) AMI. The Project’s affordability will provide a deeper level of affordability than the City’s inclusionary housing ordinance requires, which provides for a maximum average AMI of 100% for rental and ownership projects.¹⁹ The Project will meet all requirements of the City’s existing affordable housing ordinance with respect

¹⁷ Keyser Marston Associates. 2024. *Memorandum: Mission Point Project, Fiscal Impact Analysis Peer Review* (“KMA Applicant FIA Peer Review Memorandum”). September 18, 2024, at 2.

¹⁸ Keyser Marston Associates. 2024. *Memorandum: Mission Point Project Community Benefits Valuation* (“KMA Community Benefits Memorandum”). September 19, 2024.

¹⁹ City of Santa Clara Municipal Code (“SCMC”) §§ 17.40.080(a), 17.40.090.

to general requirements for affordable units.²⁰ In addition to providing affordable housing and meeting the City’s inclusionary and affordable housing fee requirements, which is valued at approximately \$104 million, the Project’s increased affordability is valued at up to \$46 million.²¹

The Project would broaden the housing supply and business opportunities in North Santa Clara through development of a human-centric, interconnected urban neighborhood that provides a diverse and complementary mix of residential, commercial, retail, and community space. The City’s Housing Element states that 11,632 new housing units are needed to meet the City’s Regional Housing Needs Allocation (“RHNA”) between 2023 and 2031.²² The Project’s addition of residential to an area that currently does not allow housing will help meet the City’s RHNA and projected future housing needs. The Project proposes to convert an underutilized, single-use 48.6-acre site into a pedestrian-oriented, high-intensity and very high-density mixed-use development that is sustainable and inclusive by design, with a range of building types, enriching connections between people, places, and open space. The proposed housing would be accommodated onsite by developing the up to 3 million gsf of office/research and development uses that have already been assumed in the City’s General Plan and RHNA assumptions on a smaller portion of the property, providing for multifamily housing (including affordable housing) that is unaccounted for in the City’s Housing Element and RHNA, public and private parks and open space, neighborhood-serving services and retail, and community amenity space.

3. Enhances Public Access, Multimodal Transportation, and Recreational Opportunities.

The Project would promote and support local, regional, and state mobility and greenhouse gas emissions reduction objectives to reduce vehicle miles traveled (“VMT”) through infill and mixed-use development in an existing urbanized and transit-rich area. Ridership of multimodal transportation would be facilitated through the Project’s minimization of vehicular infrastructure, implementation of a transportation demand management plan, and promotion of an active pedestrian realm, while providing efficient access to sufficient and flexible parking that meets current and future demand. In addition, it is anticipated that onsite construction workers would most likely be drawn from the existing and future labor market in the city and county, limiting VMT as well as impacts to city services from the Project’s construction workforce as the workers are included within the service population.

The Project’s new public parkland and new multi-use trail would provide recreational and pedestrian oriented connectivity in an area planned for increased residential use that currently has little local public or private parkland. Because the Project site is zoned for commercial use, which does not include a requirement for parkland, the Project’s proposed multi-use trail and public parkland would facilitate regional recreational connectivity that would otherwise not be provided. The Project would provide abundant and varied onsite recreational amenities, including continuous access to at-grade, podium-level, and rooftop public and private open space with flexible

²⁰ SMC § 17.40.050.

²¹ KMA Community Benefits Memorandum, at 5, 14.

²² City of Santa Clara, 2023-2031 Housing Element, (adopted May 7, 2024), at 13.4-27, <https://www.santaclaraca.gov/home/showpublisheddocument/84098/638531119242400000>.

programming in accordance with the City's park ordinance. The Project has committed to maintain the public parkland and multi-use trail for 40 years, which is valued at up to \$10.6 million.²³

4. Promotes Community, Public Art and Education.

The Project includes childcare facilities valued at \$1 million, a grocery store providing an estimated \$6 million in community benefit, and up to \$5 million of outward-facing arts and cultural programming or feature(s) within the public realm, with features located within parks and/or on private property visible to the public.²⁴ Examples of arts programming include sculpture, murals and art designed for screening, performing arts programming, exhibition or performance spaces, and functional art such as benches and bike racks. Programming of the funds is subject to review and approval by the Santa Clara Cultural Commission. The Project has also committed to provide up to \$3 million toward improvements at the Mission College and Great America intersection.²⁵ An additional maximum payment of \$3.5 million would be provided to the City for the purchase of a fire engine and a tractor drawn areal apparatus.²⁶ All together the Project would provide up to \$88.7 million in community benefits, including the increased affordable housing plan and parkland maintenance agreement described in sections 2 and 3 above and the benefits described in this section.²⁷ In addition to these community benefits, residential units onsite would generate an approximately \$12.4 million annual net fiscal benefit to the Santa Clara Unified School District, promoting educational services within the community.²⁸

5. Provides Sustainable Infrastructure and Energy Improvements.

Compared to a lower-density project, the proposed density at the Project site would serve to reduce the physical footprint required for the same number of people to live, socialize, and work, thereby decreasing the land, water, and energy required per capita. By mixing residential, commercial, retail, and childcare, the Project would provide centralized amenities to reduce the time, distance, and environmental impacts associated with traveling to offsite locations. In addition, the Project site is adjacent to current and future transit lines and bicycle corridors, which are connected to the surrounding community, facilitating multimodal transportation. The Project would convert much of the current hardscape into open spaces, urban nature areas, recreation fields, gardens, plazas, and streetscapes that promote stormwater management and habitat restoration and use recycled water for irrigation and landscaping.

In addition to an estimated total of \$6.9 million in transportation impact fees, the Project will contribute a total sum of up to \$6,467,159 in fair share traffic fees payable to the City for the Project's contributions to certain intersection improvements.²⁹ These improvements include upgrades to bicycle lanes and walkways for increased pedestrian connectivity. Development of the

²³ KMA Community Benefits Memorandum, at 2, 6.

²⁴ *Id.*, at 2, 4, 9.

²⁵ KMA Community Benefits Memorandum, at 2-3.

²⁶ *Id.* at 2.

²⁷ *Id.*, at 2.

²⁸ KMA Applicant FIA Peer Review Memorandum, at 2.

²⁹ KMA Community Benefits Memorandum, at 11, 16.

Project will entail vacation of Democracy Way with attendant sewer, stormwater, and power system upgrades, as well as sea level rise resiliency.

The Project's energy-efficient building design would utilize best-practice building designs, renewable energy procurement, and strategies for reducing energy use and carbon emissions, including parking spaces that are Level 2 Ready or capable, as well as onsite renewable energy generation with the use of rooftop solar panels. Water consumption onsite would be reduced through utilization of low-flow and low-flush plumbing fixtures and accessible water data (at the building or floor level) to inform occupants of water use. Landscaping would include native and drought-resistant plants, and tree canopies at parks, plazas, and along the trail.

On balance, the City finds that there are specific considerations associated with the Project that serve to override and outweigh the Project's significant unavoidable environmental impacts. Therefore, the significant unavoidable environmental impacts associated with the Project are considered acceptable pursuant to CEQA Section 21081(b) and State CEQA Guidelines Section 15093.

As the CEQA lead agency for the proposed action, the City has reviewed the Project description and the EIR and fully understands the Project. Based on the entire record before the City, and having considered the unavoidable adverse impacts of the Project, the City hereby determines that all feasible mitigation has been adopted to reduce the potentially significant impacts identified in the EIR and that no additional feasible mitigation is available to further reduce significant impacts. The City finds that economic, social, technological, and other considerations of the Project outweigh the unavoidable adverse impacts described above. Furthermore, the City finds that each of the separate benefits of the Project is hereby determined to be, in itself and independent of the other Project benefits, a basis for overriding all unavoidable environmental impacts identified in the EIR and in these findings. In making this finding, the City has balanced the benefits of the Project against its unavoidable environmental impacts and has found those impacts to be acceptable.

Attachment 3. Impacts Resulting from Revised Project (Option B)

Background and Purpose of Review

On Wednesday, October 23, 2024, at the City of Santa Clara Planning Commission Meeting, the Commission considered staff recommendations to adopt a resolution to recommend the City Council certify the Final Environmental Impact Report (FEIR) prepared for the Mission Point Project (the Project, also referred to below as **Option A**) and adopt a Mitigation Monitoring and Reporting Program (MMRP), California Environmental Quality Act (CEQA) Findings, and a Statement of Overriding Considerations (SOC).

During the presentation by Kylli, Inc. (Project Sponsor), the U.S. real estate subsidiary of Genzon Investment Group, the Project Sponsor asked the Planning Commission whether it would be interested in permitting additional residential units (up to 800) in Area C, in the southeast quadrant of the Project Site, bringing the total residential units from the Project to 2,600 with an offset reduction in the commercial area by up to 800,000 square feet. Hereafter, these revisions are referred to as the Revised Project, or **Option B**. The Planning Commission indicated that it would be open to considering such a proposal.

The City has therefore identified two possible development scenarios:

- **“Option A”, or the Project**, which would allow for up to 1,800 units (approximately 1.8 million square feet) of residential uses, up to 3 million square feet of office/research-and-development (R&D), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities.
- **“Option B”, or the Revised Project**, which is similar to Option A but would also allow for the flexibility to develop up to an additional 800 dwelling units (for a grand total of up to 2,600 residential units) with a corresponding reduction in office square footage on Area C. If the maximum amount of residential is constructed under Option B, then the maximum office/research-and-development (R&D) component would be 2.2 million square feet. Option B would also contain approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities (the same as Option A).

Option B would be essentially the same as the Reduced Office/Increased Housing Alternative that was analyzed in the Draft Environmental Impact Report (DEIR) published November 2023 (State Clearinghouse No. 2018072068). Therefore, the purpose of this review is to:

- 1) compare the Revised Project proposed by Kylli, Inc. with what was analyzed as the Reduced Office/Increased Housing Alternative in the DEIR,
- 2) compare the impacts between the Reduced Office/Increased Housing Alternative that were disclosed in the DEIR and the impacts of the Revised Project, and

- 3) verify that the Revised Project's impacts would not be greater than those identified for the Project and provide evidence to support a conclusion that the Revised Project's impacts have been fully assessed in the Final EIR.

Each of these 3 items is described further below.

1. Comparison of Revised Project and Reduced Office/Increased Housing Alternative

Revised Project (Option B)

Under Option B, the overall office square footage would be reduced by up to 800,000 sq. ft and the number of housing units would increase by up to an additional 800 more than the Project amount of 1,800 units, resulting in a total of 2,600 residential units at the Project Site. Overall, Class A Commercial Office/Lab space would be reduced to 2,200,000 square feet (sq. ft.). The amount of retail (100,000 sq. ft.) and childcare space (10,000 sq. ft.) would remain the same as the Project.

Parking under Option B would be the same as that proposed for Option A and would be provided in a mix of subsurface and aboveground parking facilities. Also, Option B would provide the same acreage of parks/open space as proposed under Option A, which would include up to approximately 16 acres of publicly accessible open space at grade level as well as approximately 10 acres of private open space for residential and office uses; new bicycle, pedestrian, and vehicular circulation routes; and upgraded and expanded infrastructure. Also, just as Option A did not consider parking adequacy in the EIR as an impact under CEQA, this analysis does not consider aesthetics or the adequacy of parking in determining the significance of project impacts under CEQA, pursuant to Public Resources Code Section 21099, which states that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment."

Reduced Office/Increased Housing Alternative

As described in the DEIR, under the Reduced Office/Increased Housing Alternative, the overall office square footage would be reduced and the overall number of housing units would increase compared to the Project. This would be accomplished by removing all 789,000 gsf of office/R&D space in Area C and replacing it with 800 multi-family housing units. The retail uses, amenities, open space, and potential substation in Area C would all remain the same as under the Project. In addition, all other land use and development assumptions for Areas A, B, and D would remain the same as under the Project. Thus, the Reduced Office/Increased Housing Alternative would result in up to 4,913,000 gsf of new development, including up to 2,600 housing units (approximately 2,600,000 gsf); approximately 2,211,000 gsf of office/R&D space; approximately 100,000 gsf of neighborhood retail uses; and approximately 10,000 gsf of childcare facilities.

Given the similarities, the Revised Project is essentially the same as the Reduced Office/Increased Housing Alternative described in the DEIR.

2. Comparison of Impacts

Land Use

Land Use impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. As with the Reduced Office/Increased Housing Alternative, the Revised Project would not physically disrupt or divide an established community, resulting in no impact. (NI)

Conflicts with Adopted City Land Use Plans and Policies Regarding the Jobs/Housing Balance. As with the Reduced Office/Increased Housing Alternative, employment growth associated with operation of the Revised Project would improve the jobs/housing balance in the city to a greater extent than the Project because fewer jobs would be created and more housing would be constructed.

As with the Reduced Office/Increased Housing Alternative, the Revised Project would provide mixed-use development in proximity to transit and would be within walking distance of multiple VTA light rail stations as well as Great America Station, which is served by Amtrak's Capitol Corridor and Altamont Corridor Express. Likewise, as with the Reduced Office/Increased Housing Alternative, the Revised Project would be largely consistent with surrounding uses, including Levi's Stadium, the Hilton Santa Clara Hotel, Convention Center, California's Great America Amusement Park, and the Patrick Henry Specific Plan adjacent to the site.

As with the Reduced Office/Increased Housing Alternative, the Revised Project would result in fewer employees and more housing. Both the alternative and the Revised Project would have a greater effect on the jobs/housing imbalance than the Project, and it would improve the jobs/housing ratio compared to what is expected to result from the current City General Plan projections in 2035 (2.15) and ABAG's projections in 2040 (2.99). Therefore, the Revised Project would result in a greater improvement in the jobs/housing imbalance as the Reduced Office/Increased Housing Alternative, and there would be no impact. (NI)

Consistent with Airport Land Use Plan. As with the Reduced Office/Increased Housing Alternative, the Revised Project would be consistent with CLUP policies regarding safety, heights, and noise, as well as FAA Regulation Part 77 notification requirements, and would result in a less-than-significant land use impact with respect to CLUP policies, the same as the Reduced Office/Increased Housing Alternative. (LTS)

Conflicts with Adopted City Land Use Plans and Policies Other than the Jobs/Housing Balance and Airport Land Use Plan. Because of the general consistency with land use policies, any potential conflicts with the General Plan related to the new land use classification under the Revised Project, would be similar to the Reduced Office/Increased Housing Alternative and would be less than significant. (LTS)

Cumulative Impacts. As with the Reduced Office/Increased Housing Alternative, the Revised Project would introduce a project with fewer employees and more housing but the same amount of total floor area as the Project. Therefore, as with the Reduced Office/Increased Housing Alternative, the Revised Project would not contribute to a significant cumulative impact, and any conflicts with the General Plan and CLUP would be less than significant. (LTS)

Transportation

Transportation impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Adopted Plans, Ordinances, and Policies Regarding Roadways and Transit, Bicycle, and Pedestrian Facilities. As with the Reduced Office/Increased Housing Alternative, the overall office square footage of the Revised Project would not conflict with applicable plans, ordinances, and policies that address the circulation system. Therefore, the Revised Project would result in a less-than-significant impact related to conflicts with adopted plans, ordinances, or policies addressing roadways and transit, bicycle, and pedestrian facilities, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Vehicle Miles Traveled. As with the Reduced Office/Increased Housing Alternative, under the Revised Project average daily traffic from new development within the Project site would decrease compared to the Project and would qualify as a transit-supportive project and thus be assumed to have a less-than-significant impact on VMT. (LTS)

Hazards Due to Design Features or Incompatible Uses and Emergency Access. The Revised Project would include design features similar to those of the Project and the Reduced Office/Increased Housing Alternative, which are intended to reduce conflicts between vehicles and alternative modes of travel. Emergency access to the Project site would be similar to access under the Reduced Office/Increased Housing Alternative because site circulation would be the same, resulting in less-than-significant impacts. (LTS)

Construction Impacts.¹ The Revised Project would generate a similar number of truck trips during construction and about the same number of trips by construction workers as the Reduced Office/Increased Housing Alternative. Similar to the Reduced Office/Increase Housing Alternative, the Revised Project would require preparation of a construction management plan that would be reviewed and approved by the Public Works Department, similar to requirements under Project Mitigation Measure TRA-1.1 (Construction Management Plan). Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be less than significant with mitigation. (LTS/M)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project combined with cumulative projects would not result in cumulative impacts for any

¹ Construction impacts are applicable to topics such as conflicts with adopted plans, ordinances, or policies addressing roadways and transit, bicycle, and pedestrian facilities; hazardous design features or incompatible uses; and emergency access.

transportation topic. Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project in combination with cumulative projects would have a less-than-significant cumulative transportation impact with mitigation, similar to the Project. (LTS/M)

Air Quality

Air Quality impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as, similar to, or less than those identified for the Project, as described in the DEIR and summarized below.

Conflict with or Obstruct Implementation of the Air Quality Plan. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project, would include energy saving features and sustainability measures, such as LEED certification, alternative transit options, landfill diversion techniques, and water-saving features. The Revised Project would not disrupt implementation of any of the measures for the BAAQMD's 2017 Clean Air Plan. Thus, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not conflict with the applicable regional air quality plans. Therefore, impacts are considered less than significant, the same as the Project. (LTS)

Construction Criteria Air Pollutant Emissions. Similar to the Project, implementation of Mitigation Measures AQ-2.1 and AQ-2.2 would reduce the impact and would bring daily nitrous oxides (NO_x) construction emissions below the BAAQMD threshold. Therefore, with implementation of Mitigation Measures AQ-2.1 and AQ-2.2, the Revised Project's impacts would be less than significant with mitigation, similar to the Project. (LTS/M)

Operational Criteria Air Pollutant Emissions. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would result in 17 percent fewer vehicle trips than the Project and thus the operational air quality impacts would be reduced. However, even with Mitigation Measures AQ-2.3 through AQ-2.6, the operational-only emissions of ROG, NO_x, PM₁₀, and PM_{2.5} would exceed the BAAQMD thresholds of significance. Assuming that emissions of ROG and NO_x would roughly decrease by 17 percent,² the Revised Project would likely still result in emissions of ROG and NO_x that would be above the thresholds of significance, because of the magnitude of the threshold exceedances.

Similar to the Reduced Office/Increased Housing Alternative, emissions of PM₁₀ and PM_{2.5} for the Revised Project would be roughly 20 percent above the threshold; thus, it is possible that the Revised Project would result in emissions that would be closer to the PM₁₀ and PM_{2.5} thresholds but most likely would not be below. Similar to the Project, Mitigation Measures AQ-2.3 through AQ-2.6 would reduce the Revised Project's impact but not to below the BAAQMD thresholds. Operational emissions of the Revised Project would be significant and unavoidable, resulting in a slightly lower impact than the Project. (SU/M)

Exposure of Sensitive Receptors to Carbon Monoxide Hot-spots. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would generate less traffic than the

² The actual decrease in emissions would be less than 17 percent because there are non-mobile sources of emissions as well.

Project, thus, the CO concentrations at potential hot-spots would be less than what is anticipated for the Project. As evaluated in the DEIR Table 3.3-13, worst-case CO concentrations from Project implementation are well below the CAAQS and NAAQS. Thus, CO concentrations with implementation of the Revised Project are not expected to contribute to any new localized violations of the 1-hour or 8-hour ambient air quality standards, resulting in less-than-significant impacts, which is reduced compared to the Project. (LTS)

Construction and Operational TAC Emissions. During operations of the Revised Project, the same types of fine particulate matter (PM_{2.5}) and diesel particulate matter (DPM) sources would be present but to a lesser degree. For example, there would be approximately 17 percent fewer vehicle trips, and most likely, fewer emergency generators.³

New receptors would live and work at the Project area while subsequent phases of construction are on-going. Construction of the Revised Project may result in a shorter construction duration, but that is not known for certain. If that were the case, the Revised Project would reduce the duration of exposure compared to the Project. As shown in Table 3.3-14, for construction-only impacts, the Project would not cause any significant health risks or PM_{2.5} concentrations; thus, it is likely that the Revised Project would not result in significant health-related impacts during the construction-only period. However, for Project operations, construction and operations overlap, so there would be a significant cancer risk in one scenario and a significant PM_{2.5} impact in six scenarios, which is similar to the Project

The significant cancer risk for the Project would occur at onsite receptors during the period for the construction and operations overlap. It is conservatively assumed that the construction period for the Revised Project would be the same as the Project's construction period. Thus, health risks for the Revised Project are conservatively assumed to be the same as the health risks from the Project and above the threshold.

The significant PM_{2.5} concentrations for the Project would occur at offsite and onsite receptors and would cause impacts that are much greater than the BAAQMD threshold. At some receptors, the PM_{2.5} concentration would be 10 times the threshold; as such, even with reduced vehicle traffic and emergency generators, the Revised Project would result in PM_{2.5} concentrations that are above the BAAQMD threshold.

Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.6 would be implemented to reduce Project-related impacts and would also be required for the Revised Project. However, even with this mitigation, impacts for the Revised Project would be above the thresholds and thus significant. Therefore, this impact would be significant and unavoidable, resulting in a slightly lower impact than the Project. (SU/M)

Exposure of Sensitive Receptors to Asbestos During Construction. As with the Project, asbestos impacts could occur if demolition of existing buildings containing asbestos or disturbance of any features exposes workers. The Revised Project would comply with BAAQMD Regulation 11, Rule 2, which would control emissions of asbestos to the atmosphere during demolition activities. Accordingly, this impact would be less than significant, the same as the Project. (LTS)

³ Commercial uses are more likely to have emergency generators than residential uses.

Objectionable Odors. Similar to the Project, potential odor sources from construction of the Revised Project include diesel exhaust from heavy-duty equipment, diesel exhaust from delivery vehicles and weekly trash pick-up, and the use of architectural coatings during maintenance activities; limited odors may also result from residential cooking appliances during operations. Given mandatory compliance with BAAQMD regulations, no construction or operational activities for the Revised Project would create a significant level of objectionable odors. Accordingly, this impact would be less than significant, the same as the Project. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would result in less criteria air pollutant emissions than the Project but would still contribute considerably to significant cumulative regional air pollutant levels, because the thresholds of significance, which are inherently cumulative, would be exceeded. (SU/M)

As noted in the cumulative discussion in Section 3.3, *Air Quality*, the analysis for consistency with BAAQMD's Clean Air Plan is inherently cumulative. Thus, the discussion above for the Revised Project's consistency with the Clean Air Plan (CAP) is also representative of cumulative impacts. (LTS)

The Revised Project would result in DPM and PM_{2.5} emissions that would contribute to cumulative exposure for onsite and offsite sensitive receptors, including future receptors at the site of the Patrick Henry Specific Plan. The amount of emissions would be less than the Project under the Revised Project, as noted above. As evaluated in Tables 3.3-15 through 3.3-18, the cumulative exposure during Project operations and construction and operation overlap would be greater than BAAQMD cumulative thresholds for PM_{2.5} at onsite and offsite receptors. Due to the magnitude of exceedances for the cumulative exposure to PM_{2.5}, the Revised Project would not prevent significant impacts. Like the Project, no feasible mitigation has been identified that would eliminate the significant cumulative impact on sensitive receptors, but the Revised Project's contribution to this impact would be less than the Project's contribution. (SU/M)

Greenhouse Gas Emissions

Greenhouse Gas Emission impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Generation of GHG Emissions during Construction and Operation. It is likely that overall construction activities for the Revised Project would be similar to construction activities for the Project and Reduced Office/Increased Housing Alternative. GHG emissions from construction were determined to be less than significant with Mitigation Measure GHG-1.1 for the Project, because implementation of construction-related measures, as recommended by BAAQMD, would reduce GHG emissions. This mitigation measure would also be required for the Revised Project. Therefore, the impact would be less than significant with mitigation. (LTS/M)

For operations, vehicle traffic would include daily trips from residents, employees, customers, delivery trucks, and waste management trucks. The Revised Project would result in 17 percent fewer vehicle trips than the Project and thus the operational GHG emissions would be reduced.

As with the Reduced Office/Increased Housing Alternative, it is currently unknown whether the Revised Project would be consistent with the City's CAP. Because consistency with the City's CAP requires a detailed assessment of a project's features, it cannot be determined whether future development would be consistent or conflict with the plan. The level of detail necessary to determine consistency with the City's CAP is greater than the level of detail that is appropriate for analyzing a project's alternatives under CEQA. However, it is likely that the Revised Project would result in design features similar to those of the Project and be consistent with the City's CAP, and introducing more residential units under Option B would be more closely aligned with the CAP goals and policies. This impact would be less than significant. (LTS)

Conflicts with Applicable Plans and Policies. As with the Reduced Office/Increased Housing Alternative, it is currently unknown whether the Revised Project would conflict with any applicable plans or policies adopted to reduce GHG emissions because the specific design features of this alternative have not been determined. Because consistency with the City's CAP,⁴ CARB's 2022 Scoping Plan, and Plan Bay Area 2050 require a detailed assessment of a project's features, it cannot be determined with certainty whether the Revised Project would be consistent or conflict with these plans. The level of detail necessary to determine consistency with these plans is greater than the level of detail appropriate for analyzing a project's alternatives under CEQA. However, it is likely that the Revised Project would result in design features similar to those of the Project and introducing more residential units under Option B would be more closely aligned the CAP goals and policies be consistent with the CAP, 2022 Scoping Plan, and Plan Bay Area 2050. This impact would be less than significant. (LTS)

Energy

Energy impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources. As with the Reduced Office/Increased Housing Alternative, the Revised Project energy usage during construction would be reduced through the use of energy-efficient construction equipment and trucks as well as alternative fuels. Design features and Mitigation Measure GHG-1.1 would reduce the amount of fossil fuel consumed during construction as well as the energy intensiveness associated with building materials, including discarded construction and demolition waste. As with the Reduced Office/Increased Housing Alternative, impacts would be less than significant with mitigation. (LTS/M)

Operations under the Revised Project would comply with CALGreen and LEED building requirements and the implementation of a TDM program which would reduce impacts to a less than significant level, similar to the Reduced Office/Increased Housing Alternative. (LTS)

⁴ The CAP checklist notes that projects involving General Plan amendments may not use the CAP checklist and should quantify emissions. Similar to the Project, the Reduced Scale Alternative would involve a General Plan amendment. Nonetheless, the CAP checklist measures would be applicable to the Revised Project and, if implemented, would reduce Project-generated GHG emissions.

Conflict with Energy Plan. As with the Reduced Office/Increased Housing Alternative, the Revised Project would be required to comply with State and local renewable energy and energy efficiency plans and impacts would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, it is anticipated that future energy users will become more efficient and less wasteful over time and will not create significant cumulative energy impacts. Therefore, impacts would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Noise

Noise impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Construction Impacts. As with the Reduced Office/Increased Housing Alternative, the Revised Project would include 26 percent less office space and 44 percent more residential units. Overall, the intensity and location of construction under the Revised Project would be very similar to that of the Project, because the Revised Project would involve the same types of construction equipment and similar worst-case distances to noise sensitive land uses as the Project. Thus, construction noise impacts for the Revised Project would be significant during daytime hours because of the greater than 10 dB increase above existing levels and during the nighttime hours from exceedance of the City Code noise limit. Implementation of Mitigation Measures NOI-1.1 from the EIR would reduce construction noise but not to a to less-than-significant level, because it cannot be determined with certainty that the construction noise reduction control plan would sufficiently reduce noise in all circumstances. Noise from construction haul trucks would be less than significant for the Revised Project, because there would be fewer haul trucks than the Project. Because of the construction equipment noise, the overall construction impact would be significant and unavoidable with mitigation, similar to the Reduced Office/Increased Housing Alternative. (SU/M)

For vibration impacts during construction, the Revised Project may require the use of pile drivers, which would result in significant annoyance-related impacts even with Mitigation Measure NOI-3.1. Like the Reduced Office/Increased Housing Alternative, damage-related impacts would be less than significant, but annoyance-related impacts would be significant and unavoidable with mitigation. (SU/M)

Traffic Noise Impacts. The Revised Project are estimated to generate up to 30,428 external vehicle trips, which is the same as the Reduced Office/Increased Housing Alternative and approximately 17 percent less than the 36,981 vehicle trips from the Project. As evaluated in the EIR, the greatest increase in noise at any roadway from Project-related traffic would be 2.9 dB, which is less than what is considered noticeable and does not constitute a significant noise impact. Since the Revised Project would result in 17 percent less traffic than the Project, the increase in noise at all roadway segments would very likely be less than that of the Project. Therefore, the Revised Project would not exceed the 3 dB threshold, resulting in a less-than-significant impact, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Operational Noise Impacts from Stationary Sources and Other Operational Sources. In general, noise impacts from operational sources would be very similar for the Project, Reduced Office/Increased Housing Alternative, and the Revised Project, because the worst-case distances between noise source and receptor could be approximately the same. Impact NOI-2 for the Project notes that, at a distance of 50 feet, onsite noise-sensitive land uses could experience a noise limit exceedance from the operation of mechanical equipment and testing of emergency generators. For the Revised Project, onsite land uses may also be within 50 feet of mechanical equipment and/or emergency generators. As such, the impact is significant but would be less than significant with implementation of Mitigation Measure NOI-2.1. With the noise reduction plan, impacts from stationary noise equipment would be less than significant with mitigation, same as the Reduced Office/Increased Housing Alternative. Implementation of Mitigation Measure NOI-2.1 would reduce this impact to a less-than-significant level, similar to the Project. (LTS/M)

Noise from other sources associated with operations, such as amplified music and sound from events, human speech and music at the outdoor balconies, truck loading, and parking garage activity, would be similar in magnitude to noise as the Reduced Office/Increased Housing Alternative. The impact would be less than significant. (LTS)

Aircraft Noise Impacts. The Project site is adjacent to but outside the AIA of SJC and does not fall within the 65 dBA CNEL noise contour (i.e., the lowest noise contour for aircraft noise presented) for SJC, and would thus not be exposed to aircraft noise above 65 dBA.⁵ Therefore, people living and working at the Project site for the Revised Project would not be greatly affected by aircraft noise. Impacts from aircraft noise would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Cumulative Impacts. Construction noise for the Project and Reduced Office/Increased Housing Alternative would be cumulatively considerable because Project construction noise could exceed the City's exterior noise limits at sensitive land uses or result in an increase of 10 dB or more over the ambient noise level. In addition, future residences at the Patrick Henry Specific Plan site would also be affected by a substantial increase in noise from construction at the Project site. The Revised Project would use the same types of construction equipment as the Project and Reduced Office/Increased Housing Alternative and have similar worst-case distances to noise-sensitive land uses. Consequently, the Revised Project would also result in a cumulatively considerable contribution to a cumulative noise impact. Mitigation Measure NOI-1.1 would reduce construction noise levels by incorporating practices that would minimize noise; however, noise controls may not reduce noise enough in all instances to prevent an increase of 10 dB or more relative to ambient noise levels or reduce nighttime construction noise to a level that would be in compliance with City Code noise limits. The contribution to this impact would be significant and unavoidable, the same as the Reduced Office/Increased Housing Alternative. (SU/M)

Construction of the Project and Reduced Office/Increased Housing Alternative were found to result in significant and unavoidable cumulative vibration impacts during construction. The same conclusion would apply to the Revised Project because the same types of equipment and worst-case

⁵ Windus, Walter B. 2011. *Comprehensive Land Use Plan for San José International Airport*. Santa Clara County Airport Land Use Commission. Adopted: May 25, 2011. Amended: November 16, 2016.

distances would apply. Mitigation Measure NOI-3.1 would be implemented to minimize this impact, but it cannot be determined whether vibration levels would be reduced to below the strongly perceptible threshold in all circumstances at the cumulative receptors. The contribution to this impact would be significant and unavoidable, the same as the Reduced Office/Increased Housing Alternative. (SU/M)

As noted for the Reduced Office/Increased Housing Alternative, non-traffic operational noise impacts would require implementation of Mitigation Measures NOI-2.1 to be less than significant. These cumulative impacts would be the same as the Revised Project, because the same general types of noise sources would be present (e.g., HVAC fans, chillers, emergency generators), resulting in similar noise levels. Future residences at the Patrick Henry Specific Plan site would also be affected by operational noise. The approximate distances to onsite and offsite sensitive land uses, as noted above, would be similar to those under the Reduced Office/Increased Housing Alternative. (LTS/M)

With regard to traffic noise effects, future regional growth in the Project vicinity would result in increases in traffic that would cumulatively increase traffic noise. As evaluated in Table 3.3-14 of the EIR, the Project-only contribution to cumulative noise impacts (i.e., relative to future conditions without the Project) would be 2.2 dB, which would not be noticeable. As with the Reduced Office/Increased Housing Alternative, the Revised Project would have approximately 17 percent fewer vehicle trips in the cumulative conditions than the Project, and the contribution of traffic noise would thus be less than 2.2 dB and thus not noticeable. Therefore, the contribution to the cumulative traffic noise impact would be less than significant, similar to the Reduced Office/Increased Housing Alternative. (LTS)

Cultural Resources

Cultural Resources impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as those identified for the Project, as described in the DEIR and summarized below.

Impact Not Evaluated in Detail. As with the Reduce Office/Increased Housing Alternative, the Revised Project would not cause a substantial adverse change in the significance of a historic structure because none exist on the Project Site. Therefore, there would be no impact on historic structures. (NI)

Impacts on Archaeological Resources and Human Remains. Similar to the Reduce Office/Increased Housing Alternative, the Revised Project could uncover previously undiscovered prehistoric archaeological resources or human remains in the Project area that could be affected by ground-disturbing activities during construction and implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would reduce this impact to a less-than-significant level. (LTS/M)

Cumulative Impacts. As with the Reduce Office/Increased Housing Alternative, compliance with Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3 would lessen the Revised Project contribution to the cumulative impact to less than cumulatively considerable and reduce the significant cumulative impacts associated with the loss of archaeological resources and the disturbance of human remains to a less-than-significant level, similar to the Project. (LTS/M)

Biological Resources

Biological Resources impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. As with the Reduced Office/Increased Housing Alternative, the Revised Project would result in no impact related to special-status species, habitats, or communities, similar to the Reduced Office/Increased Housing Alternative (and for the same reasons described for the Project). (NI)

Impacts on Special Status Species. Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would not result in significant impacts to birds and bats with the implementation Mitigation Measure BIO-1.1 and BIO-4.1. Therefore, as with the Reduced Office/Increased Housing Alternative, impacts on special-status species during construction would be less than significant with mitigation. (LTS/M)

Impacts on State or Federally Protected Wetlands. Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would not result in significant impacts on State- or federally protected wetlands. Compliance with the SWPPP during construction, as well as post-construction measures and design features required by the MRP, would reduce the potential impact from the Revised Project on Calabazas Creek to a less-than significant level. Impacts would be the same as the Reduced Office/Increased Housing Alternative. (LTS)

Impede Use of Native Wildlife Nursery Sites or Interfere with Movement of Native Migratory Wildlife Species. Construction and operational activities for the Revised Project would be the same the Reduced Office/Increased Housing Alternative and with implementation of Mitigation Measure BIO-4.1 impacts would be less than significant. (LTS).

It is expected that the proposed buildings under the Revised Project would be the same general height as the Reduced Office/Increased Housing Alternative and the Project. Regardless, the area of a building that poses the greatest risk for avian collisions is the lower portion because the majority of daily routine activities (e.g., foraging, roosting, nesting) occur relatively close to the ground. Therefore, bird collisions would occur at a similar rate as under the Reduced Office/Increased Housing Alternative. Although bird collisions cannot be completely avoided, the Project Sponsor would incorporate the City's standard condition of approval for bird safety into the final design of the Revised Project to reduce potentially significant impacts related to bird collisions. As with the Reduced Office/Increased Housing Alternative, implementation of Mitigation Measure BIO-4.2 would reduce impacts due to bird collisions during operation to less than significant, resulting in similar impacts compared to the Reduced Office/Increased Housing Alternative. (LTS/M)

Conflicts with Local Policies or Ordinances Protecting Biological Resources. Operation of the Revised Project would not result in conflicts with any local policies or ordinances protecting biological resources. Therefore, as with the Reduced Office/Increased Housing Alternative, the Revised Project would result in less-than-significant impacts related to conflicts with policies or ordinance protecting biological resources, similar to the Project. (LTS)

Cumulative Impacts. Cumulative impacts with respect to biological resources would be less than significant with the implementation of Mitigation Measures BIO-1.1, BIO-4.1, and BIO-4.2, similar to the Reduced Office/Increased Housing Alternative. (LTS/M)

Geology and Soils

Geology and Soils impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not include septic tanks/alternative wastewater disposal systems and would not be susceptible to landslides and would result in no impacts related to these topics. (NI)

Fault Rupture, Seismic Hazards, Erosion, and Expansive Soils. Construction and operation of the Revised Project would be similar to the Reduced Office/Increased Housing Alternative and would be subject to the same seismic and soil conditions. Therefore, the Revised Project would result in less-than-significant impacts related to surface fault rupture, ground shaking, liquefaction, lateral spreading, soil erosion and loss of topsoil, and expansive soils for the same reasons described for the Project. (LTS)

Unstable Soil. Construction of the Revised Project would be similar to the Reduced Office/Increased Housing Alternative and would include a similar amount of excavation and dewatering, with the implementation of Mitigation Measure GEO-3.1 would not contribute to collapse, subsidence, or settlement of unstable soil. (LTS/M)

Paleontological Resources. The Revised Project would be located on the same site as the Reduced Office/Increased Housing Alternative and include similar below-grade excavation for the parking garages. Therefore, with implementation of Mitigation Measure GEO-6.1, impacts related to paleontological resources would be reduced to a less-than-significant level, similar to the Reduced Office/Increased Housing Alternative. (LTS/M)

Cumulative Impacts. Cumulative construction impacts with respect to geology and soils and paleontological resources for the Revised Project would be less than significant with implementation of Mitigation Measures GEO-3.1 and GEO-6.1. Therefore, impacts would be less than cumulatively considerable with mitigation, similar to the Reduced Office/Increased Housing Alternative. (LTS/M)

Hydrology and Water Quality

Hydrology and Water Quality impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Surface Water Quality. As with the Reduced Office/Increased Housing Alternative, the Revised Project would be required to comply with existing regulations that protect surface water quality during construction and operation and, therefore, would result in less-than-significant impacts

related to surface water quality for the same reasons described for the Reduced Office/Increased Housing Alternative. (LTS)

Groundwater Quality and Supply. The Revised Project would be similar to the Reduced Office/Increased Housing Alternative and would include excavation dewatering and redevelopment in areas where contaminated soil or groundwater and water wells may be present, and would require implementation of Mitigation Measures GEO-3.1, HAZ-2.1, WQ-1.1, WQ-1.2, and WQ-2.1, which would reduce impacts to a less than significant level. (LTS/M)

Drainage Patterns. As with the Reduced Office/Increased Housing Alternative, construction and operation of the Revised Project would alter drainage patterns on the Project site; however, with implementation of Mitigation Measures WQ-3.1 and WQ-3.2, impacts would be reduced to a less than significant level. (LTS/M)

Release of Pollutants Due to Inundation. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be subject to the same risks for inundation during construction and operation and with implementation of Mitigation Measures WQ-3.2 would be reduced to a less than significant level. (LTS/M)

Conflict with a Water Quality Control Plan or Groundwater Management Plan. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project could affect groundwater quality, supply, and management during construction and operation; however, with implementation of Mitigation Measures WQ-1.1, WQ-1.2, GEO-3.1, and HAZ-2.1 impacts would be reduced to a less than significant level. (LTS/M)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, cumulative impacts for the Revised Project with respect to hydrology and water quality would be less than significant with implementation of Mitigation Measures WQ-1.1, WQ-1.2, GEO-3.1, and HAZ-2.1. (LTS/M)

Hazards and Hazardous Materials

Hazards and Hazardous materials impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not be located within 0.25 mile of schools or on a hazardous materials release site and would result in no impacts related to these topics. (NI)

Aviation Hazards, Emergency Response and Evacuation, and Routine Transport, Use, or Disposal of Hazardous Materials. Similar to the Reduced Office/Increased Housing Alternative, construction and operation of the Revised Project would be required to comply with existing regulations and policies that address aviation hazards, emergency response and evacuation, and hazardous materials management and result in less than significant impacts. (LTS)

Accidental Release of Hazardous Materials. Similar to the Reduced Office/Increased Housing Alternative, construction of the Revised Project would include potential disturbance of

contaminated soil and groundwater; however, With implementation of Mitigation Measure HAZ-2.1 these would be reduced to a less than significant level. (LTS/M)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, cumulative impacts from the Revised Project with respect to aviation hazards, emergency response and evacuation, and hazardous materials management would be less than significant and therefore would be less than cumulatively considerable with mitigation, similar to the Reduced Office/Increased Housing Alternative. (LTS or LTS/M)

Population and Housing

As with the Reduced Office/Increased Housing Alternative, the Revised Project would result in approximately 5,590 residents on the Project site. Because 6,667 employees were assumed in the General Plan for the Project site, the Revised Project would generate fewer employees than planned for, resulting in 1,207 fewer net new employees than assumed in the General Plan. Population and Housing impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be the same as or less than those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Like the Reduced Office/Increased Housing Alternative, the Revised Project would demolish the existing buildings at the Project site. No existing residential units would be demolished. Therefore, as with the Reduced Office/Increased Housing Alternative, the Revised Project would not displace housing or people. (NI)

Population Growth. As with the Reduced Office/Increased Housing Alternative, construction employment for the Revised Project would most likely be met within the existing and future labor market in the city and the county, in a less-than-significant impact related to population growth.

Similar to the Reduced Office/Increased Housing Alternative, operation of the Revised Project would result in a direct population increase due to onsite residents of approximately 5,590 people, approximately 25.1 percent of the city's population growth over this 15-year period, the same as under the Reduced Office/Increased Housing Alternative.

Because the Revised Project would generate fewer employees onsite than was planned for in the General Plan, the result would be a decrease in anticipated demand for housing units to support employment in the city and county. Therefore, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would result in a lesser population increase in the city and region than the Project. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project, in combination with other projected growth in the city, would not increase population and housing in the city and the contribution to a cumulative impact would be less than significant. (LTS)

Public Services and Recreation

Public Services and Recreation impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Impact on Fire Services and Facilities. Similar to the Reduced Office/Increased Housing Alternative, construction workers for the Revised Project are not expected to put an additional strain on fire protection services and impacts related to fire protection during construction would be less than significant. (LTS)

Similar to the operation of the Reduced Office/Increased Housing Alternative, the Revised Project would result in additional employees and residents on the Project site; however similar to the Reduced Office/Increased Housing Alternative, impacts related to fire protection would be less than significant. (LTS)

Impact on Police Services and Facilities. Similar to the Reduced Office/Increased Housing Alternative, construction workers under the Revised Project are not expected to increase the SCPD's service population and impacts related to police protection during construction would be less than significant.

Similar to operation of the Reduced Office/Increased Housing Alternative, the Revised Project could affect the SCPD by intensifying site activity; adding new employees, residents, and visitors; increasing square footage; and increasing traffic incidents; however, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives and impacts related to police protection would be less than significant. (LTS)

Impact on School Facilities. Similar to the Reduced Office/Increased Housing Alternative, construction workers under the Revised Project are not expected to trigger a need for new schools or require expansion or rehabilitation of existing facilities. Therefore, similar to the Reduced Office/Increased Housing Alternative, impacts related to schools during construction would be less than significant. (LTS)

Similar to the Reduced Office/Increased Housing Alternative, during operation, the Revised Project would generate approximately 5,590 onsite residents and, therefore, would have a direct impact on schools; however, as with the Reduced Office/Increased Housing Alternative, the Revised Project would be subject to SB 50 School Impact Fees. Therefore, the Revised Project would not trigger the need for the expansion or construction of new schools, resulting in a less-than-significant impact. (LTS)

Impact on Parks and Recreation Facilities. Implementation of the Revised Project could contribute to an increase in demand for parkland because it would add new residents to the city; however, similar to the Reduced Office/Increased Housing Alternative, the Revised Project would be required to dedicate public parkland and/or pay a fee in lieu and would therefore result in a less-than-significant impact on park and recreational land. (LTS)

Similar to the Reduced Office/Increased Housing Alternative, the Revised Project is expected to include the same amount of dedicated parkland and private recreational amenity space as the Reduced Office/Increased Housing Alternative (i.e., approximately 10 acres of dedicated parkland and approximately 4 acres of private active recreational amenity space). Under the Revised Project, there would be an incrementally increased park demand compared to the Project, but impacts related to parks would be less than significant, similar to Reduced Office/Increased Housing Alternative. (LTS)

Impact on Library Facilities. Similar to the Reduced Office/Increased Housing Alternative, the October would not put additional strain on library services that would require the rehabilitation of existing or the construction of new library facilities and would not result in an exceedance of the suggested minimum of 0.3 square feet of library space per capita. Therefore, the Revised Project would result in a less-than-significant impact related to libraries. (LTS)

Cumulative Impacts. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in an exceedance of the suggested minimum of 0.3 square feet of library space per capita, cumulative development in the city associated with the Revised Project would result in increased demand for fire services, police services, school facilities, parks, recreational facilities, and library facilities to accommodate growth; however, as with the Reduced Office/Increased Housing Alternative's cumulative impacts on public service providers, the Revised Project's cumulative impacts would be less than cumulatively considerable. (LTS)

Tribal Cultural Resources

Tribal Cultural Resources impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Impacts on Tribal Cultural Resources. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would have no impacts on tribal cultural resources during operation. However, significant impacts related to tribal cultural resources could result from construction of Revised Project, but with implementation of the Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, these would be reduced to a less-than-significant level. (LTS/M)

Cumulative Impacts. Cumulative development in the city would result in demolition or alteration of non-archaeological and archaeological resources that may qualify as tribal cultural resources under CEQA. Therefore, Revised Project, similar to the Reduced Office/Increased Housing Alternative, could contribute to a cumulative loss of tribal cultural resources. However, implementation of Mitigation Measures CUL-2.1, CUL-2.2, and CUL-2.3, which require an archaeological monitoring plan, cultural resources sensitivity training for all construction crews participating in ground-disturbing activities, and stopping work if archaeological deposits are encountered during ground-disturbing activities, would reduce impacts to less than significant. (LTS/M)

Utilities and Service Systems

Utilities and Service Systems impacts of the Reduced Office/Increased Housing Alternative and Revised Project would be similar to those identified for the Project, as described in the DEIR and summarized below.

Topics Found to Have No Impact. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would not result in the generation of unique types of solid waste that would conflict with existing regulations regarding solid waste disposal. Therefore, there would be no impact related to complying with applicable federal, State, and local statutes and regulations. (NI)

Utility Relocation, Construction, or Expansion. Similar to the Reduced Office/Increased Housing Alternative, the Revised Project would upgrade all utilities to meet the demand for the increased number of onsite residents and employees. In addition, implementation of Mitigation Measures WQ-3.1 and WQ-3.2 would ensure that potential construction impacts of the Project related to exceeding the capacity of existing or proposed stormwater drainage systems would be less than significant with mitigation. Therefore, similar to the Reduced Office/Increased Housing Alternative, this impact would be less than significant with mitigation. (LTS/M)

Water Supply. Construction activities under the Revised Project would be served by existing water systems and infrastructure. and impacts on water supplies during construction would be less than significant, similar to the Project. (LTS)

During operation, the Revised Project total water demand would be 646.4 acre-feet per year, same as the Reduced Office/Increased Housing Alternative. Therefore, as with the Reduced Office/Increased Housing Alternative, implementation of the Revised Project would have a less-than-significant impact on water supplies. (LTS)

Wastewater Treatment Capacity. Construction activities associated with the Revised Project would be served by the existing sewer system and infrastructure and would result in a less-than-significant impact on wastewater treatment providers during construction, same as the Reduced Office/Increased Housing Alternative. (LTS)

During operation, the Revised Project estimated BWF would be 51,533 gpd by 2035, same as the Reduced Office/Increased Housing Alternative and therefore impacts on wastewater facilities would likewise be less-than-significant. (LTS)

Solid Waste Capacity. Demolition under the Revised Project would be the same as under the Reduced Office/Increased Housing Alternative and would not constitute a substantial portion of the solid waste facilities' daily permitted capacity. Therefore, the solid waste facilities that would serve the Project site during construction would be able to accommodate the construction waste generated by the Revised Project and would be served by a landfill with adequate permitted capacity to accommodate its solid waste disposal needs. (LTS)

Cumulative Impacts. The Revised Project would result in utilities and service system impacts similar to those of the Reduced Office/Increased Housing Alternative. Therefore, cumulative impacts under the Revised Project, including impacts related to utility relocation, water supply, wastewater treatment capacity, and solid waste capacity, would be less than cumulatively considerable. (LTS)

3. Conclusions and Findings Regarding Recirculation of the Draft EIR

As described above, the Revised Project (Option B) would result in impacts that are the same as or similar to those of the Project (Option A) and some Air Quality and Population and Housing impacts would be less than those caused by the Project. No impacts under the Revised Project would be greater than the Project. Therefore, neither a new significant environmental impact nor a substantial increase in the severity of an environmental impact as disclosed in the EIR would result from Option B. Thus, the impacts of Option B are fully within the scope of the analysis in the Final EIR.

With respect to whether Option B triggers a recirculation of the EIR, Section 15088.5 of the State CEQA Guidelines requires recirculation “when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review” but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting as well as additional data or other information. (State CEQA Guidelines Section 15088.5.) New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (State CEQA Guidelines Section 15088.5[a].) “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from a project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (State CEQA Guidelines, Section 15088.5).

The analysis of impacts from Option B, as detailed above, shows that the first two conditions requiring recirculation are **not** met because:

1. Option B would **not** result in any new significant environmental effects and
2. Option B would **not** cause a substantial increase in the severity of previously identified significant effects.

Further, the third condition requiring recirculation is **not** met because:

3. The project proponent is proposing the Revised Project (Option B), which, as detailed above, is essentially the same as the Reduced Office/Increased Housing Alternative, which was fully analyzed in the DEIR.

Finally, the fourth condition is **not** met because:

4. All Project modifications or amendments to the EIR are either environmentally benign or environmentally neutral, and thus represents the kinds of common changes that occur and supplemental information that is received during the environmental review process as it works toward its conclusion; Comments provided on the EIR have not shown the EIR to be inadequate or conclusory.

Therefore, inclusion of this analysis as Attachment 3 to the FEIR does not constitute “significant new information” that would trigger recirculation because the analysis does not result in any new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or feasible project alternatives that would clearly lessen the environmental effects of the Project that Kylli has declined to adopt. This analysis clarifies and amplifies the conclusions of the Project and Reduced Office/Increased Housing Alternative and concludes that the Revised Project is within the scope of the EIR.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO ESTABLISH TWO NEW LAND USE DESIGNATIONS, URBAN CENTER MIXED USE AND URBAN CENTER MISSION POINT, AND TO CHANGE THE LAND USE DESIGNATION FOR THE 48.6-ACRE KYLLI SITE TO THE NEW DESIGNATIONS

PLN2017-12924 (General Plan Amendment)

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly owned subsidiary, Innovations Common Owner, LLC (“Owner”) made an application for a General Plan Amendment (“GPA”) in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Owner applied for a General Plan Amendment to establish two new General Plan land use designations of Urban Center Mixed Use, which would allow a residential maximum density up to 250 dwelling units per acre, and Urban Center Mission Point, which would require a minimum floor area ratio (“FAR”) of 1.5.

WHEREAS, the Owner subsequently applied for a Planned Development Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (R&D), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; a Vesting Tentative Subdivision Map to subdivide the property into five lots with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, along with the GPA, the “Project”);

WHEREAS, Santa Clara City Charter Section 1007 requires that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

WHEREAS, Government Code Section 65353 requires the Planning Commission to hold a public hearing prior to making a recommendation on the General Plan Amendment;

WHEREAS, in conformance with the California Environmental Quality Act (“CEQA”), the Environmental Impact Report (“EIR”) prepared for the Project was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024;

WHEREAS, while considering the General Plan Amendment for the Project Site, the Planning Commission reviewed and considered the information contained in the EIR for the Project;

WHEREAS, notice of the October 9, 2024 public hearing on the proposed General Plan Amendment was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on August 29, 2024, notices of the October 9, 2024 public hearing on the General Plan Amendment were mailed to all property owners within a quarter mile of the property, according to the most recent Assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing and then voted to continue the hearing to October 23, 2024; and

WHEREAS, on October 23, 2024, the Planning Commission conducted a duly-noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the General Plan Amendment and related applications, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. General Plan Amendment Findings: that the Planning Commission finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

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

The Project is located in an urbanized area served by existing infrastructure and municipal services. The Project would contribute up to 1,800 units to the housing stock in proximity to a mixed use and transportation corridor with access to neighborhood and community commercial uses, support services, local and regional transit facilities, outdoor open space and recreation areas. The Project would contribute to the City's housing stock and lessen the jobs/housing imbalance in support of the City's General Plan Land Use and Housing goals and policies. The Project would implement project conditions of approval to avoid and reduce impacts of development.

B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Project would combine and redevelop underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City's Housing Goals and assist the City in achieving Regional Housing Needs Assessment targets for

production of affordable housing units as mandated by the State, and in accordance with the City's Affordable Housing ordinance.

C. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and CEQA, in that:

An EIR was prepared for the Project and was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies, and the City sought the comments of such persons, organizations and agencies. The City prepared and circulated written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"), in accordance with CEQA.

D. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

A Mitigation Monitoring and Reporting Program has been prepared for implementation with Project development to reduce potentially significant impacts identified in the EIR to less than significant.

3. That pursuant to Government Code Section 65354, the Planning Commission hereby recommends that the City Council, amend the General Plan by including two additional land use designations "Urban Center Mixed Use" and "Urban Center Mission Point" contained in Subsection 5.2.2 ("Land Use Classifications and Diagram") of Section 5.2 ("Land Use Diagram") of Chapter 5 ("Goals and Policies") to read as follows:

"Urban Center Mixed Use

The Urban Center Mixed Use designation is intended for pedestrian-oriented, high-intensity and very high-density mixed-use development in a transit-rich area. It permits high-rise commercial office and residential development (in either mixed-use or stand-alone buildings), subject to

Federal Aviation Administration height restrictions; ground-level retail; and landscaped areas for employee and resident activities. Permitted uses include multi-family residential and co-living, office and R&D uses, light manufacturing, and retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. The residential density range is 60 - 250 dwelling units per acre. Townhomes are only permitted as follows: (1) Townhomes designed and integrated as a part of a multi-family building in which additional multi-family units are included above the townhome units (entire building must achieve a minimum 60 du/ac); or, (2) Townhomes integrated as part of a multi-family building without additional multi-family units above, not to exceed 25% of the buildable land area for area D (must achieve a minimum of 60 du/ac). The following are prohibited: (1) standalone townhomes without additional multifamily units, (2) single-family detached units, and (3) duplexes.

Urban Center Mission Point

The Urban Center Mission Point designation is intended for pedestrian-oriented, high-intensity and very high-density nonresidential development in a transit-rich area. It permits high-rise commercial office development, subject to Federal Aviation Administration height restrictions; ground-level retail; and landscaped areas for employee and resident activities. Permitted uses include office and R&D uses, light manufacturing, and retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. The minimum FAR is 1.5.”

4. That the Planning Commission hereby recommends that the City Council change the land use designation for Areas “A”, “B”, and “C” to the new Urban Center Mission Point land use designation, and Area “D” to the new Urban Center Mixed Use land use designation, as depicted on the attached Land Use Diagram, attached hereto and incorporated herein by this reference.

5. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter the Planning Commission hereby recommends City Council approval of the General Plan Amendment.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

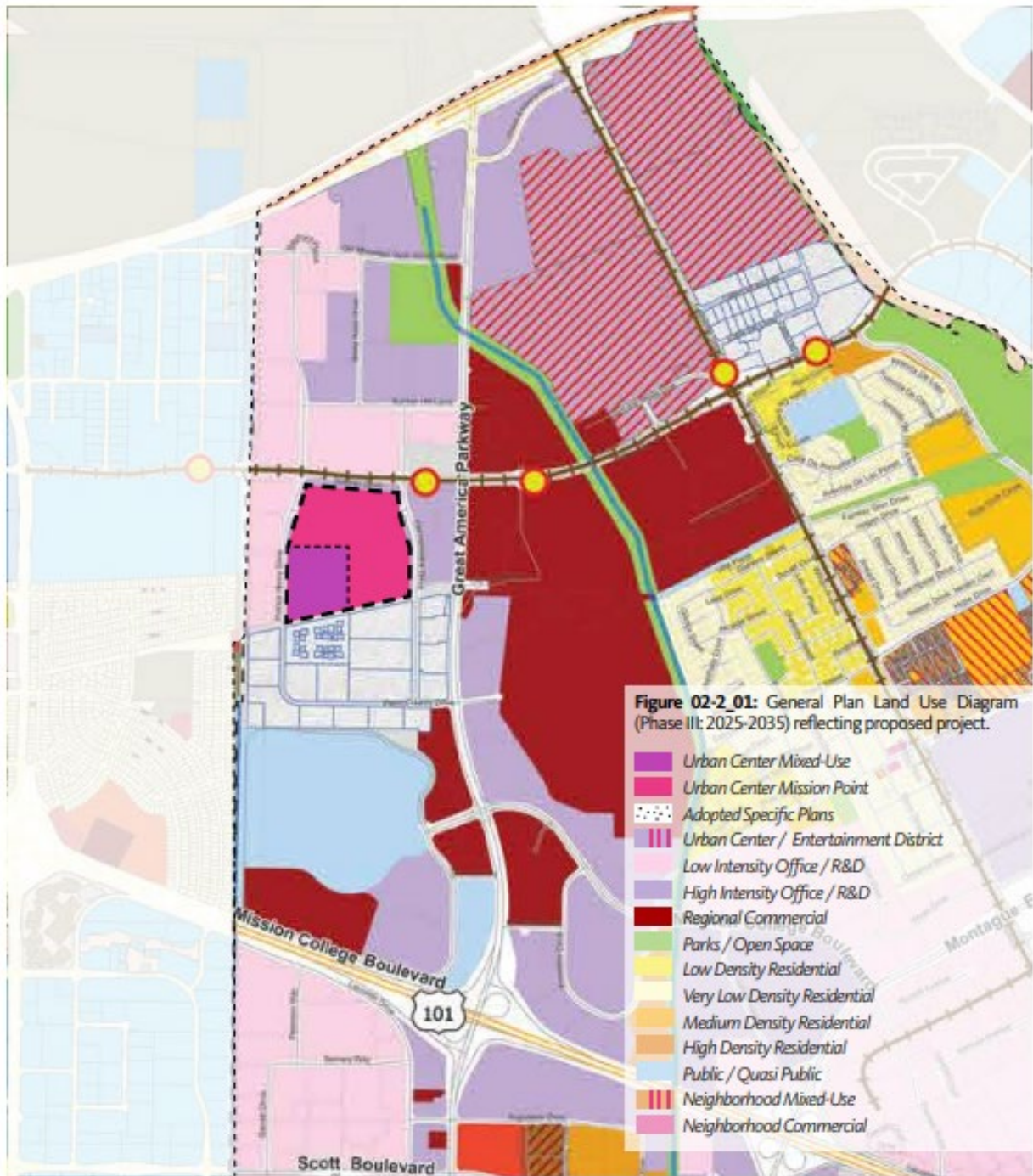
ATTEST:

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Land Use Diagram

ATTACHMENT 1 LAND USE DIAGRAM



RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, RECOMMENDING
THAT THE CITY COUNCIL APPROVE A GENERAL PLAN
AMENDMENT TO ESTABLISH TWO NEW LAND USE
DESIGNATIONS, URBAN CENTER MIXED USE AND URBAN
CENTER MISSION POINT, AND TO CHANGE THE LAND USE
DESIGNATION FOR THE 48.6-ACRE KYLLI SITE TO THE NEW
DESIGNATIONS**

PLN2017-12924 (General Plan Amendment)

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly owned subsidiary, Innovations Common Owner, LLC (“Owner”) made an application for a General Plan Amendment (“GPA”) in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Owner applied for a General Plan Amendment to establish two new General Plan land use designations of Urban Center Mixed Use, which would allow a residential maximum density up to 250 dwelling units per acre, and Urban Center Mission Point, which would require a minimum floor area ratio (“FAR”) of 1.5.

WHEREAS, the Owner subsequently applied for a Planned Development Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (R&D), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; a Vesting Tentative Subdivision Map to subdivide the property into five lots with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, along with the GPA, the “Project”);

WHEREAS, Santa Clara City Charter Section 1007 requires that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

WHEREAS, Government Code Section 65353 requires the Planning Commission to hold a public hearing prior to making a recommendation on the General Plan Amendment;

WHEREAS, in conformance with the California Environmental Quality Act (“CEQA”), the Environmental Impact Report (“EIR”) prepared for the Project was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024;

WHEREAS, in addition to the Project, the EIR studied the Reduced Office/Increased Housing Alternative, which assumed the development of 800 multi-family housing units in Area C (for a total of up to 2,600 housing units for the entire Project) instead of approximately 789,000 gsf of office/R&D space, but otherwise maintained all other land use and developments assumptions of the Project.

WHEREAS, the City prepared a Final Environmental Impact Report (“FEIR”), including Attachment 3 to the FEIR analyzing the Office/R&D – Residential Flex option for the Planned Development zoning, which would permit development of up to 800 additional residential units in Area C (for a total of 2,600 units for the Project), or a mix of residential and office/R&D uses in Area C, with a corresponding reduction in square footage of office/R&D uses and a proportional increase in deed-restricted affordable residential units in Area C (“Revised Project”), as shown in Exhibit “PD Development Plans: Revised Project” to Resolution No. [REDACTED];

WHEREAS, while considering the General Plan Amendment for the Project Site, the Planning Commission reviewed and considered the information contained in the EIR for the Project, including the Reduced Office/Increased Housing Alternative and Attachment 3 to the FEIR analyzing potential environmental ramifications of the Revised Project;

WHEREAS, notice of the October 9, 2024 public hearing on the proposed General Plan Amendment was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on September 26, 2024, notices of the October 9, 2024 public hearing on the General Plan Amendment were mailed to all property owners within a quarter mile of the property, according to the most recent Assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing and then immediately voted to continue the hearing to October 23, 2024; and

WHEREAS, on October 23, 2024, the Planning Commission conducted a duly-noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, additional notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the General Plan Amendment, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. General Plan Amendment Findings: that the Planning Commission finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:
 - A. The proposed amendment is deemed to be in the public interest, in that:

The Project is located in an urbanized area served by existing infrastructure and municipal services. The Revised Project would contribute up to 2,600 units to the housing stock in proximity to a mixed use and transportation corridor with access to neighborhood and community commercial uses, support services, local and regional transit facilities, outdoor open space and recreation areas. The Revised Project would contribute to the City's housing stock and lessen the jobs/housing imbalance in support of the City's General Plan Land Use and Housing goals and policies. The Revised Project would implement project conditions of approval to avoid and reduce impacts of development.

B. The proposed General Plan Amendment for the Revised Project is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Revised Project would combine and redevelop underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City's Housing Goals and assist the City in achieving Regional Housing Needs Assessment targets for production of affordable housing units as mandated by the State, and in accordance with the City's Affordable Housing ordinance.

C. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and CEQA, in that:

An EIR was prepared for the Project and was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies, and the City sought the comments of such persons, organizations and agencies. The City prepared and circulated written responses to the comments received during the Comment Period and included those responses in the FEIR, in accordance with CEQA. Attachment 3 to the FEIR analyzed the Revised Project and found it to be entirely within the scope

of the Project and Reduced Office/Increased Housing Alternative analyzed in the EIR, and would not result in new significant or substantially increased environmental impacts.

D. The potential impacts of the proposed General Plan Amendment for the Revised Project have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

A Mitigation Monitoring and Reporting Program has been prepared and adopted, and made conditions of approval for implementation with Revised Project development to reduce potentially significant impacts identified in the EIR to less than significant and no additional mitigation is required for the Revised Project.

3. That pursuant to Government Code Section 65354, the Planning Commission hereby recommends that the City Council, amend the General Plan by including two additional land use designations “Urban Center Mixed Use” and “Urban Center Mission Point” contained in Subsection 5.2.2 (“Land Use Classifications and Diagram”) of Section 5.2 (“Land Use Diagram”) of Chapter 5 (“Goals and Policies”) to read as follows:

“Urban Center Mixed Use

The Urban Center Mixed Use designation is intended for pedestrian-oriented, high-intensity and very high-density mixed-use development in a transit-rich area. It permits high-rise commercial office and residential development (in either mixed-use or stand-alone buildings), subject to Federal Aviation Administration height restrictions; ground-level retail; and landscaped areas for employee and resident activities. Permitted uses include multi-family residential and co-living, office and R&D uses, light manufacturing, and retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. The residential density range is 60 - 250 dwelling units per acre. Townhomes are only permitted as follows: (1) Townhomes designed and integrated as a part of a multi-family building in which additional multi-family units are included above the townhome units (entire building must achieve a minimum 60 du/ac); or, (2) Townhomes integrated as part of a multi-family building without additional multi-

family units above, not to exceed 25% of the buildable land area for area C or D (must achieve a minimum of 60 du/ac in area D, and, if residential is constructed in area C, in area C). The following are prohibited: (1) standalone townhomes without additional multifamily units, (2) single-family detached units, and (3) duplexes.

Urban Center Mission Point

The Urban Center Mission Point designation is intended for pedestrian-oriented, high-intensity and very high-density nonresidential development in a transit-rich area. It permits high-rise commercial office development, subject to Federal Aviation Administration height restrictions; ground-level retail; and landscaped areas for employee and resident activities. Permitted uses include office and R&D uses, light manufacturing, and retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. The minimum FAR is 1.5.”

4. That the Planning Commission hereby recommends that the City Council change the land use designation for Areas “A” and “B” to the new Urban Center Mission Point land use designation, and Areas “C” and “D” to the new Urban Center Mixed Use land use designation, as depicted on the attached Land Use Diagram, attached hereto and incorporated herein by this reference.

5. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter the Planning Commission hereby recommends City Council approval of the General Plan Amendment.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

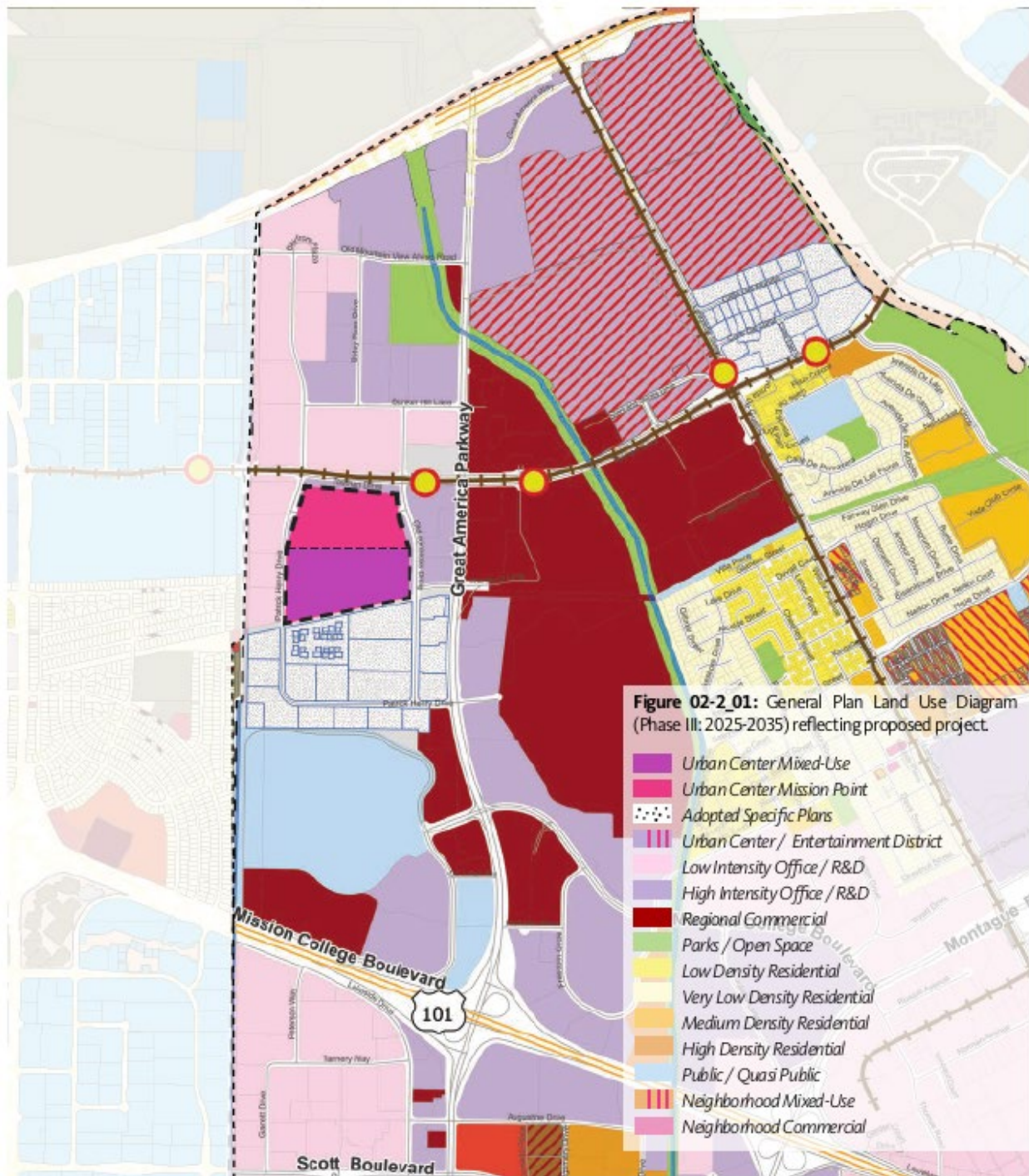
ATTEST:

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Land Use Diagram

ATTACHMENT 1 LAND USE DIAGRAM



RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING
THAT THE CITY COUNCIL APPROVE A REZONING FROM
HIGH-INTENSITY OFFICE/RESEARCH AND DEVELOPMENT
(HO-RD) TO PLANNED DEVELOPMENT (PD) TO ALLOW A
MIXED-USE DEVELOPMENT LOCATED AT 4995 PATRICK
HENRY DRIVE AND 3005 DEMOCRACY WAY, SANTA CLARA**

PLN2018-13400 (Rezone)

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly-owned subsidiary Innovation Commons Owner, LLC (“Owner”) made an application for a General Plan Amendment (“GPA”) in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Owner subsequently applied for a Planned Development (“PD”) Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (“R&D”), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; a Vesting Tentative Subdivision Map to subdivide the property into five lots with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, along with the GPA, the “Project”), as shown on the Exhibit “PD Development Plans,” attached hereto and incorporated herein by this reference;

WHEREAS, a rezone of the property to PD is required to allow creative development standards for site and building design, that are not otherwise allowed in standard zoning districts, to

construct the proposed mixed-use development;

WHEREAS, in conformance with CEQA, the Environmental Impact Report (“EIR”) prepared for the Project was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024;

WHEREAS, Santa Clara City Code (“SCCC”) Section 18.142.040 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, notice of the October 9, 2024 public hearing on the proposed Development Agreement was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on September 26, 2024, notices of the October 9, 2024 public hearing to consider the EIR mailed to all property owners within one quarter mile of the property, according to the most recent Assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing and then immediately voted to continue the hearing to October 23, 2024; and

WHEREAS, on October 23, 2024 the Planning Commission conducted a duly-noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor’s roll;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the proposed rezoning and related applications, at which time all interested persons

were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby recommends that the City Council rezone the Project Site from High-Intensity Office/Research and Development (“HO-RD”) to Planned Development (“PD”) to allow the development of the Project, as shown on the attached PD Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein by this reference.

3. Pursuant to SCCC Section 18.142.040, the Planning Commission determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable, in that the existing zoning for the Project Site does not allow for mixed-use development. A PD zoning of the Project Site to allow mixed-use development would implement the General Plan’s Land Use and Housing goals and policies to provide housing in proximity to existing residential, neighborhood and community commercial uses, support services, local and regional transit facilities, outdoor open space and recreation areas.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area, in that the Project would redevelop underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City’s Housing Goals and assist the City in achieving Regional Housing Needs Allocation (“RHNA”) targets for production of affordable housing units as mandated by the State, and in accordance with the City’s Affordable Housing ordinance.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change would allow for high density mixed-use development, public parkland, private open space, and community use. Construction of the Project would contribute to the City's housing inventory and would assist in production of housing units to achieve RHNA targets as mandated by the State.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts, in that the proposed zone change would allow flexibility in the development standards such as increased building height and reduced building setbacks, in order to provide high density uses with private and rooftop common open space, and also provide community uses.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, EIR and MMRP, the Planning Commission hereby recommends that the City Council rezone the Project Site to allow redevelopment of the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to three million square feet of office/research-and-development (R&D), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities, as shown on the attached PD Development Plans for the Project and conditioned as specified in the attached Conditions of Rezoning Approval for the Project.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON 6TH DAY OF NOVEMBER 2024 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. Rezone Conditions of Approval
2. PD Development Plans

ATTEST: _____

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Conditions of Planned Development Rezoning Approval (Option A – Project)

PLN2018-13400 / 4995 Patrick Henry Drive and 3005 Democracy Way

Project Description: Planned Development Rezoning Rezone to PD, and Architectural Review for the proposed Mission Point project including 3,000,000 sf of office, 100,000 sf of retail, 1,800 housing units (in Area D) on a 48-acre site.

GENERAL

- G1. **Effective Date, Permit Expiration.** This Permit shall automatically be revoked and terminated if not used within **two years** of the effective date of this Permit or within the period of any authorized extensions thereof. This Permit shall only become effective at such time as the General Plan Amendment, PD Zoning, and Development Agreement have been adopted by the Decision-making body and have taken effect. The expiration of this Permit date is [REDACTED].
- G2. **Conformance with Plans.** Prior to the issuance of Building Permit, the development of the site and all associate improvements shall conform to the approved plans on file with the Community Development Department, Planning Division. No change to the plans will be made without prior review by the Planning Division through approval of a Minor Amendment or through an Architectural Review, at the discretion of the Director of Community Development or designee. Each change shall be identified and justified in writing.
- G3. **Conditions on Plans.** All conditions of approval for this Permit shall be reprinted and included within the first three sheets of the building permit plan sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- G4. **Necessary Relocation of Public Facility.** If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G5. **Indemnify and Hold Harmless.** The owner or designee agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorney's fees, injuries, costs, and liabilities from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of owner or designee's project.
- G6. **Code Compliance.** The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis; proposed use and occupancy of all spaces (CBC Ch. 3), all building heights and areas (CBC Ch. 5), all proposed types of construction (CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (CBC Ch. 7), all proposed interior finishes fire resistance (CBC Ch. 8), all fire protection systems proposed (CBC Ch. 9), and all means of egress proposed (CBC Ch. 10). Noncombustible exterior wall, floor, and roof finishes are strongly encouraged.

- a. During construction retaining a single company to install all fire related penetrations is highly recommended.
 - b. The grade level lobbies shall be minimum 1-hour rated all sides and above.
 - c. All stair shafts shall be minimum 1-hour rated.
 - d. All elevator shafts shall be minimum 1-hour rated.
 - e. All trash chute shafts shall be minimum 1-hour rated.
 - f. Recommendation: provide minimum two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
 - g. Any trash rooms shall be minimum 1-hour rated all sides and above.
- G7. **Building Codes as Amended.** See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.
- G8. **Reach Codes.** This project is subject to the provisions of the City of Santa Clara 2022 Reach Code, effective January 2022. See Ordinance No. 2034 and/or Title 15 of the Santa Clara City Code.
- h. Chapter 15.36 – Energy Code for “all electric” provisions for new construction.
 - i. Chapter 15.38 – Green Building Code for additional Electric Vehicle Charging requirements for new construction.
- G9. Comply with all applicable codes, regulations, ordinances and resolutions.
- G10. The City encourages the Owner and any contractors or subcontractors working on the project to evaluate hiring local labor, hiring from or contributing to approved, accredited apprenticeship programs, increasing resources for labor compliance, and providing living wages during the development of this Project.

COMMUNITY DEVELOPMENT – PLANNING DIVISION
DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- P1. **Roof Mounted Mechanical Equipment.** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be five feet or greater to match the height of any proposed equipment.
- P2. **Tree Replacement (on-site).** Protected trees permitted by the City for removal shall be replaced on-site at a 2:1 ratio for 24-inch box trees, 4:1 for 15-gallon trees, or 1:1 for dead trees. (SCC 12.35.090).
- P3. **Construction Management Plan.** The owner or designee shall submit a construction management plan addressing impacts to the public during construction activities including: showing work hours, noticing of affected businesses, construction signage, noise control, storm water pollution prevention, job trailer location, contractor parking, parking enforcement, truck hauling routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. The plan shall be submitted to the Director of Community Development or designee for approval prior to issuance of demolition and building permits.

DURING CONSTRUCTION

- P4. **Construction Hours.** Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays. Construction activities occurring outside of the City's allowed construction hours would need to comply with the City's exterior noise limits per Section 9.10.040 of the City Code.
- P5. **Construction Trash/Debris.** During construction activities, the owner or designee is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P6. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.

OPERATIONAL CONDITIONS

- P7. **Landscaping Installation & Maintenance.** The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.
- P8. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape of 2,500 square feet or more shall conform to the California Department of Water Efficient Landscape Ordinance.
- P9. **Transportation Demand Management (TDM) Program (Non-Residential Project).** The owner or designee shall implement the project TDM program that includes elements to reduce vehicle miles traveled (VMT) by 25 percent in the aggregate per the City's 2022 Climate Action Plan. A final TDM plan shall be submitted to the Director of Community Development or designee prior to Building Permit Final by the Planning Division. The property owner or designee shall monitor the project TDM program and submit an annual report to the Director of Community Development or designee. Monitoring and reporting requirements may be revised in the future if the minimum reduction is not achieved through the measures and programs initially implemented.
- P10. **Transportation Demand Management (TDM) Program (Residential Project).** The owner or designee shall implement the project TDM program that includes elements to reduce vehicle miles traveled (VMT) by 20 percent with 10% through active TDM measures in the aggregate at full build out per the City's 2022 Climate Action Plan. A final TDM plan shall be submitted to the Director of Community Development or designee prior to Building Permit Final by the Planning Division. The property owner or designee shall monitor the project TDM program and submit an annual report to the Director of Community Development or designee. Monitoring and reporting requirements may be revised in the future if the minimum reduction is not achieved through the measures and programs initially implemented.
- P11. **Transportation Management Association (TMA).** Within two years of the formation of a TMA for the North Santa Clara area (comprising neighborhoods north of Highway 101) led by property owners that are pursuing specific development proposals within the area,

employers or other entities, join the TMA and pay a prorata share of TMA operational costs. The main purpose of the TMA is to fund and operate the local shuttle service or micro-transit solution, and may help to implement, coordinate and manage VMT-reduction programs as determined appropriate by the TMA members, between multiple properties and lead information and marketing campaigns to support behavior change.

MITIGATION MEASURES

- P12. **Mitigation Monitoring and Reporting Program.** The Mitigation Monitoring and Reporting Program (MMRP), prepared for this project in compliance with the California Environmental Quality Act (CEQA), shall be incorporated by reference as conditions of approval. The applicant shall comply with all specified mitigation measures in the timelines outlined in the project's MMRP.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- BD1. **Addressing.** Prior to overall construction permit application, submit to the Santa Clara Building Division, 2 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. Please note city staff policy that existing site addresses typically are retired. Provide digital pdf printed from design software, not scanned from printed paper sheet.
- a. Any building or structure that is demolished shall have its address retired and a new address/s shall be issued for the project.
- BD2. **Flood Zone.** The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: <https://msc.fema.gov/portal/home>. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code.
- a. FEMA Flood Zone map designations and requirements are based on the map in effect at date of Building Permit issuance.
- BD3. **Water Pollution Control.** The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program Low Impact Development (LID) practices http://www.scvurppp-w2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurppp-w2k.com/construction_bmp.shtml, and shall provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division shall include a city of Santa Clara "C3" data form, available on this web page:

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

BD4. **Submittal Requirements.** The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.

DURING CONSTRUCTION

BD5. **Temporary Certificates of Occupancy.** Temporary Certificates of Occupancy (TCO) will not be routinely issued and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO.'s.

COMMUNITY DEVELOPMENT - HOUSING DIVISION

H1. In accordance with the Santa Clara City Code chapter 17.40, this project is subject to the following affordable housing requirements and impact fee:

The requirement for the for-sale residential and rental residential development is as follows:

(a)Unless the City Council approves an alternate method of compliance pursuant to section (b) below, The Applicant shall provide not less than fifteen percent (15%) of the proposed units to affordable households made available at affordable housing cost or affordable rent to extremely low, very low, low and/or moderate-income households so long as the distribution of affordable units averages to a maximum of 100 percent Area Median Income. Prior to issuance of Building Permits, the Developer shall enter into an Affordable Housing Agreement (AHA) with the City that will determine the affordable rents and apply all terms and covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Community Development. There will be a fee for the AHA preparation in the amount of \$5,868 rental development and \$4,205 for for-sale development, that will be due prior to execution of the AHA. Additionally, there is an annual monitoring fee per affordable rental unit in the amount \$127.

Payment of an Impact Fee for nonresidential development based on the square footage of the proposed project. The current impact fees for an Office building greater than 20,000 square foot shall have an impact fee of \$28.79 per sf and Retail shall have an impact fee of \$7.20 per sf.

Please note all fees are based on the current Municipal Fee Schedule in effect at the time the project is approved and must be paid prior to the issuance of the occupancy certificate of the building.

(b) In the alternative, the City Council may, in its sole discretion, authorize the Applicant to utilize an alternate means of compliance pursuant to SCCC § 17.40.080(g) through the execution of a development agreement. In order to utilize such an alternative, such Development Agreement must be fully executed prior to issuance of Building Permits. If no Development Agreement has been executed at the time Building Permits are issued, then section (a) above shall apply.

FIRE DEPARTMENT

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE

- F1. **Hazmat Clearance.** Prior to any Building Permit issuance, Hazardous Materials Closure (HMCP) is required as applicable: This is a permit issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer's due diligence. The hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.
- F2. **Hazmat Clearance.** Prior to any Building Permit Issuance, a Phase II environmental assessment is required to be submitted to CRRD for review. If hazards are present that require site mitigation, cleanup, or management of chemical contaminants in soil, soil vapor, or groundwater a separate permit from one of the regulatory agencies below will be required. The type and extent of contamination on site(s) will govern which of the regulatory agencies noted below can supervise the cleanup: Department of Toxic Substances Control (DTSC); State Water Resources Control Board; or Santa Clara County, Department of Environmental Health.

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

For smaller projects that are not moving soil at all, a Phase I environmental assessment may be adequate. Please contact Assistant Fire Marshal Fred Chun at fchun@santaclaraca.gov for more information.

- F3. **Fire Flow Requirement.** Prior to Building Permit Issuance, provide documentation from the City of Santa Clara Water & Sewer Department that the minimum required fire-flow

can be met. Fire Department fire-flow will be based on the current California Fire Code and local ordinance. The most restrictive departments requirement shall apply.

- F4. **Fire Hydrants.** Prior to Building Permit Issuance, building plans shall show the required number, location and distribution of fire hydrants for the buildings will be based on the current California Fire Code, Appendix C as amended. The required number of fire hydrants will be based on the fire-flow before the reduction for fire sprinklers. Both public and private fire hydrants may be required.
- F5. **Fire Department Access.** Prior to Building Permit Issuance, a five-foot all-weather perimeter pathway around the entire perimeter of the buildings to facilitate firefighter access is required to be incorporated into the Building permit submittal.
- F6. **Fire Department Access.** Prior to the issuance of the Building Permit, approval for fire department apparatus access roads is required. Roadways must be provided to comply with all the following requirements:
- F7. Fire apparatus access roadways shall be provided so that the exterior walls of the first story of the buildings are located not more than 150 feet from fire apparatus access as measured by an approved route around the exterior of each building. In addition, aerial apparatus roadways must be located so aerial apparatus will have clear access to the "entire" face/sides of the building. The minimum number of sides is project-specific and depends on the building configuration, building design, occupancy, and construction type, etc. As part of Building Permit Issuance, an alternative materials, design, and methods of construction and equipment permit application will need to be submitted for review and approval incorporating applicable mitigation measures as determined by the fire department for the lack of compliance. Please note acceptable mitigation methods may have been discussed during the planning stage. Those mitigations are not guaranteed until a formal alternate means permit is submitted concurrently with the Building Plans. Conversely, an acceptable mitigation method may not have been discussed and will be evaluated under an alternate means permit at the building permit stage.

- For underpasses, garages, gates, or anything similar that a Fire apparatus is required to drive under as part of the emergency vehicle access, 16 feet vertical clearance will be required. For all other areas, the "minimum" unobstructed vertical clearance shall not be less than 13 feet 6 inches.

or

- For all other areas, the "minimum" unobstructed vertical clearance shall not be less than 13 feet 6 inches.
- The "minimum" width of aerial roadways for aerial apparatus is 26 feet.
- The minimum inside turning radius shall be 30 feet.
- The "minimum" width of roadways for aerial apparatus is 26 feet. Aerial access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from

the protected building. This requirement is only applicable when Appendix D of the Fire Code is enforceable.

- Overhead utility and power lines easements shall not be located over fire apparatus access roads or between the aerial fire apparatus roads and the buildings to avoid the possibility of injury and equipment damage from electrical hazards.
- Fire apparatus access roadways shall be all-weather surface(s) designed to support a gross vehicle weight of 75,000-pounds.
- Trees at full development must not exceed 30 feet in height and not impair aerials apparatus operations to sweep opposing sides of a building. Other obstructions such as site lighting, bio-retention, and architectural features are reviewed case-by-case to ensure they do not obstruct aerial and ground ladder access.
- Traffic control/calming devices are not permitted on any designated fire access roadway unless approved. A separate Fire Department permit is required for any barrier devices installed along fire department apparatus access roads.

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

- F8. **Emergency Responder Radio Coverage System.** Prior to Building Permit Issuance, provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard.
- F9. **Fire Department Access.** Prior to the start of construction, roadways and water supplies for fire protection are required to be installed and made serviceable and maintained throughout the course of construction.
- F10. **Fire Department Access.** Prior to issuance of the Building Permit, a gate permit is required to be obtained. Openings for access gates located across fire apparatus access roads shall be a minimum of 20 feet of clear width. Gates shall also be provided with a minimum unobstructed vertical clearance of 16-feet. All gates installed on designated fire department access roads must be electrically automatic powered gates. Gates shall be provided with an emergency power or be of a fail-safe design, allowing the gate to be pushed open without the use of special knowledge or equipment. A Tomar Strobe Switch or 3M Opticom detector shall be installed to control the automatic gate(s) to allow emergency vehicles (e.g., fire, police, ems). Said device shall be mounted at a minimum height of eight to ten feet (8' - 10') above grade.
- F11. **Alternative Means and Methods.** Prior to any Building Permit issuance, an alternate means or methods permits to mitigate any code deficiency must be submitted and approved. Please submit this permit concurrently with the building plans. Please note

specific mitigations may have been discussed during the planning process. None of these discussions are binding and can only be formally approved through submitting an AMMR permit. The AMMR permit is formally documenting that and still needs to be submitted.

- F12. **Hazmat Information.** Prior to Building Permit Issuance, a Hazardous Materials Inventory Statement including refrigerants is required to be submitted and reviewed with the Building Permit if applicable.
- F13. **Fire Safety During Construction and Phased Occupancy.** Prior to Building Permit Issuance, a permit for Construction Safety & Demolition shall be submitted to the fire department for review and approval in compliance with our Construction Safety & Demolition standard. Any phased occupancy will require a separate fire department permit.

DURING CONSTRUCTION

- F14. **Shared Fire Protection Features that Cross Property Lines.** Prior to Building Permit Final, any EVAEs or fire protection equipment (including but not limited to fire service undergrounds, sprinkler piping, fire alarm equipment, fire pumps, ERRCS) that cross property lines or is not located on the parcel of the building it serves shall have a CC&R legally recorded detailing who is responsible for maintenance and repair of the EVAE or fire protection equipment.
- F15. **Fire Protection Systems Before Occupancy.** Prior to any Certificate of Occupancy Issuance (temporary or permanent), fire-life safety systems installations must be fully installed, functional, and approved.

PARKS & RECREATION DEPARTMENT

- PR1. This Project is a subdivision, and the Quimby Act provisions will apply. The project will generate an estimated 4,320 residents (2.4 persons/household x 1800 units). Based on the Quimby standard of 3.0 acres/1000 residents, the amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 12.96-acres. The equivalent fee due in lieu of parkland dedication is \$86,092,200.
- PR2. Stormwater management for public parks and privately owned areas shall be separate and distinct— public areas shall not be used for private requirements and private areas shall not be used for public requirements.
- PR3. Any in lieu fees imposed under this Chapter shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.
- PR4. Final calculations will depend upon the actual number and type of units and the mix of parkland dedicated and remaining fee due, at the discretion of the City.
- PR5. Developer to present updated conceptual park plans at a future Parks & Recreation Commission (PRC) meeting for Commission and community input on the updated proposed park plan. Park plans as proposed are a conceptual plan.
- PR6. The final Commission recommended, and Council approved, public park design will require review and approval of park construction plans by all City departments through the City's online permitting portal (Accela). A separate permit will be issued for the park construction.
- PR7. Developer to enter into a Park Improvement Agreement with the City which will be submitted to Council for approval and then recorded with the County before park construction begins.

- PR8. Developer to enter into a Park Maintenance Agreement with the City which will be submitted to Council for approval and then recorded with the County before park construction begins. Developer to maintain public parkland in perpetuity is the preferred method for park maintenance.
- PR9. The park shall be dedicated to City in fee title and should be free of all encumbrances.
- PR10. When the park construction is completed, developer to provide City with GIS/Enterprise Asset Management System (EAMS) data (CAD file) for the public park. The base map and design elements/assets should meet the City data dictionary definitions for each asset.
- PR11. There should be a minimum 10-foot set-back between the public park and the private buildings. The public will need access to the private buildings without walking through the public park. The access and outdoor space for the private building shall not be included in the calculation for the public park and shall not be within the public park parcel.
- PR12. The public park must be programmed and constructed to the "Park Amenity & Design Standards" and City standards.
- PR13. Follow City guidelines to service domestic water, recycled water, and electricity for the public park – lines should not cross between the public park and the private development.
- PR14. Flood zone/FEMA designation information shall be taken into consideration with the design of the public parkland.
- PR15. Reduce the pedestrian network areas crossing through the park – less hardscape and more area for recreation.
- PR16. There is a distinction between open space and public parkland – these separate and distinct areas should be identified on the plan sheets with the correct labels.
- PR17. Application for Private Recreation Amenity Credit.
 - a. According to City Code Section 17.35.070, a developer may submit a written request with the project application for a credit against the amount of parkland dedication or the amount of the in-lieu fee thereof.
 - b. Eligible on-site private park and recreation amenities shall be dedicated to Active Recreational Uses provided all requirements of Chapter 17.35 are met and provided such amenities are found to be in the public interest.
- PR18. All residents shall have access to all amenities and all podium courtyards. If something else is intended, notify this Department to check for any effect on calculations.
- PR19. The children's play area, for the public park and for the private amenity area, shall have separate areas serving ages 2-5 and 6-12 that include the six + one elements of play (climbing, balancing, spinning, brachiating, swinging, sliding, and running/free play/imagination) – see sample table below that will need to be submitted with park design plans. Equipment for one age group should be adjacent to the equipment for the other age group.

Park Playground							
Elements of Play	Ages 2-5	Level of Play	* Proposed Capacity	Ages 6-12	Level of Play	* Proposed Capacity	Total Capacity
Balancing	2	B=1 I=1 A=0	9	2	B=0 I=1 A=1	15	24
Sliding	3	B=2 I=1 A=0	7	1	B=0 I=0 A=1	3	10
Brachiating	1	B=0 I=0 A=1	3	1	B=0 I=1 A=0	3	6
Spinning	0	B=0 I=0 A=0	0	1	B=0 I=1 A=0	5	5
Climbing	6	B=3 I=2 A=1	18	7	B=2 I=3 A=2	25	43
Swinging	2	B=2 I=0 A=0	2	2	B=2 I=0 A=0	2	4
Running/Free Play	2	N/A	21	4	N/A	22	43
Total:	16		60	18		75	135
Inclusive Play Elements	7	B=3 I=4 A=0	16	3	B=1 I=2 A=0	15	31

Level of Play:
 B: Beginner I: Intermediate A: Advanced

PR20. Applicant to provide plan sheets with details on any proposed public parkland and private, on-site recreational amenity areas. Include an itemized list in a table format of what is contained in each area (i.e., number of BBQ grills, number of tables, description of the proposed agricultural and medicinal planting, required setbacks, etc.). Sample table shown here is to be used as an example and is not to be considered all inclusive:

SPACE/LOCATION	ELEMENT LISTED IN CITY CODE	TOTAL AREA – SQUARE FEET
Recreation Rm – 1 st Floor	Element #8	xxx square feet
Roof Deck Community Garden	Element #4	xxx square feet - excludes x sq. ft. for 4 ft. perimeter setback
Family Picnic Area – 8 th Floor	Element #5	000 square feet – excludes x sq. ft. for 4 ft. perimeter setback
Sport Court – ground floor	Element #6	xxx square feet

PR21. Dwelling Unit Tax. According to City Code Chapter 3.15, a dwelling unit tax is also due based upon the number of units and additional bedrooms. The unit mix is required to calculate the amount due.

PR22. Calculations may change if the number of units change, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if the fee schedule for new residential development fees due in lieu of parkland dedication changes before this Project is deemed complete by Planning.

POLICE DEPARTMENT

None.

PUBLIC WORKS DEPARTMENT - ENGINEERING

DESIGN—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. **Site Clearance.** Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.
- E2. **Site Clearance.** The sanitary sewer (SS) discharge information (i.e., building use, square footage, point of connection to the public system, and 24-hour average and peak SS flow graphs for the peak day, showing average daily and peak daily SS flows) submitted by the developer was added to the City's Sanitary Sewer Hydraulic Model (SSHM) to determine if there is enough SS conveyance capacity in the SS trunk system to accommodate the proposed development. The SSHM output indicates that there should be enough SS conveyance capacity to accommodate the proposed development. The SSHM output may change based on pending development applications and future projects. The SSHM output does not guarantee or in any way reserve or hold SS conveyance capacity until developer has Final Approval for the project. For purposes of this condition, "Final Approval" shall mean the final vote of the City Council necessary for all entitlements to be approved, unless a legal challenge is brought to the Council decisions, in which case the Final Approval shall mean the final disposition of the legal challenge.
- E3. **Easement.** Obtain City Council approval of a resolution ordering vacation of existing public easement(s), including the vacation of Democracy Way, proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction. Vacation of Democracy Way is subject to the sale of the City's easement rights as detailed in the Project's Development Agreement.
- E4. **Subdivision Map.** After City Council approval of the Tentative Map, submit the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.
- E5. **Encroachment Permit.** Developer shall complete the relocation of utilities within Democracy Way prior to City Council approval of a resolution ordering the vacation of Democracy Way street right-of-way and prior to recordation of the Final Map.
- E6. **Subdivision Map.** If and when required per SVP requirements, pay appropriate fee through Public Works Department to initiate the processing of a Grant Deed or easement document, per SVP requirements, for dedication of electric substation to the City.
- E7. **Site Clearance.** Applicant shall pay fair share fees as identified in the TIA.

DURING CONSTRUCTION

- E8. **Encroachment Permit.** All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be submitted within a Single Encroachment Permit to be reviewed and issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E9. **Encroachment Permit.** Submit public improvement/encroachment permit plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements directly to the Public Works Department. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E10. **Encroachment Permit.** Coordinate construction of utilities near Old Glory Lane and Old Ironsides Drive with developer(s) in the Patrick Henry Drive Specific Plan if construction timelines coincide.
- E11. **Encroachment Permit.** Route sanitary sewer discharge to avoid Tasman lift station. Utilize existing sewer main at Old Glory Lane and Old Ironsides Drive.
- E12. **Encroachment Permit.** Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E13. **Encroachment Permit.** Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E14. **Encroachment Permit.** Owner or designee shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E15. **Encroachment Permit.** Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the City Engineer.
- E16. **Encroachment Permit.** Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E17. **Encroachment Permit.** For proposed sanitary sewer laterals 8" and greater, connect to existing manholes. For proposed 6" sanitary sewer laterals, use "Tap-Tite" connections. Property line manholes/clean-outs are required.
- E18. **Encroachment Permit.** Existing streetlights shall be clear of proposed sidewalk, developer shall relocate as necessary.
- E19. **Encroachment Permit.** Maintain required vertical height clearance from top of pavement to bottom of skybridge per Santa Clara Fire Department.

- E20. **Easement.** Dedicate required on-site easements per phase for any new public utilities, and/or emergency vehicle access by means of subdivision map or approved instrument prior to request for certificate of occupancy.
- E21. **Easement.** Dedicate sidewalk easements along the project frontage where public sidewalks extend into private property. Sidewalk easements are to be 1' behind proposed back of walk where there is landscaping behind sidewalk. Sidewalk easement where hardscape is behind sidewalk is to be at back-of-walk. Cold joint is required between public sidewalk and private hardscape.
- E22. **Agreement.** Execute easement/right-of-way encroachment agreement for proposed private utilities within public easements/right-of-way. Record release of interest for easement/right-of-way encroachment agreements when no longer needed.
- E23. **Agreement.** Execute release of interest for public right-of-way encroachment agreements and remove PVC conduits crossing Democracy Way (SC 15,643) and Patrick Henry Drive (SC 15,727).
- E24. **Agreement.** If requested, owner or designee shall prepare and submit for City approval a maintenance plan for all sidewalk, curb and gutter, landscaping and irrigation system improvements installed within the public right-of-way prior to encroachment permit issuance. Such plan shall include at a minimum, maintenance requirements for trees and shrubs, in acknowledgement of developer's/property owner's obligation under Chapter 12.30 and 17.15.
- E25. **Encroachment Permit.** Pavement treatment for portions of roadway frontage with proposed utility work prior to parcel development construction shall be slurry sealed with digouts in the interim. Final pavement treatment shall be per condition E26 below.
- E26. **Encroachment Permit.** In conjunction with installation of off-site improvements, the entire width of Old Ironsides Drive and Patrick Henry Drive, and half width of Tasman Drive shall be 2" grind and overlay with dig outs.
- E27. **Encroachment Permit.** Applicant is required to implement all recommendations as identified in the TIA.
- E28. **Encroachment Permit.** Replace all street signs and curb markings along the project frontage.
- E29. **Encroachment Permit.** Implement Pedestrian Master Plan Policy 2.A.3, 2.A.4, and 2.C.3: At the Tasman/Patrick Henry intersection, modify traffic signal by replacing existing Type 1 poles with Type 15TS poles (northwest, southeast, and southwest corners) and reduce curb radius on southeast corner of the intersection to 25' or mutually agreed upon radius to support turning movements (SE corner of the intersection is part of Kylli's project frontage). Modify intersection striping to install setback stop lines on all approaches.
- E30. **Encroachment Permit.** Implement Pedestrian Master Plan Policy 2.A.3, 2.A.4, and 2.C.3: At the Tasman/Old Ironsides intersection, modify traffic signal by: replacing existing Type 1 pole with Type 15TS pole (northwest, southeast, northeast, and southwest corners) and reduce curb radius on southwest corner of the intersection to 25' or mutually agreed upon radius to support turning movements (SW corner of the intersection is part of Kylli's project frontage). Modify intersection striping to install setback stop lines on all approaches.
- E31. **Encroachment Permit.** Implement Pedestrian Master Plan Policy 2.A.3, 2.A.4, and 2.C.3: Upon approval by SFPUC, at the Great America/Old Glory intersection, modify traffic

signal at southwest corner by replacing existing Type 1 pole with Type 15TS pole. Should SFPUC not approve any work within the southwest corner of the intersection, an equivalent improvement shall be provided to the City to the satisfaction of the City Engineer. In seeking SFPUC approval, the City will cooperate with the applicant to submit and process any SFPUC application for this work. The applicant will make commercially reasonable efforts to obtain SFPUC approval, but if the process takes more than a year from application submittal, applicant and City will meet and confer to determine the likelihood of success in the City Engineer's reasonable discretion.

- E32. **Encroachment Permit.** Design and construct minimum 5-foot sidewalks along Patrick Henry Drive, Tasman Drive, and Old Ironsides Drive.
- E33. **Encroachment Permit.** Install bike friendly storm drain inlet grates on Patrick Henry Drive, Tasman Drive, and Old Ironsides Drive.
- E34. **Encroachment Permit.** All new driveways shall use City Standard Detail ST-8.
- E35. **Encroachment Permit.** All new intersections shall construction curb returns with minimum 25-foot curb radius and Case A curb ramp per Caltrans Standard Plan A88A per Pedestrian Master Plan Policy 2.A.4.
- E36. **Encroachment Permit.** Provide lighting on private roads to meet or exceed latest American National Standard Institute (ANSI)/Illuminating Engineering Society (IES) standards per the Pedestrian Master Plan.
- E37. **Encroachment Permit.** All new driveways and intersections must comply with City's driveway triangle of safety requirements per City Standard Detail TR-9
- E38. **Encroachment Permit.** On-street parking shall not be counted toward on-site parking requirements.
- E39. **Encroachment Permit.** Applicant shall implement any improvements identified by VTA related to existing bus stops at three existing bus stops along the project frontage on Tasman Drive, Old Ironsides Drive, and Patrick Henry Drive.
- E40. **Encroachment Permit.** Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk.
- E41. **Encroachment Permit.** All traffic striping, messages and symbols shall be thermoplastic.
- E42. **Encroachment Permit.** The project shall construct a 30-foot multi-purpose trail on the southern boundary of the project site between Patrick Henry Drive and Old Ironsides Drive. The trail shall include an approximately 12-foot landscape area on the north side of the trail. The trail shall include a 16-foot paved pathway with 2-foot shoulders. The trail shall include pedestrian-scale lighting to meet or exceed latest American National Standard Institute (ANSI)/Illuminating Engineering Society (IES) standards per the Pedestrian Master Plan.
- E43. **Encroachment Permit.** On the east side of Patrick Henry Drive, between the future on-site multi-purpose trail and the future crosswalk and beacon on Patrick Henry Drive identified in the Patrick Henry Drive Specific Plan, construct an approximately 10-foot wide multi-purpose trail connection. Any deviation from the design shall be subject to approval by City Engineer. Should SFPUC not approve any work within Hetch-Hetchy right of way, applicant shall be responsible for constructing reasonable equivalent improvements in coordination with the City, to the satisfaction of the City Engineer. In seeking SFPUC approval, the City will cooperate with the applicant to submit and process any SFPUC

application for this work. The applicant will make commercially reasonable efforts to obtain SFPUC approval, but if the process takes more than a year from application submittal, applicant and City will meet and confer to determine the likelihood of success in the City Engineer's reasonable discretion. The cost of these improvements (including the actual and reasonable costs to process SFPUC approval) will be credited towards traffic fair share line item #25, "Hetch Hetchy trail (between Guadalupe River Pkwy & Great America Pkwy & between Patrick Henry Dr & Calabazas Creek Trail)".

- E44. **Encroachment Permit.** Upon approval by SFPUC, on Old Glory Lane, between Old Ironsides Drive and Great America Parkway, construct an approximately 16-foot wide multi-purpose trail on the south side of the roadway on City right-of-way to connect the new multi-purpose trail on Kylli development to Great America Parkway. Any deviation from the design shall be subject to approval by City Engineer. The center median must be removed and reconstructed. Should SFPUC not approve any work within Hetch-Hetchy right of way, applicant shall be responsible for constructing equivalent improvements in coordination with the City, to the satisfaction of the City Engineer. In seeking SFPUC approval, the City will cooperate with the applicant to submit and process any SFPUC application for this work. The applicant will make commercially reasonable efforts to obtain SFPUC approval, but if the process takes more than a year from application submittal, applicant and City will meet and confer to determine the likelihood of success in the City Engineer's reasonable discretion. The cost of these improvements (including the actual and reasonable costs to process SFPUC approval) will be credited towards traffic fair share line item #25, "Hetch Hetchy trail (between Guadalupe River Pkwy & Great America Pkwy & between Patrick Henry Dr & Calabazas Creek Trail)".
- E45. **Encroachment Permit.** On Tasman Drive, between City limits and Great America Parkway, restripe each direction of travel to include a minimum of a 5-foot Class II bike lane and two 11-foot vehicle lanes, any deviations subject to approval by City Engineer.
- E46. **Encroachment Permit.** On Patrick Henry Drive, between Tasman Drive and the Patrick Henry Specific Plan boundary, construct a protected Class IV bike lane with bollards with two 8-foot bike lanes, two 10-foot vehicle lanes, and a 12-foot center two-way left turn lane to match the cross section within the approved Patrick Henry Drive Specific Plan. Any deviations to be approved by City Engineer.
- E47. **Encroachment Permit.** On Old Ironsides Drive, between Tasman Drive and Old Glory Lane, construct a parking protected Class IV bike lane with two 8-foot bike lanes, two 10-foot vehicle lanes, and a 12-foot center two-way left turn lane to match the cross section within the approved Patrick Henry Drive Specific Plan. Any deviations to be approved by City Engineer.
- E48. **Encroachment Permit.** Residential and Non-residential Class I bicycle parking spaces and Class II bicycle parking spaces shall be provided per the requirements in the adopted Santa Clara Zoning Code Update. Bicycle parking, as defined in Santa Clara Municipal Code 18.74.075, shall be conveniently accessible from the street, within 200 feet of a building entrance and/or highly visible area.

STREETS DIVISION

General Condition: The Streets Division deems the Rezone and General Plan Amendment complete, however, the Streets Division will need to review and approve the architectural review for these individual projects to ensure that they meet right-of-way landscape, solid waste and stormwater requirements. The plans provided for the rezone and GPA only included overall conceptual plans, which is not enough detail for Streets to provide an appropriate review.

Right of Way Landscape

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- L1. Include [City of Santa Clara Tree Preservation/City Arborist specifications](#) on all improvement plans.
- L2. Identify existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- L3. 2:1 tree replacement ratio required for all trees removed from site.

DURING CONSTRUCTION OR OPERATION

- L4. No cutting of any part of **public**, including roots, shall be done without securing prior approval of the City Arborist. Tree trimming/removal shall be done in accordance to the City of Santa Clara Tree Preservation/City Arborist specifications and with direct supervision of a certified arborist (Certification of International Society of Arboriculture).

PRIOR TO FINAL OF BUILDING PERMIT

- L5. If 2:1 replacement ratio cannot be met for removal of right of way landscape trees, tree planting fee must be paid prior to building permit final.

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- SW1. The applicant shall complete and provide the Post-Construction Solid Waste Generation Estimation and Collection Form, which includes the estimation of trash and recycling materials generated from the project. Use the City's Solid Waste Guidelines for New and Redevelopment Projects as specified by the development type. Contact the Public Works Department at Environment@SantaClaraCA.gov or (408) 615-3080 for more information.
- SW2. The applicant shall provide a site plan showing all proposed locations of solid waste containers, chutes, compactors, trash enclosures and trash staging areas. The site plan shall show the route or access for trash and recycling collectors (trucks) including vertical clearance, turning radius and street/alley widths. All plans shall comply with the City's Solid Waste Guidelines. Solid metal roof, gates and a trench drain shall be installed within the trash enclosure and connected to the on-site sewer system.
- SW3. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management

Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.

- SW4. This project is subject to the City's Accumulation, Transportation and Disposal of Solid Waste Ordinance (Chapter 8.25 of the Municipal Codes), which requires the handling and disposal of waste by authorized service haulers. Insert the General Notes for the Construction & Demolition (C&D) Waste Management into construction plans in accordance with the City's municipal codes prior to the issuance of a Building or Grading permit. Provide the Green Halo waste online tracking number to Building staff prior to the issuance of a demolition or building permit.
- SW5. Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant is required to use the City's exclusive franchise hauler and rate structure for any hired debris boxes. Prior to the issuance of a Public Works clearance, the project applicant shall complete and sign the Construction and Demolition (C&D) / Waste Management Rules and Regulations Form.

DURING CONSTRUCTION OR OPERATION

- SW6. Applicant to track all waste generated and upload debris tags to GreenHalo for City staff review.

PRIOR TO FINAL OF BUILDING PERMIT

- SW7. Prior to obtaining a Temporary or Final Certificate of Occupancy, individual weight tickets for all materials generated for discard or reuse by the project during demolition and construction activities shall be uploaded to Green Halo and submitted for review and approval by Environmental Services. At a minimum two (2) weeks review time is required.

Stormwater

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- ST1. Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, the Special Project Narratives and Worksheet (as appropriate), and an Erosion and Sediment Control Plan.
- ST2. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter (on design) shall be submitted with the Plan.
- ST3. For project that disturbs a land area of one acre or more, the applicant shall provide a copy of the Notice of Intent (NOI) with WDID number for coverage under the State Construction General Permit. Active projects with NOI will be inspected by the City once per month during the wet season (October – April).

- ST4. The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans. Include the SCVURPPP Countywide Construction BMPs Plan Sheet with the plans. Applicant to add Source control measures with designations from C.3 stormwater handbook, Appendix H.
- ST5. Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST 6. Include C.3 Stormwater Treatment Facilities Construction general notes on the improvement plans.
- ST7. Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST8. For single-family homes and other small projects that create and/or replace 2,500 – 10,000 square feet of impervious surface area, the applicant shall implement at least one of the following site design measures:
- a. Direction of roof runoff into cisterns or rain barrels
 - b. Direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas
 - c. Construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces
- Plans shall specify which site design measures are selected for the project and show the direction of flow from impervious surfaces to the selected site design measures. All measures shall meet the design criteria in the 2016 C.3. Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects.
- ST9. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST11. The use of architectural copper is prohibited.

DURING CONSTRUCTION OR OPERATION

- ST12. Applicant shall install biotreatment soil media that meets the minimum specifications as set forth in the SCVURPPP C.3 Stormwater Handbook. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix (the date of such document shall not be older than 3 months).
- ST13. Stormwater treatment facilities must be designed, installed, and maintained to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C).

- ST14. Any site design measures used to reduce the size of stormwater treatment measures shall not be installed for the project without the written approval from the City, installing the corresponding resizing of other stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST15. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST16. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.

PRIOR TO FINAL OF BUILDING PERMIT

- ST17. As-Built drawing shall be submitted to the Public Works Department.
- ST18. Applicant shall schedule and City shall conduct a final C.3 inspection.
- ST10. Permeable Pavement, Media Filter vaults, Interceptor Trees and Trash Full Capture Devices shall be inspected by a third-party reviewer and/or manufacturer representative for conformance with the details and specifications. If necessary, percolation test shall be performed to ensure proper installation. A map displaying the number, location and details of full trash capture devices shall be prepared as an attachment to the Operations and Maintenance (O&M) Agreement with the City.
- ST11. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures and full trash capture devices in perpetuity. Applicants should contact Public Works Dept. - Environmental Services at (408) 615-3080 or Street@SantaClaraCA.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>. Inspection of permeable pavement, media filter vaults and full trash capture devices is to be done annually by December 31 of each year.

SILICON VALLEY POWER

- SVP1. Maximum substation size shall not exceed 225 feet (long) x 120 feet (wide). Final dimensions are to be finalized as part of the detailed design efforts.
- SVP2. Project Electric Load less than or equal to 2.5 MVA
Developer shall only be required to comply with this Part I of these Silicon Valley Power (SVP or Silicon Valley Power) conditions of approval; provided the projected electric load of the all phases of the project do not cumulatively exceed 2.5 MVA (as determined by Silicon Valley Power) ("2.5 MVA Threshold"). Silicon Valley Power will make the 2.5 MVA available for Developer's use at the project site only after Silicon Valley Power has reasonably determined the condition of approval of this Part I have been met. This 2.5 MVA will be subject to the conditions of approval of Part II (including, but not limited to, additional analysis under a transmission system impact study and any new conditions resulting from that study) when projected electric load of the project (as determined by Silicon Valley Power) exceeds the 2.5 MVA Threshold.

So long as Developer's project is at or below the 2.5 MVA Threshold, Developer shall comply with all condition of approval of Part II, except for the following: EL1, EL2, EL15 and EL43. For this Part I only, EL 27 is amended that condition is amended to read as following: "Developer shall pay all Developer fees per the City of Santa Clara's Municipal fee schedule for Electric fees."

SVP3. Project Electric Load greater than 2.5 MVA

Developer shall comply with Part II of these Silicon Valley Power conditions of approval when the projected electric load of the project (as determined by Silicon Valley Power) exceeds the 2.5 MVA Threshold. Silicon Valley Power will make electric power available for Developer's use at the project site only after Silicon Valley Power has reasonably determined the condition of approvals of this Part II have been met.

The amount and ramp rate will be set forth in a substation agreement or, if not applicable, a system impact study [Transmission and/or Distribution System] or such other study required by SVP.

Developer may seek an amendment of these conditions of approval when any of phase of the Project requires to undergo the City's architectural review process; however, no amendment shall be authorized by the City without (1) the completion of a new system impact study[Transmission and/or Distribution System] (2) compliance with any additional SVP requirements as may be applicable at that time) for the applicable phase; and (2) SVP's written approval. Any SVP-approved revisions of these conditions of approval will be based on the new system impact study [Transmission and/or Distribution System] and any other SVP requirements.

- SVP4. Maximum substation size shall not exceed 225 feet (long) x 120 feet (wide). Final dimensions (within the maximum) are to be finalized as part of the detailed design efforts.
- SVP5. Maximum substation parcel must be the final building dimensions plus a minimum of the 30 feet set back from the property line from the public ROW. All other property lines will have a 0' setback.
- SVP6. Silicon Valley Power (SVP) design of distribution trenches around the site may require additional manholes for cable pulling. Trenches require 5' clearance on each side of the trench and the clearance/easement area cannot overlap with any bioretention areas, building foundations, trees, other utilities, etc.
- SVP7. SVP design of services for each phase of the project will require an additional switch vault for any additional services. Each 12KV service can be loaded up to a maximum of 4.5MVA. The Applicant is to provide detailed demand loading for each phase/building to confirm the number of electric services required.
- SVP8. SVP 12KV services cannot be paralleled and each service will require Applicant owned switchgear. Switchgear requires 10' clearance on the side of cable termination with 18' wide drive-up access from the nearest road. 5' clearance is required on all other sides of the gear.
- SVP9. Applicant owned 12KV switchgear cannot be located inside the building unless otherwise approved by SVP management in writing.

- SVP10. All SVP facilities should be 5' clear of trees and per SD1235. The more stringent shall apply.
- SVP11. All streetlighting, low voltage & fiber conduits, pull boxes, & foundations shall be designed during the detail design phase.
- SVP12. Applicant shall install a new distribution trench at its sole cost and expense along Tasman Drive if the existing SVP trench conflicts with the newly proposed improvements. SVP shall relocate the existing wires to the new trench prior to abandoning the existing facilities. Once the existing facilities are abandoned the Applicant may install the newly proposed improvements and/or remove the abandoned SVP facilities.
- SVP13. SVP distribution lines will require connection to existing infrastructure. Final design to be established during building permits.
- SVP14. Applicant shall provide a thermal backfill for heat dissipation around SVP conduits around the site. The necessity of a thermal backfill and the specific backfill material shall be determined during the design phase.
- SVP15. Distribution site design (downstream of substation 12KV switchgear) assumes standard SVP substructure & SVP owned equipment specifications will be used for the project. If SVP determines site conditions do not allow for standard substructure and equipment to be utilized, Applicant shall work with SVP to design and place non-standard substructure. Applicant shall be responsible for additional costs in material procurement for material provided and installed by SVP, which will be recovered from Applicant through fees determined at the building permit stage, if applicable. Standard substructure is defined in UG1000 standard. Standard material for SVP that may be affected includes cable sizes (standard sized are: 1100AL 15KV Triplex & 1/0 AL 15KV Triplex Cable).
- SVP16. Bio-retention areas cannot be in front of the substation parcel or within any SVP easements.
- SVP17. Unless expressly stated otherwise or covered by a fee to be paid by Applicant, Applicant shall be responsible for all costs and expenses associated with fulfilling these conditions of approval.
- SVP18. Parking or additional occupied (storage, retail, residential, etc.) space shall not be placed above or below the substation. Alternative use of roof for additional green space may be allowed.
- SVP19. Clearances: (Make sure job notes do not conflict with SVP clearance requirements). Design deviations from stated clearances must be approved in advance by SVP in writing.

a. EQUIPMENT

- i. Ten (10) foot minimum clearance is required in front of equipment access doors. (UG1000 sheet 11)
- ii. Five (5) foot minimum clearance from pad is required on sides without equipment access doors. (UG1000 sheet 11)
- iii. Eighteen (18) foot minimum width shall be provided and maintained on one side of the equipment pad to allow an electric dept. line truck to drive up next to the pad for installation and maintenance of equipment. (UG1000 Sheet 11).
- iv. Barrier pipes are required only on sides accessible to vehicles. (UG1000 Sheet 12).
 1. Thirty (30) inches from side of equipment sides.
 2. Forty-Eight (48) inches in front of access doors.
 - a. Barrier Pipes in front of access doors shall be removable.

b. CONDUITS

- i. Five (5) foot minimum longitudinal clearance between new conduits or piping systems (open trench installation) and any existing or proposed SVP conduit system. This is for longitudinal. (UG1250 sheet 5)
 - ii. Twelve (12) inch minimum vertical clearance between new conduit/pipes installed perpendicular to existing SVP conduits for open trench installations. (UG1000 sheet 36, UG1250 Sheet 6)
 - iii. Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)
 - iv. Three (3) foot minimum clearance is required between signposts, barrier pipes or bollards, fence posts, and other similar structures. (UG1250 sheet 10).
 - v. Five (5) foot minimum from new splice boxes, pull boxes, manholes, vaults, or similar subsurface facilities. (UG1000 sheet 8)
 - vi. 60 kV Transmission Lines are to be placed in a separate trench than 12kV or below
 - vii. Five (5) foot minimum clearance from walls, footings, retaining wall, landscape planter, tree root barrier or other subsurface wall or structure. (UG1250 sheet 9).
 - viii. Five (5) foot minimum clearance is required between fire hydrant thrust block. The thrust block extends 5' foot on either side of the fire hydrant in line with the radial water pipe connected to the hydrant.
 - c. VAULTS/MANHOLES
 - i. Ten (10) foot minimum clearance is required between adjacent Vaults or Manholes.
 - ii. Five (5) foot minimum clearance is required between adjacent conduits.
 - iii. Minimum 36" from face of curb, or bollards required.
 - iv. 60kV transmission Lines are to be placed in separate manholes than the 12kV lines
 - d. Poles (Electrolier, Guy Stub poles, service clearance poles, self-supporting steel poles and lighting poles.)
 - i. Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)
 - e. Guy Anchors
 - i. Five (5) foot minimum clearance is required between center of anchor line and any excavation area. (UG1250 sheet 15).
 - f. Trees
 - i. OH 1230 for Overhead Lines
 - ii. SD 1235 for Tree Planting Requirements near UG Electric Facilities
 - iii. Trees or Bushes are not to be planted over 60kV transmission line trenches
- SVP20. Applicant shall comply with the following SVP standards (as may be amended or supplemented).
- a. Installation of Underground Substructures by Developers
 - b. UG1250 – Encroachment Permit Clearances from Electric Facilities
 - c. UG0339 – Remote Switch Pad
 - d. OH1230 – Tree Clearances From Overhead Electric Lines
 - e. SD1235 – Tree Planting Requirements Near Underground Electric Facilities
 - f. UG1225 – Pad mounted Equipment Clearances
- SVP21. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210. Applicant to provide and install electrical substructure as defined on

- SVP developer work drawings for parcel frontage improvements & service requirements for each building/parcel.
- SVP22. Electric service shall be underground as required by SVP. See Electric Department Rules and Regulations for available services.
- SVP23. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- SVP24. Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- SVP25. The developer shall grant to the City, without cost, all easements and/or right of way necessary for the provision of electric service to the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110) as generally shown on the Vesting Tentative Map.
- SVP26. If the “legal description” (not “marketing description”) of the units is condominium or apartment, then all electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside for SVP’s 24/7 emergency access. If they are townhomes or single-family residences, then each unit shall have it’s own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed. Please refer to SVP rules and regulations section 9.A.6 “Meter Locations.” Any deviations may be submitted to SVP for review & approval.
- SVP27. If transformer pads are required, SVP requires an area of 17’ x 16’-2”, which is clear of all utilities, trees, walls, etc. This area includes a 5’-0” area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8’-0” apron to a 3’-0”, providing the apron is back of a 5’-0” min. wide sidewalk. Transformer pad must be a minimum of 10’-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- SVP28. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed SVP facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE’s or electric easements.
- SVP29. Any relocation of existing electric facilities shall be at Developer’s sole costs and expense.
- SVP30. Applicant shall pay all Applicant fees per the City of Santa Clara’s Municipal fee schedule for Electric fees. These fees are separate from any costs that are charged as part of the Substation Agreement.
- SVP31. The Applicant shall perform, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the Applicant will dedicate the improvement to the City subject to City’s acceptance the work. The Applicant shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect Applicant to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers,

- meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- SVP32. Applicant shall comply with all applicable SVP rules, regulations, guidelines, and requirements, as may be amended from time to time.
- SVP33. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP.
- SVP34. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing have been completed & signed off on by SVP.
- SVP35. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publicly owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details. Applicant shall provide SVP all U.G.E.E. required to cover all existing and new proposed facilities on the Applicant's project site.
- SVP36. Proper clearance must be maintained from all SVP facilities in accordance with all applicable requirements, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- SVP37. Developer shall only locate transformer and switch devices outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
- SVP38. All existing SVP facilities, onsite or offsite, are to remain unless noted on an SVP's developer works drawing. It is the Developers' responsibility to maintain all clearances from equipment and easements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.
- SVP39. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.
- SVP40. All interior meter rooms at ground level are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
- SVP41. Applicant shall comply with the requirements, as amended, for High-rise Metering and Multi-Floor Infrastructure requirements where applicable, including,
a. Refer to UG0250 – High Density Residential Metering Requirements
b. Refer to FO-1901 – Fiber Optic Splicing and Testing Methods
- SVP42. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka "real dirt"), and cannot be supported on parking garage ceilings or placed on top of structures.
- SVP43. Notwithstanding SVP39, as determined by SVP in its sole discretion, if the SVP facilities and conduit systems are absolutely required to be on the podium or street above any Project building(s), Applicant shall meet SVP's design and installation

requirements and standards (as determined by SVP) and pay all related costs, including, without limitation, the cost of conducting a study and future maintenance costs. Applicant's share of the cost of maintenance of those facilities shall be determined by the study.

- SVP44. Any proposed improvement that does not meet the requirement of the current SVP standard shall be reviewed and approved by SVP in advance in writing. Applicant shall be responsible for any cost associated with non-SVP standard equipment, including, but not limited to, design reviews, study, standard preparations, and testing. Applicant's share of the cost of maintenance of those facilities shall be determined by the study.
- SVP45. Applicant shall contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal.
- SVP46. Developer's proposed project requires a new electric distribution substation to serve Applicant's load and transmission system improvements.
- a. Applicant must enter into a Substation Agreement (in a such form and content required by SVP) with SVP for such substation no earlier than Developer, (1) receiving full entitlements from the City, including but not limited to a completed CEQA; (2) CAISO approval of projects required to serve Developer's project load; and (3) City Council adopted projects required to serve Developer's project load. This Substation Agreement shall have such terms and conditions as SVP may require and shall set forth Applicant's obligations with respect to supplying Applicant with initial interim electric power and then with permanent capacity and transmission infrastructure for the projects, including, without limitation, Applicant's payment of any applicable fees, costs, and expenses associated with Applicant's project.
 - i. These conditions of approval do not commit the City to (1) serve Developer's electric load or (2) allocate any capacity to Developer.
 - b. Applicant shall coordinate and cooperate with City for the design, procurement, and construction of the substation; provided that, Applicant shall be responsible for all costs and expenses to the extent set forth in the Substation Agreement. City shall have no obligation to undertake the design, procurement, and construction of the substation prior to the execution of the Substation Agreement, Funding Agreement, and completion of such other SVP requirements.
 - c. Applicant shall (1) coordinate with SVP to design and construct and fund (a) a transmission line extension to connect the new substation with SVP's transmission system; (b) the reconductoring of the existing underground 60kV loop and associated facilities from San Tomas Aquino Creek to Mission Substation as specified in the Substation Agreement; and (2) comply with such other requirements in the applicable Transmission System Impact Study.
 - d. Upon their completion, SVP shall own, operate and maintain all City-owned Substation Facilities and Transmission Facilities, and all equipment therein.
 - e. Applicant convey in fee any and all property for substation site and all easements and other property rights necessary to construct, complete, operate and maintain the Substation Facilities.
 - f. Applicant is responsible for costs outlined in the Substation Agreement related to transmission facility extensions to service the substation facility.
 - g. SVP has performed an Interconnection Study (i.e, System Impact Study) to assess requirements of interconnection for the project. SVP may require an additional study as necessary. Requirements will consist of the following;
 - i. The System capacity of SVP's electric transmission system require the following mitigation measures.

1. A portion of the existing NRS to Mission Transmission Line is to be reconducted to allow an initial load ramp up to 9MVA for the electric load of Applicant's project. The 9 MVA is solely to serve the electric load of Applicant's project and does not otherwise run with the land. The 9 MVA is subject to a ramp rate and reduction as set forth in the Substation Agreement.
2. The Applicant's project shall not have an electric load beyond 9MVA, unless an extensive transmission system rebalancing project, tentatively referred to as "Loop 1" is completed. SVP has no obligation to undertake or pay for Loop 1.
3. In the event SVP determines, in its sole and absolute discretion, to undertake Loop 1 Project and Applicant desires additional electric capacity beyond 9MVA, Applicant will be responsible for a portion of the costs of the Loop 1 transmission system improvements; provided the Applicant executes a funding commitment agreement in such form and substance required by SVP.
4. Applicant will have the option to fully fund Loop 1 to accommodate Applicant's schedule.
 - ii. Determine when to include Applicant load ramp in SVP's load forecast to the California Energy Commission (CEC).
 - iii. Determine when Applicant will be allowed to energize facilities, and allowed ramp schedule.
- h. Applicant has entered into a Funding Agreement with the City to fund pre-design work of the substation. The primary deliverable of the pre-design work was "Democracy Substation Feasibility Study." Upon approval Project entitlements and execution of a Substation Agreement, this will serve as a basis for the design of the substation and transmission line extension. The purpose of the Funding Agreement was for pre-design work only and is not in any way an endorsement of the project receiving entitlements from the City.

WATER & SEWER DEPARTMENT

- W1. Recycled Water Use: Pursuant to Chapter 13.15, Water, Article IV. Regulation of Recycled Water Service and Use, of the Municipal Code, the project is required to use recycled water for all non-potable uses where recycled water is made available and where provided for by Recycled Water regulations. This project is required to extend and connect to the City's existing Recycled Water System.
- W2. Potable Water Redundancy: For all onsite industrial water use that requires uninterrupted service, the project shall provide a potable water back-up supply source that complies with all recycled water separation requirements.
- W3. Recycled Water Design: Each Recycled Water land use (irrigation, dual-plumbing, cooling system, industrial processes, etc.) shall have a separate metered service connection to the main. Applicant shall verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.
- W4. Onsite Recycled Water Review: The applicant shall submit all completed SBWR Proposed Use Request Applications to the Compliance Division of Water and Sewer Utilities at watercompliance@santaclaraca.gov for review and approval. All on-site recycled water plans shall be reviewed, approved, and signed by the City of Santa Clara, SBWR, and Department of Drinking Water. All three entities must individually review and approve a plan set for Final Approval. Contact the Compliance Division of Water and Sewer Utilities via email or by phone at (408) 615-2002 for more information

- W5. On-site Recycled Water Construction: Construction and installation of all on-site recycled water system equipment shall not begin until the Compliance Division of Water and Sewer Utilities has approved the on-site recycled water design. Please note on-site designs are generally not the same as the Building Permit plans. On-site recycled water plans require SBWR and California State Water Resources Control Board, Division of Drinking Water signatures for final approval.
- W6. On-site Recycled Water Inspection: Inspections are required at all on-site recycled water systems being installed prior to backfilling trenches or cover in walls and ceilings. Request a recycled water inspection by email watercompliance@santaclaraca.gov or call (408) 615-2002. Please provide the site location, SBWR project ID, and date and time preferences. These inspections are in addition to the Building Permit inspections.
- a. Need to verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.
- W7. Recycled Water Main: The project shall replace all existing recycled water mains with new 12" DIP recycled water mains in all streets within or adjacent to the project site.
- W8. Potable Water Main: The applicant shall replace all the existing water mains with new 12" DIP pipe water main in all streets within and adjacent to the project site.
- W9. Encroachment Permit: Prior to issuance of Building Permits, the applicant shall submit an encroachment permit application and design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition, prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.
- W10. Utility Design Plans: Utility Design Plans shall indicate the pipe material and the size of existing water, recycled water and sewer main(s). The plans shall show the nearest existing fire hydrant and the two nearest existing water main line gate valves near the project area. The plans shall show meter and backflow configurations to scale and per City of Santa Clara Water & Sewer Utilities Standard Details. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present; two feet behind face of curb if no sidewalk is present, per City Std Detail 18. The plans shall provide the profile section details for utilities crossing water, sewer, or recycled water mains to ensure a 12" minimum vertical clearance is maintained.
- W11. Utility Separations: Applicant shall adhere to and provide a note indicating that all horizontal and vertical clearances comply with State and local regulations. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas and electric utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities). No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer, potable water and/or recycled water utilities and easements.
- W12. Separate Services: Applicant shall submit plans showing proposed water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-

way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water and recycled water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on existing fire service line(s) is prohibited. Approved backflow prevention device(s) are required on all potable water services.

- W13. City Standard Meters and Backflows: All proposed meters and backflows for all water services shall meet the current City of Santa Clara Water & Sewer Utilities Standard Details. Plans shall show meter and backflow configurations to scale.
- W14. Existing Services: The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project. The applicant shall bear the cost of any relocation or abandonment of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.
- W15. On-Site Storm Drain Treatment: Prior to issuance of Building Permit, the applicant shall submit plans showing any onsite storm water treatment system. The plan shall include a section detail of the treatment system. No water, sewer, or recycled water facilities shall be located within 5-feet of any storm water treatment system.
- W16. Water Usage: Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned, and new separate dedicated water services shall be provided for each use (domestic and irrigation).
- W17. Landscaping: All the landscaping for the project shall comply with the California Water Conservation in Landscaping Act, Government Code Section 65591 et. seq. All plants shall be either California native or non-invasive, low water-using or moderate water-using plants. High water-using plants and nonfunctional turf are prohibited.
- W18. Prior to issuance of Building Permits, the applicant shall submit plan details for all water features (including but not limited to fountains and ponds) designed to include provisions for operating the system without City potable water supply and capable of being physically disconnected from source of potable water supply during City declared water conservation periods, to the satisfaction of the Director of the Water & Sewer Utilities. Decorative water features may be permanently connected to the City's recycled water supply.
- W19. Easements: Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.
- W20. Underground Fire Permit: Prior to issuance of Building Permits, applicant shall submit an underground fire permit unless otherwise waived by the Fire Department. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408)615-2000. A dedicated fire service line, with an approved backflow prevention device, shall be used for on-site fire hydrants. Fire service lines required for commercial and industrial use shall be sized appropriately per fire flow demand and code requirements.

- W21. Record Drawings: Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities Department.
- W22. Water Shortage Response Actions: Pursuant to the City of Santa Clara's Urban Water Management Plan, during times of drought or water shortage, the City implements water shortage response actions in accordance with the level of water shortage declared. All construction activities and all new irrigation connections are subject to the Water Shortage Response Actions in effect at the time of construction and connection of the irrigation service.

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

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

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

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature: _____

Printed Name: _____

Relationship to Property: _____

Date: _____

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

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONING FROM HIGH-INTENSITY OFFICE/RESEARCH AND DEVELOPMENT (HO-RD) TO PLANNED DEVELOPMENT (PD) TO ALLOW A MIXED-USE DEVELOPMENT LOCATED AT 4995 PATRICK HENRY DRIVE AND 3005 DEMOCRACY WAY, SANTA CLARA

PLN2018-13400 (Rezone)

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly-owned subsidiary Innovation Commons Owner, LLC (“Owner”) made an application for a General Plan Amendment (“GPA”) in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Owner subsequently applied for a Planned Development (“PD”) Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (“R&D”), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; a Vesting Tentative Subdivision Map to subdivide the property into five lots with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, along with the GPA, the “Project”);

WHEREAS, a rezone of the property to PD is required to allow creative development standards for site and building design, that are not otherwise allowed in standard zoning districts, to construct the proposed mixed-use development;

WHEREAS, in conformance with CEQA, the Environmental Impact Report (“EIR”) prepared for the Project was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024;

WHEREAS, in addition to the Project, the EIR studied the Reduced Office/Increased Housing Alternative, which assumed the development of 800 multi-family housing units in Area C (for a total of up to 2,600 housing units for the entire Project) instead of approximately 789,000 gsf of office/R&D space, but otherwise maintained all other land use and developments assumptions of the Project.

WHEREAS, the City prepared a Final Environmental Impact Report (“FEIR”), including Attachment 3 to the FEIR analyzing the Office/R&D – Residential Flex option for the Planned Development zoning, which would permit development of up to 800 additional residential units in Area C (for a total of 2,600 units for the Project), or a mix of residential and office/R&D uses in Area C, with a corresponding reduction in square footage of office/R&D uses and a proportional increase in deed-restricted affordable residential units in Area C (“Revised Project”), as shown in Exhibit “PD Development Plans: Revised Project” to Resolution No. ;

WHEREAS, Santa Clara City Code (“SCCC”) Section 18.142.040 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, notice of the October 9, 2024 public hearing on the proposed Development Agreement was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on September 26, 2024, notices of the October 9, 2024 public hearing to consider the EIR mailed to all property owners within one quarter mile of the property, according to the most recent Assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing and then immediately voted to continue the hearing to October 23, 2024; and **WHEREAS**, on October 23, 2024 the Planning Commission conducted a duly-noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor's roll;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the proposed rezoning and related applications, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby recommends that the City Council rezone the Project Site from High-Intensity Office/Research and Development ("HO-RD") to Planned Development ("PD") to allow the development of the Revised Project, as shown on the attached PD Development Plans for the Revised Project and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein by this reference.
3. Pursuant to SCCC Section 18.142.040, the Planning Commission determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable, in that the existing zoning for the Project Site does not allow for mixed-use development. A PD zoning of the Project Site to allow mixed-use development would implement the General Plan's Land Use and Housing goals and policies to provide housing in proximity to existing residential, neighborhood and community commercial uses, support services, local and regional transit facilities, outdoor open space and recreation areas.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area, in that the Project would redevelop underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City's Housing Goals and assist the City in achieving Regional Housing Needs Allocation ("RHNA") targets for production of affordable housing units as mandated by the State, and in accordance with the City's Affordable Housing ordinance.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change would allow for high density mixed-use development, public parkland, private open space, and community use. Construction of the Revised Project would contribute to the City's housing inventory and would assist in production of housing units to achieve RHNA targets as mandated by the State.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts, in that the proposed zone change would allow flexibility in the development standards such as increased building height and reduced building setbacks, in order to provide high density uses with private and rooftop common open space, and also provide community uses.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, EIR and MMRP, the Planning Commission hereby recommends that the City Council rezone the Project Site to allow redevelopment of the 48.6 acre site with up to 4,913,000 gross

square feet of new development, including up to 2,600 units (up to 1,800 units in area D, approximately __ million square feet of residential uses), and up to 800 units in Area C with corresponding reduction in office/R&D uses in Area C), up to three million square feet of office/research-and-development (R&D), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities, as shown on the attached PD Development Plans for the Revised Project and conditioned as specified in the attached Conditions of Rezoning Approval for the Revised Project.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON 6TH DAY OF NOVEMBER 2024 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. Rezone Conditions of Approval - Revised Project
2. PD Development Plans - Revised Project

ATTEST: _____
REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Conditions of Planned Development Rezoning Approval (Option B – Revised Project)

PLN2018-13400 / 4995 Patrick Henry Drive and 3005 Democracy Way

Project Description: Planned Development Rezoning Rezone to PD, and Architectural Review for the proposed Mission Point project including up to 3,000,000 sf of office, 100,000 sf of retail, 2,600 housing units (including up to 1,800 housing units in Area D and, with a corresponding reduction to office/R&D uses in Area C, up to 800 housing units in Area C) on a 48-acre site.

GENERAL

- G1. **Effective Date, Permit Expiration.** This Permit shall automatically be revoked and terminated if not used within **two years** of the effective date of this Permit or within the period of any authorized extensions thereof. This Permit shall only become effective at such time as the General Plan Amendment, PD Zoning, and Development Agreement have been adopted by the Decision-making body and have taken effect. The expiration of this Permit date is [REDACTED].
- G2. **Conformance with Plans.** Prior to the issuance of Building Permit, the development of the site and all associate improvements shall conform to the approved plans on file with the Community Development Department, Planning Division. No change to the plans will be made without prior review by the Planning Division through approval of a Minor Amendment or through an Architectural Review, at the discretion of the Director of Community Development or designee. Each change shall be identified and justified in writing.
- G3. **Conditions on Plans.** All conditions of approval for this Permit shall be reprinted and included within the first three sheets of the building permit plan sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- G4. **Necessary Relocation of Public Facility.** If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G5. **Indemnify and Hold Harmless.** The owner or designee agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorney's fees, injuries, costs, and liabilities from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of owner or designee's project.
- G6. **Code Compliance.** The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis; proposed use and occupancy of all spaces (CBC Ch. 3), all building heights and areas (CBC Ch. 5), all proposed types of construction (CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (CBC Ch. 7), all proposed interior finishes fire resistance (CBC Ch. 8), all fire protection systems proposed

(CBC Ch. 9), and all means of egress proposed (CBC Ch. 10). Noncombustible exterior wall, floor, and roof finishes are strongly encouraged.

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

G7. **Building Codes as Amended.** See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.

G8. **Reach Codes.** This project is subject to the provisions of the City of Santa Clara 2022 Reach Code, effective January 2022. See Ordinance No. 2034 and/or Title 15 of the Santa Clara City Code.

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

G9. Comply with all applicable codes, regulations, ordinances and resolutions.

G10. The City encourages the Owner and any contractors or subcontractors working on the project to evaluate hiring local labor, hiring from or contributing to approved, accredited apprenticeship programs, increasing resources for labor compliance, and providing living wages during the development of this Project.

COMMUNITY DEVELOPMENT – PLANNING DIVISION **DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE**

- P1. **Roof Mounted Mechanical Equipment.** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be five feet or greater to match the height of any proposed equipment.
- P2. **Tree Replacement (on-site).** Protected trees permitted by the City for removal shall be replaced on-site at a 2:1 ratio for 24-inch box trees, 4:1 for 15-gallon trees, or 1:1 for dead trees. (SCC 12.35.090).
- P3. **Construction Management Plan.** The owner or designee shall submit a construction management plan addressing impacts to the public during construction activities including: showing work hours, noticing of affected businesses, construction signage, noise control, storm water pollution prevention, job trailer location, contractor parking, parking enforcement, truck hauling routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. The plan shall be submitted to the

Director of Community Development or designee for approval prior to issuance of demolition and building permits.

DURING CONSTRUCTION

- P4. **Construction Hours.** Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays. Construction activities occurring outside of the City's allowed construction hours would need to comply with the City's exterior noise limits per Section 9.10.040 of the City Code.
- P5. **Construction Trash/Debris.** During construction activities, the owner or designee is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P6. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.

OPERATIONAL CONDITIONS

- P7. **Landscaping Installation & Maintenance.** The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.
- P8. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape of 2,500 square feet or more shall conform to the California Department of Water Efficient Landscape Ordinance.
- P9. **Transportation Demand Management (TDM) Program (Non-Residential Project).** The owner or designee shall implement the project TDM program that includes elements to reduce vehicle miles traveled (VMT) by 25 percent in the aggregate per the City's 2022 Climate Action Plan. A final TDM plan shall be submitted to the Director of Community Development or designee prior to Building Permit Final by the Planning Division. The property owner or designee shall monitor the project TDM program and submit an annual report to the Director of Community Development or designee. Monitoring and reporting requirements may be revised in the future if the minimum reduction is not achieved through the measures and programs initially implemented.
- P10. **Transportation Demand Management (TDM) Program (Residential Project).** The owner or designee shall implement the project TDM program that includes elements to reduce vehicle miles traveled (VMT) by 20 percent with 10% through active TDM measures in the aggregate at full build out per the City's 2022 Climate Action Plan. A final TDM plan shall be submitted to the Director of Community Development or designee prior to Building Permit Final by the Planning Division. The property owner or designee shall monitor the project TDM program and submit an annual report to the Director of Community Development or designee. Monitoring and reporting requirements may be revised in the future if the minimum reduction is not achieved through the measures and programs initially implemented.

- P11. **Transportation Management Association (TMA).** At any time after building permits have been issued for the Project and within two years of the formation of a TMA for the North Santa Clara area (comprising neighborhoods north of Highway 101) led by property owners that are pursuing specific development proposals within the area, employers or other entities, join the TMA and pay a prorata share of TMA operational costs. The main purpose of the TMA is to fund and operate the local shuttle service or micro-transit solution, and may help to implement, coordinate and manage VMT-reduction programs as determined appropriate by the TMA members, between multiple properties and lead information and marketing campaigns to support behavior change.

MITIGATION MEASURES

- P12. **Mitigation Monitoring and Reporting Program.** The Mitigation Monitoring and Reporting Program (MMRP), prepared for this project in compliance with the California Environmental Quality Act (CEQA), shall be incorporated by reference as conditions of approval. The applicant shall comply with all specified mitigation measures in the timelines outlined in the project's MMRP.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- BD1. **Addressing.** Prior to overall construction permit application, submit to the Santa Clara Building Division, 2 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. Please note city staff policy that existing site addresses typically are retired. Provide digital pdf printed from design software, not scanned from printed paper sheet.
- a. Any building or structure that is demolished shall have its address retired and a new address/s shall be issued for the project.
- BD2. **Flood Zone.** The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: <https://msc.fema.gov/portal/home>. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code.
- a. FEMA Flood Zone map designations and requirements are based on the map in effect at date of Building Permit issuance.
- BD3. **Water Pollution Control.** The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program Low Impact Development (LID) practices http://www.scvurppp-w2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurppp-w2k.com/construction_bmp.shtml, and shall

provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division shall include a city of Santa Clara "C3" data form, available on this web page:

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

BD4. **Submittal Requirements.** The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.

DURING CONSTRUCTION

BD5. **Temporary Certificates of Occupancy.** Temporary Certificates of Occupancy (TCO) will not be routinely issued and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO's.

COMMUNITY DEVELOPMENT - HOUSING DIVISION

H1. In accordance with the Santa Clara City Code chapter 17.40, this project is subject to the following affordable housing requirements and impact fee:

The requirement for the for-sale residential and rental residential development is as follows:

(a) Unless the City Council approves an alternate method of compliance pursuant to section (b) below, the Applicant shall provide not less than fifteen percent (15%) of the proposed units to affordable households made available at affordable housing cost or affordable rent to extremely low, very low, low and/or moderate-income households so long as the distribution of affordable units averages to a maximum of 100 percent Area Median Income. Prior to issuance of Building Permits, the Developer shall enter into an Affordable Housing Agreement (AHA) with the City that will determine the affordable rents and apply all terms and covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Community Development. There will be a fee for the AHA preparation in the amount of \$5,868 rental development and \$4,205 for for-sale development, that will be due prior to execution of the AHA. Additionally, there is an annual monitoring fee per affordable rental unit in the amount \$127.

Payment of an Impact Fee for nonresidential development based on the square footage of the proposed project. The current impact fees for an Office building greater than 20,000 square foot shall have an impact fee of \$28.79 per sf and Retail shall have an impact fee of \$7.20 per sf.

Please note all fees are based on the current Municipal Fee Schedule in effect at the time the project is approved and must be paid prior to the issuance of the occupancy certificate of the building.

(b) In the alternative, the City Council may, in its sole discretion, authorize the Applicant to utilize an alternate means of compliance pursuant to SCCC § 17.40.080(g) through the execution of a development agreement. In order to utilize such an alternative, such Development Agreement must be fully executed prior to issuance of Building Permits. If no Development Agreement has been executed at the time Building Permits are issued, then section (a) above shall apply.

FIRE DEPARTMENT

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE

- F1. **Hazmat Clearance.** Prior to any Building Permit issuance, Hazardous Materials Closure (HMCP) is required as applicable: This is a permit issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer's due diligence. The hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.
- F2. **Hazmat Clearance.** Prior to any Building Permit Issuance, a Phase II environmental assessment is required to be submitted to CRRD for review. If hazards are present that require site mitigation, cleanup, or management of chemical contaminants in soil, soil vapor, or groundwater a separate permit from one of the regulatory agencies below will be required. The type and extent of contamination on site(s) will govern which of the regulatory agencies noted below can supervise the cleanup: Department of Toxic Substances Control (DTSC); State Water Resources Control Board; or Santa Clara County, Department of Environmental Health.

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

For smaller projects that are not moving soil at all, a Phase I environmental assessment may be adequate. Please contact Assistant Fire Marshal Fred Chun at fchun@santaclaraca.gov for more information.

- F3. **Fire Flow Requirement.** Prior to Building Permit Issuance, provide documentation from the City of Santa Clara Water & Sewer Department that the minimum required fire-flow can be met. Fire Department fire-flow will be based on the current California Fire Code and local ordinance. The most restrictive departments requirement shall apply.
- F4. **Fire Hydrants.** Prior to Building Permit Issuance, building plans shall show the required number, location and distribution of fire hydrants for the buildings will be based on the current California Fire Code, Appendix C as amended. The required number of fire hydrants will be based on the fire-flow before the reduction for fire sprinklers. Both public and private fire hydrants may be required.
- F5. **Fire Department Access.** Prior to Building Permit Issuance, a five-foot all-weather perimeter pathway around the entire perimeter of the buildings to facilitate firefighter access is required to be incorporated into the Building permit submittal.
- F6. **Fire Department Access.** Prior to the issuance of the Building Permit, approval for fire department apparatus access roads is required. Roadways must be provided to comply with all the following requirements:
- F7. Fire apparatus access roadways shall be provided so that the exterior walls of the first story of the buildings are located not more than 150 feet from fire apparatus access as measured by an approved route around the exterior of each building. In addition, aerial apparatus roadways must be located so aerial apparatus will have clear access to the "entire" face/sides of the building. The minimum number of sides is project-specific and depends on the building configuration, building design, occupancy, and construction type, etc. As part of Building Permit Issuance, an alternative materials, design, and methods of construction and equipment permit application will need to be submitted for review and approval incorporating applicable mitigation measures as determined by the fire department for the lack of compliance. Please note acceptable mitigation methods may have been discussed during the planning stage. Those mitigations are not guaranteed until a formal alternate means permit is submitted concurrently with the Building Plans. Conversely, an acceptable mitigation method may not have been discussed and will be evaluated under an alternate means permit at the building permit stage.
- For underpasses, garages, gates, or anything similar that a Fire apparatus is required to drive under as part of the emergency vehicle access, 16 feet vertical clearance will be required. For all other areas, the "minimum" unobstructed vertical clearance shall not be less than 13 feet 6 inches.

or

- For all other areas, the "minimum" unobstructed vertical clearance shall not be less than 13 feet 6 inches.
- The "minimum" width of aerial roadways for aerial apparatus is 26 feet.

- The minimum inside turning radius shall be 30 feet.
- The “minimum” width of roadways for aerial apparatus is 26 feet. Aerial access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building. This requirement is only applicable when Appendix D of the Fire Code is enforceable.
- Overhead utility and power lines easements shall not be located over fire apparatus access roads or between the aerial fire apparatus roads and the buildings to avoid the possibility of injury and equipment damage from electrical hazards.
- Fire apparatus access roadways shall be all-weather surface(s) designed to support a gross vehicle weight of 75,000-pounds.
- Trees at full development must not exceed 30 feet in height and not impair aerials apparatus operations to sweep opposing sides of a building. Other obstructions such as site lighting, bio-retention, and architectural features are reviewed case-by-case to ensure they do not obstruct aerial and ground ladder access.
- Traffic control/calming devices are not permitted on any designated fire access roadway unless approved. A separate Fire Department permit is required for any barrier devices installed along fire department apparatus access roads.

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

- F8. **Emergency Responder Radio Coverage System.** Prior to Building Permit Issuance, provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard.
- F9. **Fire Department Access.** Prior to the start of construction, roadways and water supplies for fire protection are required to be installed and made serviceable and maintained throughout the course of construction.
- F10. **Fire Department Access.** Prior to issuance of the Building Permit, a gate permit is required to be obtained. Openings for access gates located across fire apparatus access roads shall be a minimum of 20 feet of clear width. Gates shall also be provided with a minimum unobstructed vertical clearance of 16-feet. All gates installed on designated fire department access roads must be electrically automatic powered gates. Gates shall be provided with an emergency power or be of a fail-safe design, allowing the gate to be pushed open without the use of special knowledge or equipment. A Tomar Strobe Switch or 3M Opticom detector shall be installed to control the automatic gate(s) to allow

emergency vehicles (e.g., fire, police, ems). Said device shall be mounted at a minimum height of eight to ten feet (8' - 10') above grade.

- F11. **Alternative Means and Methods.** Prior to any Building Permit issuance, an alternate means or methods permits to mitigate any code deficiency must be submitted and approved. Please submit this permit concurrently with the building plans. Please note specific mitigations may have been discussed during the planning process. None of these discussions are binding and can only be formally approved through submitting an AMMR permit. The AMMR permit is formally documenting that and still needs to be submitted.
- F12. **Hazmat Information.** Prior to Building Permit Issuance, a Hazardous Materials Inventory Statement including refrigerants is required to be submitted and reviewed with the Building Permit if applicable.
- F13. **Fire Safety During Construction and Phased Occupancy.** Prior to Building Permit Issuance, a permit for Construction Safety & Demolition shall be submitted to the fire department for review and approval in compliance with our Construction Safety & Demolition standard. Any phased occupancy will require a separate fire department permit.

DURING CONSTRUCTION

- F14. **Shared Fire Protection Features that Cross Property Lines.** Prior to Building Permit Final, any EVAEs or fire protection equipment (including but not limited to fire service undergrounds, sprinkler piping, fire alarm equipment, fire pumps, ERRCS) that cross property lines or is not located on the parcel of the building it serves shall have a CC&R legally recorded detailing who is responsible for maintenance and repair of the EVAE or fire protection equipment.
- F15. **Fire Protection Systems Before Occupancy.** Prior to any Certificate of Occupancy Issuance (temporary or permanent), fire-life safety systems installations must be fully installed, functional, and approved.

PARKS & RECREATION DEPARTMENT

- PR1. This Project is a subdivision, and the Quimby Act provisions will apply. The project will generate an estimated 4,320 residents (2.4 persons/household x 1800 units). Based on the Quimby standard of 3.0 acres/1000 residents, the amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 12.96-acres. The equivalent fee due in lieu of parkland dedication is \$86,092,200.
- PR2. Stormwater management for public parks and privately owned areas shall be separate and distinct— public areas shall not be used for private requirements and private areas shall not be used for public requirements.
- PR3. Any in lieu fees imposed under this Chapter shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.
- PR4. Final calculations will depend upon the actual number and type of units and the mix of parkland dedicated and remaining fee due, at the discretion of the City.
- PR5. Developer to present updated conceptual park plans at a future Parks & Recreation Commission (PRC) meeting for Commission and community input on the updated proposed park plan. Park plans as proposed are a conceptual plan.
- PR6. The final Commission recommended, and Council approved, public park design will require review and approval of park construction plans by all City departments through

- the City's online permitting portal (Accela). A separate permit will be issued for the park construction.
- PR7. Developer to enter into a Park Improvement Agreement with the City which will be submitted to Council for approval and then recorded with the County before park construction begins.
- PR8. Developer to enter into a Park Maintenance Agreement with the City which will be submitted to Council for approval and then recorded with the County before park construction begins. Developer to maintain public parkland in perpetuity is the preferred method for park maintenance.
- PR9. The park shall be dedicated to City in fee title and should be free of all encumbrances.
- PR10. When the park construction is completed, developer to provide City with GIS/Enterprise Asset Management System (EAMS) data (CAD file) for the public park. The base map and design elements/assets should meet the City data dictionary definitions for each asset.
- PR11. There should be a minimum 10-foot set-back between the public park and the private buildings. The public will need access to the private buildings without walking through the public park. The access and outdoor space for the private building shall not be included in the calculation for the public park and shall not be within the public park parcel.
- PR12. The public park must be programmed and constructed to the "Park Amenity & Design Standards" and City standards.
- PR13. Follow City guidelines to service domestic water, recycled water, and electricity for the public park – lines should not cross between the public park and the private development.
- PR14. Flood zone/FEMA designation information shall be taken into consideration with the design of the public parkland.
- PR15. Reduce the pedestrian network areas crossing through the park – less hardscape and more area for recreation.
- PR16. There is a distinction between open space and public parkland – these separate and distinct areas should be identified on the plan sheets with the correct labels.
- PR17. Application for Private Recreation Amenity Credit.
- According to City Code Section 17.35.070, a developer may submit a written request with the project application for a credit against the amount of parkland dedication or the amount of the in-lieu fee thereof.
 - Eligible on-site private park and recreation amenities shall be dedicated to Active Recreational Uses provided all requirements of Chapter 17.35 are met and provided such amenities are found to be in the public interest.
- PR18. All residents shall have access to all amenities and all podium courtyards. If something else is intended, notify this Department to check for any effect on calculations.
- PR19. The children's play area, for the public park and for the private amenity area, shall have separate areas serving ages 2-5 and 6-12 that include the six + one elements of play (climbing, balancing, spinning, brachiating, swinging, sliding, and running/free play/imagination) – see sample table below that will need to be submitted with park design plans. Equipment for one age group should be adjacent to the equipment for the other age group.

Park Playground							
Elements of Play	Ages 2-5	Level of Play	* Proposed Capacity	Ages 6-12	Level of Play	* Proposed Capacity	Total Capacity
Balancing	2	B=1 I=1 A=0	9	2	B=0 I=1 A=1	15	24
Sliding	3	B=2 I=1 A=0	7	1	B=0 I=0 A=1	3	10
Brachiating	1	B=0 I=0 A=1	3	1	B=0 I=1 A=0	3	6
Spinning	0	B=0 I=0 A=0	0	1	B=0 I=1 A=0	5	5
Climbing	6	B=3 I=2 A=1	18	7	B=2 I=3 A=2	25	43
Swinging	2	B=2 I=0 A=0	2	2	B=2 I=0 A=0	2	4
Running/Free Play	2	N/A	21	4	N/A	22	43
Total:	16		60	18		75	135
Inclusive Play Elements	7	B=3 I=4 A=0	16	3	B=1 I=2 A=0	15	31

Level of Play:
B: Beginner I: Intermediate A: Advanced

PR20. Applicant to provide plan sheets with details on any proposed public parkland and private, on-site recreational amenity areas. Include an itemized list in a table format of what is contained in each area (i.e., number of BBQ grills, number of tables, description of the proposed agricultural and medicinal planting, required setbacks, etc.). Sample table shown here is to be used as an example and is not to be considered all inclusive:

SPACE/LOCATION	ELEMENT LISTED IN CITY CODE	TOTAL AREA – SQUARE FEET
Recreation Rm – 1 st Floor	Element #8	xxx square feet
Roof Deck Community Garden	Element #4	xxx square feet - excludes x sq. ft. for 4 ft. perimeter setback
Family Picnic Area – 8 th Floor	Element #5	000 square feet – excludes x sq. ft. for 4 ft. perimeter setback
Sport Court – ground floor	Element #6	xxx square feet

PR21. Dwelling Unit Tax. According to City Code Chapter 3.15, a dwelling unit tax is also due based upon the number of units and additional bedrooms. The unit mix is required to calculate the amount due.

PR22. Calculations may change if the number of units change, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if the fee schedule for new residential development fees due in lieu of parkland dedication changes before this Project is deemed complete by Planning.

POLICE DEPARTMENT

None.

PUBLIC WORKS DEPARTMENT - ENGINEERING

DESIGN—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. **Site Clearance.** Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.
- E2. **Site Clearance.** The sanitary sewer (SS) discharge information (i.e., building use, square footage, point of connection to the public system, and 24-hour average and peak SS flow graphs for the peak day, showing average daily and peak daily SS flows) submitted by the developer was added to the City's Sanitary Sewer Hydraulic Model (SSHM) to determine if there is enough SS conveyance capacity in the SS trunk system to accommodate the proposed development. The SSHM output indicates that there should be enough SS conveyance capacity to accommodate the proposed development. The SSHM output may change based on pending development applications and future projects. The SSHM output does not guarantee or in any way reserve or hold SS conveyance capacity until developer has Final Approval for the project. For purposes of this condition, "Final Approval" shall mean the final vote of the City Council necessary for all entitlements to be approved, unless a legal challenge is brought to the Council decisions, in which case the Final Approval shall mean the final disposition of the legal challenge.
- E3. **Easement.** Obtain City Council approval of a resolution ordering vacation of existing public easement(s), including the vacation of Democracy Way, proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction. Vacation of Democracy Way is subject to the sale of the City's easement rights as detailed in the Project's Development Agreement.
- E4. **Subdivision Map.** After City Council approval of the Tentative Map, submit the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.
- E5. **Encroachment Permit.** Developer shall complete the relocation of utilities within Democracy Way prior to City Council approval of a resolution ordering the vacation of Democracy Way street right-of-way and prior to recordation of the Final Map.
- E6. **Subdivision Map.** If and when required per SVP requirements, pay appropriate fee through Public Works Department to initiate the processing of a Grant Deed or easement document, per SVP requirements, for dedication of electric substation to the City.
- E7. **Site Clearance.** Applicant shall pay fair share fees as identified in the TIA.

DURING CONSTRUCTION

- E8. **Encroachment Permit.** All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be submitted within a Single Encroachment Permit to be reviewed and issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E9. **Encroachment Permit.** Submit public improvement/encroachment permit plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements directly to the Public Works Department. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E10. **Encroachment Permit.** Coordinate construction of utilities near Old Glory Lane and Old Ironsides Drive with developer(s) in the Patrick Henry Drive Specific Plan if construction timelines coincide.
- E11. **Encroachment Permit.** Route sanitary sewer discharge to avoid Tasman lift station. Utilize existing sewer main at Old Glory Lane and Old Ironsides Drive.
- E12. **Encroachment Permit.** Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E13. **Encroachment Permit.** Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E14. **Encroachment Permit.** Owner or designee shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E15. **Encroachment Permit.** Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the City Engineer.
- E16. **Encroachment Permit.** Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E17. **Encroachment Permit.** For proposed sanitary sewer laterals 8" and greater, connect to existing manholes. For proposed 6" sanitary sewer laterals, use "Tap-Tite" connections. Property line manholes/clean-outs are required.
- E18. **Encroachment Permit.** Existing streetlights shall be clear of proposed sidewalk, developer shall relocate as necessary.
- E19. **Encroachment Permit.** Maintain required vertical height clearance from top of pavement to bottom of skybridge per Santa Clara Fire Department.

- E20. **Easement.** Dedicate required on-site easements per phase for any new public utilities, and/or emergency vehicle access by means of subdivision map or approved instrument prior to request for certificate of occupancy.
- E21. **Easement.** Dedicate sidewalk easements along the project frontage where public sidewalks extend into private property. Sidewalk easements are to be 1' behind proposed back of walk where there is landscaping behind sidewalk. Sidewalk easement where hardscape is behind sidewalk is to be at back-of-walk. Cold joint is required between public sidewalk and private hardscape.
- E22. **Agreement.** Execute easement/right-of-way encroachment agreement for proposed private utilities within public easements/right-of-way. Record release of interest for easement/right-of-way encroachment agreements when no longer needed.
- E23. **Agreement.** Execute release of interest for public right-of-way encroachment agreements and remove PVC conduits crossing Democracy Way (SC 15,643) and Patrick Henry Drive (SC 15,727).
- E24. **Agreement.** If requested, owner or designee shall prepare and submit for City approval a maintenance plan for all sidewalk, curb and gutter, landscaping and irrigation system improvements installed within the public right-of-way prior to encroachment permit issuance. Such plan shall include at a minimum, maintenance requirements for trees and shrubs, in acknowledgement of developer's/property owner's obligation under Chapter 12.30 and 17.15.
- E25. **Encroachment Permit.** Pavement treatment for portions of roadway frontage with proposed utility work prior to parcel development construction shall be slurry sealed with digouts in the interim. Final pavement treatment shall be per condition E26 below.
- E26. **Encroachment Permit.** In conjunction with installation of off-site improvements, the entire width of Old Ironsides Drive and Patrick Henry Drive, and half width of Tasman Drive shall be 2" grind and overlay with dig outs.
- E27. **Encroachment Permit.** Applicant is required to implement all recommendations as identified in the TIA.
- E28. **Encroachment Permit.** Replace all street signs and curb markings along the project frontage.
- E29. **Encroachment Permit.** Implement Pedestrian Master Plan Policy 2.A.3, 2.A.4, and 2.C.3: At the Tasman/Patrick Henry intersection, modify traffic signal by replacing existing Type 1 poles with Type 15TS poles (northwest, southeast, and southwest corners) and reduce curb radius on southeast corner of the intersection to 25' or mutually agreed upon radius to support turning movements (SE corner of the intersection is part of Kylli's project frontage). Modify intersection striping to install setback stop lines on all approaches.
- E30. **Encroachment Permit.** Implement Pedestrian Master Plan Policy 2.A.3, 2.A.4, and 2.C.3: At the Tasman/Old Ironsides intersection, modify traffic signal by: replacing existing Type 1 pole with Type 15TS pole (northwest, southeast, northeast, and southwest corners) and reduce curb radius on southwest corner of the intersection to 25' or mutually agreed upon radius to support turning movements (SW corner of the intersection is part of Kylli's project frontage). Modify intersection striping to install setback stop lines on all approaches.
- E31. **Encroachment Permit.** Implement Pedestrian Master Plan Policy 2.A.3, 2.A.4, and 2.C.3: Upon approval by SFPUC, at the Great America/Old Glory intersection, modify traffic

signal at southwest corner by replacing existing Type 1 pole with Type 15TS pole. Should SFPUC not approve any work within the southwest corner of the intersection, an equivalent improvement shall be provided to the City to the satisfaction of the City Engineer. In seeking SFPUC approval, the City will cooperate with the applicant to submit and process any SFPUC application for this work. The applicant will make commercially reasonable efforts to obtain SFPUC approval, but if the process takes more than a year from application submittal, applicant and City will meet and confer to determine the likelihood of success in the City Engineer's reasonable discretion.

- E32. **Encroachment Permit.** Design and construct minimum 5-foot sidewalks along Patrick Henry Drive, Tasman Drive, and Old Ironsides Drive.
- E33. **Encroachment Permit.** Install bike friendly storm drain inlet grates on Patrick Henry Drive, Tasman Drive, and Old Ironsides Drive.
- E34. **Encroachment Permit.** All new driveways shall use City Standard Detail ST-8.
- E35. **Encroachment Permit.** All new intersections shall construction curb returns with minimum 25-foot curb radius and Case A curb ramp per Caltrans Standard Plan A88A per Pedestrian Master Plan Policy 2.A.4.
- E36. **Encroachment Permit.** Provide lighting on private roads to meet or exceed latest American National Standard Institute (ANSI)/Illuminating Engineering Society (IES) standards per the Pedestrian Master Plan.
- E37. **Encroachment Permit.** All new driveways and intersections must comply with City's driveway triangle of safety requirements per City Standard Detail TR-9
- E38. **Encroachment Permit.** On-street parking shall not be counted toward on-site parking requirements.
- E39. **Encroachment Permit.** Applicant shall implement any improvements identified by VTA related to existing bus stops at three existing bus stops along the project frontage on Tasman Drive, Old Ironsides Drive, and Patrick Henry Drive.
- E40. **Encroachment Permit.** Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk.
- E41. **Encroachment Permit.** All traffic striping, messages and symbols shall be thermoplastic.
- E42. **Encroachment Permit.** The project shall construct a 30-foot multi-purpose trail on the southern boundary of the project site between Patrick Henry Drive and Old Ironsides Drive. The trail shall include an approximately 12-foot landscape area on the north side of the trail. The trail shall include a 16-foot paved pathway with 2-foot shoulders. The trail shall include pedestrian-scale lighting to meet or exceed latest American National Standard Institute (ANSI)/Illuminating Engineering Society (IES) standards per the Pedestrian Master Plan.
- E43. **Encroachment Permit.** On the east side of Patrick Henry Drive, between the future on-site multi-purpose trail and the future crosswalk and beacon on Patrick Henry Drive identified in the Patrick Henry Drive Specific Plan, construct an approximately 10-foot wide multi-purpose trail connection. Any deviation from the design shall be subject to approval by City Engineer. Should SFPUC not approve any work within Hetch-Hetchy right of way, applicant shall be responsible for constructing reasonable equivalent improvements in coordination with the City, to the satisfaction of the City Engineer. In seeking SFPUC approval, the City will cooperate with the applicant to submit and process any SFPUC

application for this work. The applicant will make commercially reasonable efforts to obtain SFPUC approval, but if the process takes more than a year from application submittal, applicant and City will meet and confer to determine the likelihood of success in the City Engineer's reasonable discretion. The cost of these improvements (including the actual and reasonable costs to process SFPUC approval) will be credited towards traffic fair share line item #25, "Hetch Hetchy trail (between Guadalupe River Pkwy & Great America Pkwy & between Patrick Henry Dr & Calabazas Creek Trail)".

- E44. **Encroachment Permit.** Upon approval by SFPUC, on Old Glory Lane, between Old Ironsides Drive and Great America Parkway, construct an approximately 16-foot wide multi-purpose trail on the south side of the roadway on City right-of-way to connect the new multi-purpose trail on Kylli development to Great America Parkway. Any deviation from the design shall be subject to approval by City Engineer. The center median must be removed and reconstructed. Should SFPUC not approve any work within Hetch-Hetchy right of way, applicant shall be responsible for constructing equivalent improvements in coordination with the City, to the satisfaction of the City Engineer. In seeking SFPUC approval, the City will cooperate with the applicant to submit and process any SFPUC application for this work. The applicant will make commercially reasonable efforts to obtain SFPUC approval, but if the process takes more than a year from application submittal, applicant and City will meet and confer to determine the likelihood of success in the City Engineer's reasonable discretion. The cost of these improvements (including the actual and reasonable costs to process SFPUC approval) will be credited towards traffic fair share line item #25, "Hetch Hetchy trail (between Guadalupe River Pkwy & Great America Pkwy & between Patrick Henry Dr & Calabazas Creek Trail)".
- E45. **Encroachment Permit.** On Tasman Drive, between City limits and Great America Parkway, restripe each direction of travel to include a minimum of a 5-foot Class II bike lane and two 11-foot vehicle lanes, any deviations subject to approval by City Engineer.
- E46. **Encroachment Permit.** On Patrick Henry Drive, between Tasman Drive and the Patrick Henry Specific Plan boundary, construct a protected Class IV bike lane with bollards with two 8-foot bike lanes, two 10-foot vehicle lanes, and a 12-foot center two-way left turn lane to match the cross section within the approved Patrick Henry Drive Specific Plan. Any deviations to be approved by City Engineer.
- E47. **Encroachment Permit.** On Old Ironsides Drive, between Tasman Drive and Old Glory Lane, construct a parking protected Class IV bike lane with two 8-foot bike lanes, two 10-foot vehicle lanes, and a 12-foot center two-way left turn lane to match the cross section within the approved Patrick Henry Drive Specific Plan. Any deviations to be approved by City Engineer.
- E48. **Encroachment Permit.** Residential and Non-residential Class I bicycle parking spaces and Class II bicycle parking spaces shall be provided per the requirements in the adopted Santa Clara Zoning Code Update. Bicycle parking, as defined in Santa Clara Municipal Code 18.74.075, shall be conveniently accessible from the street, within 200 feet of a building entrance and/or highly visible area.

STREETS DIVISION

General Condition: The Streets Division deems the Rezone and General Plan Amendment complete, however, the Streets Division will need to review and approve the architectural review for these individual projects to ensure that they meet right-of-way landscape, solid waste and stormwater requirements. The plans provided for the rezone and GPA only included overall conceptual plans, which is not enough detail for Streets to provide an appropriate review.

Right of Way Landscape

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- L1. Include [City of Santa Clara Tree Preservation/City Arborist specifications](#) on all improvement plans.
- L2. Identify existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- L3. 2:1 tree replacement ratio required for all trees removed from site.

DURING CONSTRUCTION OR OPERATION

- L4. No cutting of any part of **public**, including roots, shall be done without securing prior approval of the City Arborist. Tree trimming/removal shall be done in accordance to the City of Santa Clara Tree Preservation/City Arborist specifications and with direct supervision of a certified arborist (Certification of International Society of Arboriculture).

PRIOR TO FINAL OF BUILDING PERMIT

- L5. If 2:1 replacement ratio cannot be met for removal of right of way landscape trees, tree planting fee must be paid prior to building permit final.

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- SW1. The applicant shall complete and provide the Post-Construction Solid Waste Generation Estimation and Collection Form, which includes the estimation of trash and recycling materials generated from the project. Use the City's Solid Waste Guidelines for New and Redevelopment Projects as specified by the development type. Contact the Public Works Department at Environment@SantaClaraCA.gov or (408) 615-3080 for more information.
- SW2. The applicant shall provide a site plan showing all proposed locations of solid waste containers, chutes, compactors, trash enclosures and trash staging areas. The site plan shall show the route or access for trash and recycling collectors (trucks) including vertical clearance, turning radius and street/alley widths. All plans shall comply with the City's Solid Waste Guidelines. Solid metal roof, gates and a trench drain shall be installed within the trash enclosure and connected to the on-site sewer system.
- SW3. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management

Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.

- SW4. This project is subject to the City's Accumulation, Transportation and Disposal of Solid Waste Ordinance (Chapter 8.25 of the Municipal Codes), which requires the handling and disposal of waste by authorized service haulers. Insert the General Notes for the Construction & Demolition (C&D) Waste Management into construction plans in accordance with the City's municipal codes prior to the issuance of a Building or Grading permit. Provide the Green Halo waste online tracking number to Building staff prior to the issuance of a demolition or building permit.
- SW5. Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant is required to use the City's exclusive franchise hauler and rate structure for any hired debris boxes. Prior to the issuance of a Public Works clearance, the project applicant shall complete and sign the Construction and Demolition (C&D) / Waste Management Rules and Regulations Form.

DURING CONSTRUCTION OR OPERATION

- SW6. Applicant to track all waste generated and upload debris tags to GreenHalo for City staff review.

PRIOR TO FINAL OF BUILDING PERMIT

- SW7. Prior to obtaining a Temporary or Final Certificate of Occupancy, individual weight tickets for all materials generated for discard or reuse by the project during demolition and construction activities shall be uploaded to Green Halo and submitted for review and approval by Environmental Services. At a minimum two (2) weeks review time is required.

Stormwater

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- ST1. Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, the Special Project Narratives and Worksheet (as appropriate), and an Erosion and Sediment Control Plan.
- ST2. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter (on design) shall be submitted with the Plan.
- ST3. For project that disturbs a land area of one acre or more, the applicant shall provide a copy of the Notice of Intent (NOI) with WDID number for coverage under the State Construction General Permit. Active projects with NOI will be inspected by the City once per month during the wet season (October – April).

- ST4. The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans. Include the SCVURPPP Countywide Construction BMPs Plan Sheet with the plans. Applicant to add Source control measures with designations from C.3 stormwater handbook, Appendix H.
- ST5. Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST 6. Include C.3 Stormwater Treatment Facilities Construction general notes on the improvement plans.
- ST7. Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST8. For single-family homes and other small projects that create and/or replace 2,500 – 10,000 square feet of impervious surface area, the applicant shall implement at least one of the following site design measures:
- a. Direction of roof runoff into cisterns or rain barrels
 - b. Direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas
 - c. Construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces
- Plans shall specify which site design measures are selected for the project and show the direction of flow from impervious surfaces to the selected site design measures. All measures shall meet the design criteria in the 2016 C.3. Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects.
- ST9. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST11. The use of architectural copper is prohibited.

DURING CONSTRUCTION OR OPERATION

- ST12. Applicant shall install biotreatment soil media that meets the minimum specifications as set forth in the SCVURPPP C.3 Stormwater Handbook. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix (the date of such document shall not be older than 3 months).
- ST13. Stormwater treatment facilities must be designed, installed, and maintained to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C).

- ST14. Any site design measures used to reduce the size of stormwater treatment measures shall not be installed for the project without the written approval from the City, installing the corresponding resizing of other stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST15. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST16. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.

PRIOR TO FINAL OF BUILDING PERMIT

- ST17. As-Built drawing shall be submitted to the Public Works Department.
- ST18. Applicant shall schedule and City shall conduct a final C.3 inspection.
- ST10. Permeable Pavement, Media Filter vaults, Interceptor Trees and Trash Full Capture Devices shall be inspected by a third-party reviewer and/or manufacturer representative for conformance with the details and specifications. If necessary, percolation test shall be performed to ensure proper installation. A map displaying the number, location and details of full trash capture devices shall be prepared as an attachment to the Operations and Maintenance (O&M) Agreement with the City.
- ST11. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures and full trash capture devices in perpetuity. Applicants should contact Public Works Dept. - Environmental Services at (408) 615-3080 or Street@SantaClaraCA.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>. Inspection of permeable pavement, media filter vaults and full trash capture devices is to be done annually by December 31 of each year.

SILICON VALLEY POWER

- SVP1. Maximum substation size shall not exceed 225 feet (long) x 120 feet (wide). Final dimensions are to be finalized as part of the detailed design efforts.
- SVP2. Project Electric Load less than or equal to 2.5 MVA
Developer shall only be required to comply with this Part I of these Silicon Valley Power (SVP or Silicon Valley Power) conditions of approval; provided the projected electric load of the all phases of the project do not cumulatively exceed 2.5 MVA (as determined by Silicon Valley Power) ("2.5 MVA Threshold"). Silicon Valley Power will make the 2.5 MVA available for Developer's use at the project site only after Silicon Valley Power has reasonably determined the condition of approval of this Part I have been met. This 2.5 MVA will be subject to the conditions of approval of Part II (including, but not limited to, additional analysis under a transmission system impact study and any new conditions resulting from that study) when projected electric load of the project (as determined by Silicon Valley Power) exceeds the 2.5 MVA Threshold.

So long as Developer's project is at or below the 2.5 MVA Threshold, Developer shall comply with all condition of approval of Part II, except for the following: EL1, EL2, EL15 and EL43. For this Part I only, EL 27 is amended that condition is amended to read as following: "Developer shall pay all Developer fees per the City of Santa Clara's Municipal fee schedule for Electric fees."

SVP3. Project Electric Load greater than 2.5 MVA

Developer shall comply with Part II of these Silicon Valley Power conditions of approval when the projected electric load of the project (as determined by Silicon Valley Power) exceeds the 2.5 MVA Threshold. Silicon Valley Power will make electric power available for Developer's use at the project site only after Silicon Valley Power has reasonably determined the condition of approvals of this Part II have been met.

The amount and ramp rate will be set forth in a substation agreement or, if not applicable, a system impact study [Transmission and/or Distribution System] or such other study required by SVP.

Developer may seek an amendment of these conditions of approval when any of phase of the Project requires to undergo the City's architectural review process; however, no amendment shall be authorized by the City without (1) the completion of a new system impact study [Transmission and/or Distribution System] (2) compliance with any additional SVP requirements as may be applicable at that time) for the applicable phase; and (2) SVP's written approval. Any SVP-approved revisions of these conditions of approval will be based on the new system impact study [Transmission and/or Distribution System] and any other SVP requirements.

- SVP4. Maximum substation size shall not exceed 225 feet (long) x 120 feet (wide). Final dimensions (within the maximum) are to be finalized as part of the detailed design efforts.
- SVP5. Maximum substation parcel must be the final building dimensions plus a minimum of the 30 feet set back from the property line from the public ROW. All other property lines will have a 0' setback.
- SVP6. Silicon Valley Power (SVP) design of distribution trenches around the site may require additional manholes for cable pulling. Trenches require 5' clearance on each side of the trench and the clearance/easement area cannot overlap with any bioretention areas, building foundations, trees, other utilities, etc.
- SVP7. SVP design of services for each phase of the project will require an additional switch vault for any additional services. Each 12KV service can be loaded up to a maximum of 4.5MVA. The Applicant is to provide detailed demand loading for each phase/building to confirm the number of electric services required.
- SVP8. SVP 12KV services cannot be paralleled and each service will require Applicant owned switchgear. Switchgear requires 10' clearance on the side of cable termination with 18' wide drive-up access from the nearest road. 5' clearance is required on all other sides of the gear.
- SVP9. Applicant owned 12KV switchgear cannot be located inside the building unless otherwise approved by SVP management in writing.

- SVP10. All SVP facilities should be 5' clear of trees and per SD1235. The more stringent shall apply.
- SVP11. All streetlighting, low voltage & fiber conduits, pull boxes, & foundations shall be designed during the detail design phase.
- SVP12. Applicant shall install a new distribution trench at its sole cost and expense along Tasman Drive if the existing SVP trench conflicts with the newly proposed improvements. SVP shall relocate the existing wires to the new trench prior to abandoning the existing facilities. Once the existing facilities are abandoned the Applicant may install the newly proposed improvements and/or remove the abandoned SVP facilities.
- SVP13. SVP distribution lines will require connection to existing infrastructure. Final design to be established during building permits.
- SVP14. Applicant shall provide a thermal backfill for heat dissipation around SVP conduits around the site. The necessity of a thermal backfill and the specific backfill material shall be determined during the design phase.
- SVP15. Distribution site design (downstream of substation 12KV switchgear) assumes standard SVP substructure & SVP owned equipment specifications will be used for the project. If SVP determines site conditions do not allow for standard substructure and equipment to be utilized, Applicant shall work with SVP to design and place non-standard substructure. Applicant shall be responsible for additional costs in material procurement for material provided and installed by SVP, which will be recovered from Applicant through fees determined at the building permit stage, if applicable. Standard substructure is defined in UG1000 standard. Standard material for SVP that may be affected includes cable sizes (standard sized are: 1100AL 15KV Triplex & 1/0 AL 15KV Triplex Cable).
- SVP16. Bio-retention areas cannot be in front of the substation parcel or within any SVP easements.
- SVP17. Unless expressly stated otherwise or covered by a fee to be paid by Applicant, Applicant shall be responsible for all costs and expenses associated with fulfilling these conditions of approval.
- SVP18. Parking or additional occupied (storage, retail, residential, etc.) space shall not be placed above or below the substation. Alternative use of roof for additional green space may be allowed.
- SVP19. Clearances: (Make sure job notes do not conflict with SVP clearance requirements). Design deviations from stated clearances must be approved in advance by SVP in writing.

a. EQUIPMENT

- i. Ten (10) foot minimum clearance is required in front of equipment access doors. (UG1000 sheet 11)
- ii. Five (5) foot minimum clearance from pad is required on sides without equipment access doors. (UG1000 sheet 11)
- iii. Eighteen (18) foot minimum width shall be provided and maintained on one side of the equipment pad to allow an electric dept. line truck to drive up next to the pad for installation and maintenance of equipment. (UG1000 Sheet 11).
- iv. Barrier pipes are required only on sides accessible to vehicles. (UG1000 Sheet 12).
 1. Thirty (30) inches from side of equipment sides.
 2. Forty-Eight (48) inches in front of access doors.
 - a. Barrier Pipes in front of access doors shall be removable.

b. CONDUITS

- i. Five (5) foot minimum longitudinal clearance between new conduits or piping systems (open trench installation) and any existing or proposed SVP conduit system. This is for longitudinal. (UG1250 sheet 5)
 - ii. Twelve (12) inch minimum vertical clearance between new conduit/pipes installed perpendicular to existing SVP conduits for open trench installations. (UG1000 sheet 36, UG1250 Sheet 6)
 - iii. Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)
 - iv. Three (3) foot minimum clearance is required between signposts, barrier pipes or bollards, fence posts, and other similar structures. (UG1250 sheet 10).
 - v. Five (5) foot minimum from new splice boxes, pull boxes, manholes, vaults, or similar subsurface facilities. (UG1000 sheet 8)
 - vi. 60 kV Transmission Lines are to be placed in a separate trench than 12kV or below
 - vii. Five (5) foot minimum clearance from walls, footings, retaining wall, landscape planter, tree root barrier or other subsurface wall or structure. (UG1250 sheet 9).
 - viii. Five (5) foot minimum clearance is required between fire hydrant thrust block. The thrust block extends 5' foot on either side of the fire hydrant in line with the radial water pipe connected to the hydrant.
- c. VAULTS/MANHOLES
- i. Ten (10) foot minimum clearance is required between adjacent Vaults or Manholes.
 - ii. Five (5) foot minimum clearance is required between adjacent conduits.
 - iii. Minimum 36" from face of curb, or bollards required.
 - iv. 60kV transmission Lines are to be placed in separate manholes than the 12kV lines
- d. Poles (Electrolier, Guy Stub poles, service clearance poles, self-supporting steel poles and lighting poles.)
- i. Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)
- e. Guy Anchors
- i. Five (5) foot minimum clearance is required between center of anchor line and any excavation area. (UG1250 sheet 15).
- f. Trees
- i. OH 1230 for Overhead Lines
 - ii. SD 1235 for Tree Planting Requirements near UG Electric Facilities
 - iii. Trees or Bushes are not to be planted over 60kV transmission line trenches
- SVP20. Applicant shall comply with the following SVP standards (as may be amended or supplemented).
- a. Installation of Underground Substructures by Developers
 - b. UG1250 – Encroachment Permit Clearances from Electric Facilities
 - c. UG0339 – Remote Switch Pad
 - d. OH1230 – Tree Clearances From Overhead Electric Lines
 - e. SD1235 – Tree Planting Requirements Near Underground Electric Facilities
 - f. UG1225 – Pad mounted Equipment Clearances
- SVP21. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210. Applicant to provide and install electrical substructure as defined on

- SVP developer work drawings for parcel frontage improvements & service requirements for each building/parcel.
- SVP22. Electric service shall be underground as required by SVP. See Electric Department Rules and Regulations for available services.
- SVP23. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- SVP24. Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- SVP25. The developer shall grant to the City, without cost, all easements and/or right of way necessary for the provision of electric service to the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110) as generally shown on the Vesting Tentative Map.
- SVP26. If the “legal description” (not “marketing description”) of the units is condominium or apartment, then all electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside for SVP’s 24/7 emergency access. If they are townhomes or single-family residences, then each unit shall have it’s own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed. Please refer to SVP rules and regulations section 9.A.6 “Meter Locations.” Any deviations may be submitted to SVP for review & approval.
- SVP27. If transformer pads are required, SVP requires an area of 17’ x 16’-2”, which is clear of all utilities, trees, walls, etc. This area includes a 5’-0” area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8’-0” apron to a 3’-0”, providing the apron is back of a 5’-0” min. wide sidewalk. Transformer pad must be a minimum of 10’-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- SVP28. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed SVP facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE’s or electric easements.
- SVP29. Any relocation of existing electric facilities shall be at Developer’s sole costs and expense.
- SVP30. Applicant shall pay all Applicant fees per the City of Santa Clara’s Municipal fee schedule for Electric fees. These fees are separate from any costs that are charged as part of the Substation Agreement.
- SVP31. The Applicant shall perform, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the Applicant will dedicate the improvement to the City subject to City’s acceptance the work. The Applicant shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect Applicant to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers,

- meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- SVP32. Applicant shall comply with all applicable SVP rules, regulations, guidelines, and requirements, as may be amended from time to time.
- SVP33. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP.
- SVP34. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing have been completed & signed off on by SVP.
- SVP35. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publicly owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details. Applicant shall provide SVP all U.G.E.E. required to cover all existing and new proposed facilities on the Applicant's project site.
- SVP36. Proper clearance must be maintained from all SVP facilities in accordance with all applicable requirements, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- SVP37. Developer shall only locate transformer and switch devices outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
- SVP38. All existing SVP facilities, onsite or offsite, are to remain unless noted on an SVP's developer works drawing. It is the Developers' responsibility to maintain all clearances from equipment and easements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.
- SVP39. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.
- SVP40. All interior meter rooms at ground level are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
- SVP41. Applicant shall comply with the requirements, as amended, for High-rise Metering and Multi-Floor Infrastructure requirements where applicable, including,
a. Refer to UG0250 – High Density Residential Metering Requirements
b. Refer to FO-1901 – Fiber Optic Splicing and Testing Methods
- SVP42. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka "real dirt"), and cannot be supported on parking garage ceilings or placed on top of structures.
- SVP43. Notwithstanding SVP39, as determined by SVP in its sole discretion, if the SVP facilities and conduit systems are absolutely required to be on the podium or street above any Project building(s), Applicant shall meet SVP's design and installation

requirements and standards (as determined by SVP) and pay all related costs, including, without limitation, the cost of conducting a study and future maintenance costs. Applicant's share of the cost of maintenance of those facilities shall be determined by the study.

SVP44. Any proposed improvement that does not meet the requirement of the current SVP standard shall be reviewed and approved by SVP in advance in writing. Applicant shall be responsible for any cost associated with non-SVP standard equipment, including, but not limited to, design reviews, study, standard preparations, and testing. Applicant's share of the cost of maintenance of those facilities shall be determined by the study.

SVP45. Applicant shall contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal.

SVP46. Developer's proposed project requires a new electric distribution substation to serve Applicant's load and transmission system improvements.

- a. Applicant must enter into a Substation Agreement (in a such form and content required by SVP) with SVP for such substation no earlier than Developer, (1) receiving full entitlements from the City, including but not limited to a completed CEQA; (2) CAISO approval of projects required to serve Developer's project load; and (3) City Council adopted projects required to serve Developer's project load. This Substation Agreement shall have such terms and conditions as SVP may require and shall set forth Applicant's obligations with respect to supplying Applicant with initial interim electric power and then with permanent capacity and transmission infrastructure for the projects, including, without limitation, Applicant's payment of any applicable fees, costs, and expenses associated with Applicant's project.
 - i. These conditions of approval do not commit the City to (1) serve Developer's electric load or (2) allocate any capacity to Developer.
- b. Applicant shall coordinate and cooperate with City for the design, procurement, and construction of the substation; provided that, Applicant shall be responsible for all costs and expenses to the extent set forth in the Substation Agreement. City shall have no obligation to undertake the design, procurement, and construction of the substation prior to the execution of the Substation Agreement, Funding Agreement, and completion of such other SVP requirements.
- c. Applicant shall (1) coordinate with SVP to design and construct and fund (a) a transmission line extension to connect the new substation with SVP's transmission system; (b) the reconductoring of the existing underground 60kV loop and associated facilities from San Tomas Aquino Creek to Mission Substation as specified in the Substation Agreement; and (2) comply with such other requirements in the applicable Transmission System Impact Study.
- d. Upon their completion, SVP shall own, operate and maintain all City-owned Substation Facilities and Transmission Facilities, and all equipment therein.
- e. Applicant convey in fee any and all property for substation site and all easements and other property rights necessary to construct, complete, operate and maintain the Substation Facilities.
- f. Applicant is responsible for costs outlined in the Substation Agreement related to transmission facility extensions to service the substation facility.
- g. SVP has performed an Interconnection Study (i.e, System Impact Study) to assess requirements of interconnection for the project. SVP may require an additional study as necessary. Requirements will consist of the following;
 - i. The System capacity of SVP's electric transmission system require the following mitigation measures.

1. A portion of the existing NRS to Mission Transmission Line is to be reconducted to allow an initial load ramp up to 9MVA for the electric load of Applicant's project. The 9 MVA is solely to serve the electric load of Applicant's project and does not otherwise run with the land. The 9 MVA is subject to a ramp rate and reduction as set forth in the Substation Agreement.
2. The Applicant's project shall not have an electric load beyond 9MVA, unless an extensive transmission system rebalancing project, tentatively referred to as "Loop 1" is completed. SVP has no obligation to undertake or pay for Loop 1.
3. In the event SVP determines, in its sole and absolute discretion, to undertake Loop 1 Project and Applicant desires additional electric capacity beyond 9MVA, Applicant will be responsible for a portion of the costs of the Loop 1 transmission system improvements; provided the Applicant executes a funding commitment agreement in such form and substance required by SVP.
4. Applicant will have the option to fully fund Loop 1 to accommodate Applicant's schedule.
 - ii. Determine when to include Applicant load ramp in SVP's load forecast to the California Energy Commission (CEC).
 - iii. Determine when Applicant will be allowed to energize facilities, and allowed ramp schedule.
- h. Applicant has entered into a Funding Agreement with the City to fund pre-design work of the substation. The primary deliverable of the pre-design work was "Democracy Substation Feasibility Study." Upon approval Project entitlements and execution of a Substation Agreement, this will serve as a basis for the design of the substation and transmission line extension. The purpose of the Funding Agreement was for pre-design work only and is not in any way an endorsement of the project receiving entitlements from the City.

WATER & SEWER DEPARTMENT

- W1. Recycled Water Use: Pursuant to Chapter 13.15, Water, Article IV. Regulation of Recycled Water Service and Use, of the Municipal Code, the project is required to use recycled water for all non-potable uses where recycled water is made available and where provided for by Recycled Water regulations. This project is required to extend and connect to the City's existing Recycled Water System.
- W2. Potable Water Redundancy: For all onsite industrial water use that requires uninterrupted service, the project shall provide a potable water back-up supply source that complies with all recycled water separation requirements.
- W3. Recycled Water Design: Each Recycled Water land use (irrigation, dual-plumbing, cooling system, industrial processes, etc.) shall have a separate metered service connection to the main. Applicant shall verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.
- W4. Onsite Recycled Water Review: The applicant shall submit all completed SBWR Proposed Use Request Applications to the Compliance Division of Water and Sewer Utilities at watercompliance@santaclaraca.gov for review and approval. All on-site recycled water plans shall be reviewed, approved, and signed by the City of Santa Clara, SBWR, and Department of Drinking Water. All three entities must individually review and approve a plan set for Final Approval. Contact the Compliance Division of Water and Sewer Utilities via email or by phone at (408) 615-2002 for more information

- W5. On-site Recycled Water Construction: Construction and installation of all on-site recycled water system equipment shall not begin until the Compliance Division of Water and Sewer Utilities has approved the on-site recycled water design. Please note on-site designs are generally not the same as the Building Permit plans. On-site recycled water plans require SBWR and California State Water Resources Control Board, Division of Drinking Water signatures for final approval.
- W6. On-site Recycled Water Inspection: Inspections are required at all on-site recycled water systems being installed prior to backfilling trenches or cover in walls and ceilings. Request a recycled water inspection by email watercompliance@santaclaraca.gov or call (408) 615-2002. Please provide the site location, SBWR project ID, and date and time preferences. These inspections are in addition to the Building Permit inspections.
- a. Need to verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.
- W7. Recycled Water Main: The project shall replace all existing recycled water mains with new 12" DIP recycled water mains in all streets within or adjacent to the project site.
- W8. Potable Water Main: The applicant shall replace all the existing water mains with new 12" DIP pipe water main in all streets within and adjacent to the project site.
- W9. Encroachment Permit: Prior to issuance of Building Permits, the applicant shall submit an encroachment permit application and design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition, prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.
- W10. Utility Design Plans: Utility Design Plans shall indicate the pipe material and the size of existing water, recycled water and sewer main(s). The plans shall show the nearest existing fire hydrant and the two nearest existing water main line gate valves near the project area. The plans shall show meter and backflow configurations to scale and per City of Santa Clara Water & Sewer Utilities Standard Details. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present; two feet behind face of curb if no sidewalk is present, per City Std Detail 18. The plans shall provide the profile section details for utilities crossing water, sewer, or recycled water mains to ensure a 12" minimum vertical clearance is maintained.
- W11. Utility Separations: Applicant shall adhere to and provide a note indicating that all horizontal and vertical clearances comply with State and local regulations. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas and electric utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities). No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer, potable water and/or recycled water utilities and easements.
- W12. Separate Services: Applicant shall submit plans showing proposed water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-

way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water and recycled water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on existing fire service line(s) is prohibited. Approved backflow prevention device(s) are required on all potable water services.

- W13. City Standard Meters and Backflows: All proposed meters and backflows for all water services shall meet the current City of Santa Clara Water & Sewer Utilities Standard Details. Plans shall show meter and backflow configurations to scale.
- W14. Existing Services: The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project. The applicant shall bear the cost of any relocation or abandonment of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.
- W15. On-Site Storm Drain Treatment: Prior to issuance of Building Permit, the applicant shall submit plans showing any onsite storm water treatment system. The plan shall include a section detail of the treatment system. No water, sewer, or recycled water facilities shall be located within 5-feet of any storm water treatment system.
- W16. Water Usage: Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned, and new separate dedicated water services shall be provided for each use (domestic and irrigation).
- W17. Landscaping: All the landscaping for the project shall comply with the California Water Conservation in Landscaping Act, Government Code Section 65591 et. seq. All plants shall be either California native or non-invasive, low water-using or moderate water-using plants. High water-using plants and nonfunctional turf are prohibited.
- W18. Prior to issuance of Building Permits, the applicant shall submit plan details for all water features (including but not limited to fountains and ponds) designed to include provisions for operating the system without City potable water supply and capable of being physically disconnected from source of potable water supply during City declared water conservation periods, to the satisfaction of the Director of the Water & Sewer Utilities. Decorative water features may be permanently connected to the City's recycled water supply.
- W19. Easements: Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.
- W20. Underground Fire Permit: Prior to issuance of Building Permits, applicant shall submit an underground fire permit unless otherwise waived by the Fire Department. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408)615-2000. A dedicated fire service line, with an approved backflow prevention device, shall be used for on-site fire hydrants. Fire service lines required for commercial and industrial use shall be sized appropriately per fire flow demand and code requirements.

- W21. Record Drawings: Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities Department.
- W22. Water Shortage Response Actions: Pursuant to the City of Santa Clara's Urban Water Management Plan, during times of drought or water shortage, the City implements water shortage response actions in accordance with the level of water shortage declared. All construction activities and all new irrigation connections are subject to the Water Shortage Response Actions in effect at the time of construction and connection of the irrigation service.

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

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

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

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature: _____

Printed Name: _____

Relationship to Property: _____

Date: _____

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

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT
THE CITY COUNCIL APPROVE A VESTING TENTATIVE
SUBDIVISION MAP (PLN22-00635) AT 4995 PATRICK HENRY
DRIVE AND 3005 DEMOCRACY WAY, SANTA CLARA**

PLN22-00635 (Vesting Tentative Subdivision Map)

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly-owned subsidiary Innovation Commons Owner, LLC (“Owner”) made an application for a General Plan Amendment (“GPA”) in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Owner subsequently applied for a Planned Development (“PD”) Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (“R&D”), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; a Vesting Tentative Subdivision Map to subdivide the property into five lots with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, along with the GPA, the “Project”);

WHEREAS, the Vesting Tentative Subdivision Map application (PLN22-00635) would subdivide the property into five lots with up to three parcels for future parkland dedication and condominium purposes, and to vacate Democracy Way to serve the development;

WHEREAS, the proposed subdivision is consistent with the proposed site plan and improvements on the Project Site for the development of an up to 4,913,000 square-foot mixed-use development;

WHEREAS, pursuant to Section 17.05.210 of the Code of the City of Santa Clara (“SCCC”), a Vesting Tentative Subdivision Map shall be required for all divisions of land into five or more parcels;

WHEREAS, on January 16, 2024, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map should proceed to the Planning Commission in conformance with Section 17.05.300 of the SCCC;

WHEREAS, SCCC Section 17.05.300(g) requires that the Planning Commission make recommendations of denial, approval or conditional approval to the City Council on the Vesting Tentative Subdivision Map;

WHEREAS, the proposal is to create five new lots with up to three parcels for future parkland dedication and condominium purposes to serve the proposed development as shown on the Vesting Tentative Subdivision Map for the Project, attached hereto and incorporated herein by this reference;

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), and the regulations implementing CEQA, specifically 14 Cal. Code of Regs § 15081, this Project was determined after an Initial Study to identify potentially significant effects on the environment, resulting in the preparation of an Environmental Impact Report (“EIR”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, notice of the October 9, 2024 public hearing on the proposed Vesting Tentative Subdivision Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on September 26, 2024, notices of the October 9, 2024 public hearing on the Vesting Tentative Subdivision Map were mailed to all property owners within a quarter mile of the property, according to the most recent Assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing and then immediately voted to continue the hearing to October 23, 2024; and

WHEREAS, on October 23, 2024, the Planning Commission conducted a duly-noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor's roll;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the Project, including the vesting tentative subdivision map, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the Planning Commission finds and determines that:

A. The Vesting Tentative Subdivision Map is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan in that the Vesting Tentative Subdivision Map subdivides the existing 48.6-Acre Project Site into five lots, with up to three parcels for future parkland dedication and condominium purposes, subject to conditions set forth in the Conditions of Vesting Tentative Subdivision Map Approval.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan, in that the Vesting Tentative Subdivision Map facilitates the redevelopment of underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City's Housing Goals and assist the City in achieving Regional Housing Needs Allocation (RHNA) targets for production of affordable housing units as mandated by the State, and in accordance with Affordable Housing ordinance.

C. The site is physically suitable for the proposed type of development, in that the Project is compatible with the existing adjacent office, regional commercial, and light industrial uses and planned residential uses.

D. The site is physically suitable for the proposed density of development, in that the Project Site is located in an urbanized area and is served by existing utilities and infrastructure.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems, in that the proposed residential subdivision will implement Covenants, Conditions, and Restrictions for operation and maintenance of the building and site improvements and does not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project Site is located in an urbanized setting, is a developed site, and the proposed subdivision includes mitigation measures, as identified in the Mission Point Project EIR. Although the EIR identified significant unavoidable environmental impacts in the resource areas of air quality and noise, the Planning Commission made findings pursuant to Public Resources Code Section 21081 that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those impacts.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Vesting Tentative Subdivision Map for the Project provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that it would allow flexibility in the development standards to maximize the benefits of green building standards for site and building design.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the Vesting Tentative Subdivision Map for the Project to the City Council, substantially in the form on file as shown on the attached Vesting Tentative Subdivision Map for the Project and Conditions of Vesting Tentative Subdivision Map Approval for the Project, attached hereto and incorporated herein by this reference.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
REENA BRILLIOT

ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

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

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT
THE CITY COUNCIL APPROVE A VESTING TENTATIVE
SUBDIVISION MAP (PLN22-00635) AT 4995 PATRICK HENRY
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PLN22-00635 (Vesting Tentative Subdivision Map)

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WHEREAS, the Owner subsequently applied for a Planned Development (“PD”) Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (“R&D”), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; a Vesting Tentative Subdivision Map to subdivide the property into five lots with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, along with the GPA, the “Project”);

WHEREAS, the Vesting Tentative Subdivision Map application (PLN22-00635) would subdivide the property into five lots with up to three parcels for future parkland dedication and condominium purposes, and would vacate Democracy Way to serve the development;

WHEREAS, the proposed subdivision is consistent with the proposed site plan and improvements on the Project Site for the development of an up to 4,913,000 square-foot mixed-use development;

WHEREAS, pursuant to Section 17.05.210 of the Code of the City of Santa Clara (“SCCC”), a Vesting Tentative Subdivision Map shall be required for all divisions of land into five or more parcels;

WHEREAS, on January 16, 2024, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map should proceed to the Planning Commission in conformance with Section 17.05.300 of the SCCC;

WHEREAS, SCCC Section 17.05.300(g) requires that the Planning Commission make recommendations of denial, approval or conditional approval to the City Council on the Vesting Tentative Subdivision Map;

WHEREAS, the proposal is to create five new lots with up to three parcels for future parkland dedication and condominium purposes to serve the proposed development as shown on the Vesting Tentative Subdivision Map for the Project;

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), and the regulations implementing CEQA, specifically 14 Cal. Code of Regs § 15081, this Project was determined after an Initial Study to identify potentially significant effects on the environment, resulting in the preparation of an Environmental Impact Report (“EIR”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, in conformance with CEQA, the Environmental Impact Report (“EIR”) prepared for the Project was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024;

WHEREAS, in addition to the Project, the EIR studied the Reduced Office/Increased Housing Alternative, which assumed the development of 800 multi-family housing units in Area C (for a total of up to 2,600 housing units for the entire Project) instead of approximately 789,000 gsf of office/R&D space, but otherwise maintained all other land use and developments assumptions of the Project.

WHEREAS, the City prepared a Final Environmental Impact Report (“FEIR”), including Attachment 3 to the FEIR analyzing the Office/R&D – Residential Flex option for the Planned Development zoning, which would permit development of up to 800 additional residential units in Area C (for a total of 2,600 units for the Project), or a mix of residential and office/R&D uses in Area C, with a corresponding reduction in square footage of office/R&D uses and a proportional increase in deed-restricted affordable residential units in Area C (“Revised Project”), as shown in Exhibit “PD Development Plans: Revised Project” to Resolution No. [REDACTED];

WHEREAS, the Vesting Tentative Subdivision Map proposal for the Revised Project is also to create five new lots with up to three parcels for future parkland dedication and condominium purposes to serve the proposed development as shown on the Vesting Tentative Subdivision Map for the Revised Project;

WHEREAS, notice of the October 9, 2024 public hearing on the proposed Vesting Tentative Subdivision Map for the Project was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on September 26, 2024, notices of the October 9, 2024 public hearing on the Vesting Tentative Subdivision Map were mailed to all property owners within a quarter mile of the property, according to the most recent Assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing and then immediately voted to continue the hearing to October 23, 2024; and **WHEREAS**, on October 23, 2024, the Planning Commission conducted a duly-noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor’s roll;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing on the Revised Project, including the proposed Vesting Tentative Subdivision Map for the Revised Project, was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the Revised Project including the vesting tentative subdivision map, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the Planning Commission finds and determines that:

A. The Vesting Tentative Subdivision Map for the Revised Project is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan in that the Vesting Tentative Subdivision Map for the Revised Project subdivides the existing 48.6-Acre Project Site into five lots, with up to three parcels for future parkland dedication and condominium purposes, subject to conditions set forth in the Conditions of Vesting Tentative Subdivision Map Approval for the Revised Project.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan, in that the Vesting Tentative Subdivision Map facilitates the redevelopment of underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City's Housing Goals and assist the City in achieving Regional Housing Needs Allocation ("RHNA:") targets for production of

affordable housing units as mandated by the State, and in accordance with Affordable Housing ordinance.

C. The site is physically suitable for the proposed type of development, in that the Project is compatible with the existing adjacent office, regional commercial, and light industrial uses and planned residential uses.

D. The site is physically suitable for the proposed density of development, in that the Project Site is located in an urbanized area and is served by existing utilities and infrastructure.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems, in that the proposed residential subdivision will implement Covenants, Conditions, and Restrictions for operation and maintenance of the building and site improvements and does not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project Site is located in an urbanized setting, is a developed site, and the proposed subdivision includes mitigation measures, as identified in the Mission Point Project EIR. Although the EIR identified significant unavoidable environmental impacts in the resource areas of air quality and noise, the Planning Commission made findings pursuant to Public Resources Code Section 21081 that there exist certain overriding economic, social and other considerations for approving the Revised Project that justify the occurrence of those impacts.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Vesting Tentative Subdivision Map for the Revised Project provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that it would

allow flexibility in the development standards to maximize the benefits of green building standards for site and building design.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the Vesting Tentative Subdivision Map for the Revised Project to the City Council, substantially in the form on file as shown on the attached Vesting Tentative Subdivision Map for the Revised Project and Conditions of Vesting Tentative Subdivision Map Approval for the Revised Project, attached hereto and incorporated herein by this reference.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Vesting Tentative Subdivision Map (Revised Project)
2. Conditions of Vesting Tentative Subdivision Map Approval (Revised Project)

Conditions of Tentative Vesting Subdivision Map Approval

PLN22-00635 / 4995 Patrick Henry Drive & 3005 Democracy Way

Project Description: Tentative Map to subdivide the property into five lots (includes the vacation of Democracy Way)

GENERAL

- G1. **Effective Date; Permit Expiration.** This Permit shall automatically be revoked and terminated if not used within two years of the effective date of this Permit or within the period of any authorized extension thereof. This Permit shall only become effective at such time as the General Plan Amendment, PD Zoning, and Development Agreement have been adopted by the Decision-making body and have taken effect . The expiration date of this Permit is [REDACTED].
- G2. **Conformance with Plans.** Prior to the issuance of Building Permit, the development of the site and all associate improvements shall conform to the approved plans on file with the Community Development Department, Planning Division. No change to the plans will be made without prior review by the Planning Division through approval of a Minor Amendment or through an Architectural Review, at the discretion of the Director of Community Development or designee. Each change shall be identified and justified in writing.
- G3. **Conditions of Plans.** All conditions of approval for this Permit shall be reprinted and included within the first three sheets of the building permit plan sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- G4. **Necessary Relocation of Public Facility.** If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G5. **Indemnify and Hold Harmless.** The owner or designee agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorney's fees, injuries, costs, and liabilities from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of owner or designee's project.
- G6. **Code Compliance.** The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis; proposed use and occupancy of all spaces (CBC Ch. 3), all building heights and areas (CBC Ch. 5), all proposed types of construction (CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (CBC Ch. 7), all proposed interior finishes fire resistance (CBC Ch. 8), all fire protection systems proposed (CBC Ch. 9), and all means of egress proposed (CBC Ch. 10). Noncombustable exterior wall, floor, and roof finishes are strongly encouraged.
- During construction retaining a single company to install all fire related penetrations is highly recommended.
 - The grade level lobbies shall be minimum 1-hour rated all sides and above.
 - All stair shafts shall be minimum 1-hour rated.
 - All elevator shafts shall be minimum 1-hour rated.
 - All trash chute shafts shall be minimum 1-hour rated.
 - Recommendation: provide minimum two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
 - Any trash rooms shall be minimum 1-hour rated all sides and above.

- G7. **Building Codes as Amended.** See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.
- G8. **Reach Codes.** This project is subject to the provisions of the City of Santa Clara 2022 Reach Code, effective January 2022. See Ordinance No. 2034 and/or Title 15 of the Santa Clara City Code.
 - a. Chapter 15.36 – Energy Code for “all electric” provisions for new construction.
 - b. Chapter 15.38 – Green Building Code for additional Electric Vehicle Charging requirements for new construction.
- G9. Comply with all applicable codes, regulations, ordinances and resolutions.

COMMUNITY DEVELOPMENT – PLANNING DIVISION

- P1. The project shall comply with the Conditions of Approval for the associated Planned Development Rezoning (PLN2018-13400) and any subsequent Architectural Review approvals.

PARKS & RECREATION DEPARTMENT

- PR1. The parcel(s) that may be set aside for the future park shall not be deemed accepted by the City, nor shall it be deeded to the City as an easement or fee simple, until (1) the Commission has made recommendation to City Council and Council then approves the park, and (2) the park improvements have been completed and accepted by the City in accordance with a Park Agreement that the developer is required to enter into with the City.

PUBLIC WORKS DEPARTMENT - ENGINEERING

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be submitted within a Single Encroachment Permit to be reviewed and issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement/encroachment permit plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements directly to the Public Works Department. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E4. Obtain Council approval of a resolution ordering vacation of Democracy Way street right-of-way, through Public Works Department, and pay all appropriate fees, and fair market value, prior to building permit issuance for Phase 1 of project development.
- E5. All utilities within Democracy Way shall be relocated prior to summary vacation of Democracy Way.
- E6. Bioretention areas shall be outside of the public ROW and public easements.

- E7. Developer shall complete the relocation of utilities within Democracy Way prior to Council approval of a resolution ordering the vacation of Democracy Way street right-of-way and prior to recordation of the Final Map.
- E8. Prior to issuance of building permit for Phase 1, pay appropriate fee through Public Works Department to initiate the processing of a Grant Deed or easement document, per SVP requirements, for dedication of electric substation to the City.
- E9. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E10. Submit public improvement plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E11. Maintain required vertical height clearance from top of pavement to bottom of skybridge per Santa Clara Fire Department.
- E12. After City Council approval of the Tentative Map, submit the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.
- E13. Terminate public right-of-way encroachment agreements and remove PVC conduits crossing Democracy Way (SC 15,643) and Patrick Henry Drive (SC 15,727).
- E14. Dedicate, as required, on-site easements for new sidewalk, storm drain main, and any other new utilities by means of Subdivision Map or approved instrument at time of development.

STREETS DIVISION

General Condition: The Streets Division deems the Rezone and General Plan Amendment complete, however, the Streets Division will need to review and approve the architectural review for these individual projects to ensure that they meet right-of-way landscape, solid waste and stormwater requirements. The plans provided for the rezone and GPA only included overall conceptual plans, which is not enough detail for Streets to provide an appropriate review.

Right of Way Landscape

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- L1. Include [City of Santa Clara Tree Preservation/City Arborist specifications](#) on all improvement plans.
- L2. Identify existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- L3. 2:1 tree replacement ratio required for all trees removed from site.

DURING CONSTRUCTION OR OPERATION

- L4. No cutting of any part of **public**, including roots, shall be done without securing prior approval of the City Arborist. Tree trimming/removal shall be done in accordance to the City of Santa Clara Tree Preservation/City Arborist specifications and with direct supervision of a certified arborist (Certification of International Society of Arboriculture).

PRIOR TO FINAL OF BUILDING PERMIT

- L5. If 2:1 replacement ratio can not be met for removal of right of way landscape trees, tree planting fee must be paid prior to building permit final.

Solid Waste

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- SW1. The applicant shall complete and provide the Post-Construction Solid Waste Generation Estimation and Collection Form, which includes the estimation of trash and recycling materials generated from the project. Use the City's Solid Waste Guidelines for New and Redevelopment Projects as specified by the development type. Contact the Public Works Department at Environment@SantaClaraCA.gov or (408) 615-3080 for more information.
- SW2. The applicant shall provide a site plan showing all proposed locations of solid waste containers, chutes, compactors, trash enclosures and trash staging areas. The site plan shall show the route or access for trash and recycling collectors (trucks) including vertical clearance, turning radius and street/alley widths. All plans shall comply with the City's Solid Waste Guidelines. Solid metal roof, gates and a trench drain shall be installed within the trash enclosure and connected to the on-site sewer system.
- SW3. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.
- SW4. This project is subject to the City's Accumulation, Transportation and Disposal of Solid Waste Ordinance (Chapter 8.25 of the Municipal Codes), which requires the handling and disposal of waste by authorized service haulers. Insert the General Notes for the Construction & Demolition (C&D) Waste Management into construction plans in accordance with the City's municipal codes prior to the issuance of a Building or Grading permit. Provide the Green Halo waste online tracking number to Building staff prior to the issuance of a demolition or building permit.
- SW5. Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant is required to use the City's exclusive franchise hauler and rate structure for any hired debris boxes. Prior to the issuance of a Public Works clearance, the project applicant shall complete and sign the Construction and Demolition (C&D) / Waste Management Rules and Regulations Form.

DURING CONSTRUCTION OR OPERATION

- SW6. Applicant to track all waste generated and upload debris tags to GreenHalo for City staff review.

PRIOR TO FINAL OF BUILDING PERMIT

- SW7. Prior to obtaining a Temporary or Final Certificate of Occupancy, individual weight tickets for all materials generated for discard or reuse by the project during demolition and construction activities shall be uploaded to Green Halo and submitted for review and approval by Environmental Services. At a minimum two (2) weeks review time is required.

Stormwater

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- ST1. Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, the Special Project Narratives and Worksheet (as appropriate), and an Erosion and Sediment Control Plan.
- ST2. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter (on design) shall be submitted with the Plan.
- ST3. For project that disturbs a land area of one acre or more, the applicant shall provide a copy of the Notice of Intent (NOI) with WDID number for coverage under the State Construction General Permit. Active projects with NOI will be inspected by the City once per month during the wet season (October – April).
- ST4. The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans. Include the SCVURPPP Countywide Construction BMPs Plan Sheet with the plans. Applicant to add Source control measures with designations from C.3 stormwater handbook, Appendix H.
- ST5. Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST 6. Include C.3 Stormwater Treatment Facilities Construction general notes on the improvement plans.
- ST7. Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST8. For single-family homes and other small projects that create and/or replace 2,500 – 10,000 square feet of impervious surface area, the applicant shall implement at least one of the following site design measures:
- a. Direction of roof runoff into cisterns or rain barrels
 - b. Direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas
 - c. Construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces

Plans shall specify which site design measures are selected for the project and show the direction of flow from impervious surfaces to the selected site design measures. All measures shall meet the design criteria in the 2016 C.3.

Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects.

- ST9. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST11. The use of architectural copper is prohibited.

DURING CONSTRUCTION OR OPERATION

- ST12. Applicant shall install biotreatment soil media that meets the minimum specifications as set forth in the SCVURPPP C.3 Stormwater Handbook. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix (the date of such document shall not be older than 3 months).
- ST13. Stormwater treatment facilities must be designed, installed, and maintained to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C).
- ST14. Any site design measures used to reduce the size of stormwater treatment measures shall not be installed for the project without the written approval from the City, installing the corresponding resizing of other stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST15. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST16. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.

PRIOR TO FINAL OF BUILDING PERMIT

- ST17. As-Built drawing shall be submitted to the Public Works Department.
- ST18. Applicant shall schedule and City shall conduct a final C.3 inspection.
- ST10. Permeable Pavement, Media Filter vaults, Interceptor Trees and Trash Full Capture Devices shall be inspected by a third-party reviewer and/or manufacturer representative for conformance with the details and specifications. If necessary, percolation test shall be performed to ensure proper installation. A map displaying the number, location and details of full trash capture devices shall be prepared as an attachment to the Operations and Maintenance (O&M) Agreement with the City.
- ST11. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures and full trash capture devices in perpetuity. Applicants should contact Public Works Dept. - Environmental Services at (408) 615-3080 or Street@SantaClaraCA.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at

<http://santaclaraca.gov/stormwater>. Inspection of permeable pavement, media filter vaults and full trash capture devices is to be done annually by December 31 of each year.

SILICON VALLEY POWER

- SVP1. Maximum substation size shall not exceed 225 feet (long) x 120 feet (wide). Final dimensions are to be finalized as part of the detailed design efforts.
- SVP2. Maximum substation parcel must be the final building dimensions plus a minimum of the 30 feet set back from the property line.

WATER & SEWER DEPARTMENT

- W1. Related Approvals: Applicant shall comply with all related City approvals, entitlements, permits, or requirements associated with the subject property, unless explicitly superseded or revised by the Director of Water and Sewer Utilities.
- W2. Separate Services: Applicant shall provide separate water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-way services for each parcel to the satisfaction of the Director of Water & Sewer Utilities. Different types of water and recycled water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Services cannot cross a different parcel than the one it serves. No parcel shall be created that requires an easement from an adjacent parcel in order to be served. Tapping on existing fire service line(s) is prohibited. Approved backflow prevention device(s) are required on all potable water services.
- W3. Easements: Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature: _____

Printed Name: _____

Relationship to Property: _____

Date: _____

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

**RECORD WITHOUT FEES
PURSUANT TO GOVERNMENT CODE § 6103**

**RECORDING REQUESTED BY
AND**

WHEN RECORDED MAIL TO:

City of Santa Clara
City Clerk's Office
1500 Warburton Avenue
Santa Clara, California 95050

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**DEVELOPMENT AGREEMENT
FOR
MISSION POINT
(MIXED USE)**

BETWEEN

THE CITY OF SANTA CLARA,

a chartered California municipal corporation,

AND

INNOVATION COMMONS OWNER LLC,

a Delaware limited liability company

Effective Date * _____

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EXHIBITS

- A. Legal Description & Plat of Property
- B. Allocation of Fair Share Traffic Fees
- C. Definitions Glossary

**DEVELOPMENT AGREEMENT
FOR
MISSION POINT
(MIXED USE)**

This DEVELOPMENT AGREEMENT (“Agreement”), dated for reference purposes as of _____, 2024 is entered into by and between CITY OF SANTA CLARA (“City”), a chartered California municipal corporation, and INNOVATION COMMONS OWNER LLC, a Delaware limited liability company (“Developer”), (collectively the “Parties”) and is effective on the date set forth in Recital N.

RECITALS

Developer and City enter into this Agreement on the basis of the following facts, understandings and intentions, and the following recitals are a substantive part of this Agreement:

- A. Sections 65864 through 65869.5 of the California Government Code authorize the City to establish procedures to enter into binding development agreements with persons having legal or equitable interests in real property located within the City for development of property.
- B. “The Code of the City of Santa Clara, California” (“SCCC”) Section 17.10.010 and following, establishes the authority and procedure for review and approval of proposed development agreements.
- C. Developer is currently the legal owner of the property (“Property”) governed by this Agreement. The Property consists of nine (9) separate parcels (APNs 104-04-064, 104-04-065, 104-04-111, 104-04-112, 104-04-113, 104-04-142, 104-04-143, 104-04-150 and 104-04-151) totaling approximately 48.6 acres, as further legally described and depicted in Exhibit A, attached hereto and incorporated by this reference.
- D. Developer has submitted the following application(s) to the City (each such application being referenced herein as modified and finally approved by the City Council): (i) a General Plan Amendment to change the use designation of the Property from the existing *High-Intensity Office/R&D* designation to a newly established designation of *Urban Center Mixed Use and Urban Center Mission Point*) (#PLN _____; CEQ _____) (“General Plan Amendment”); (ii) a rezoning of the Property (“Rezoning”) from *High Intensity Office/R&D* to *Planned Development* (“PD”) with a Development Plan that includes a Transportation Demand Management Plan (“TDMP”), Affordable Housing Plan (“AHP”) and Parks & Open Space Plan (“POSP”) (#PLN _____, CEQ _____) (collectively, the “Development Plan”); and (iii) a vesting tentative subdivision map to merge and re-subdivide the Property, vacate Democracy Way, including relocation of the underground public improvements (#PLN _____, CEQ _____) (“VTM”). The applications in the foregoing subparagraphs D. (i),(ii), and (iii) are collectively referred to as the “Project Approvals”.
- E. The Project Approvals would authorize the Developer to redevelop the Property with an infill, mixed-use neighborhood consisting of up to 3 million gross square feet (“gsf”) of

office/research and development (“R&D”) space, approximately 100,000 gsf of neighborhood retail space, and up to 1,800 multifamily residences by consolidating, on a smaller portion of the Property, the square footage for office/R&D previously assumed in the City’s General Plan (for the former Yahoo! campus) to accommodate new multifamily housing, including affordable housing, public parks and private open space, neighborhood serving services, childcare and retail, Silicon Valley Power (“SVP”) facilities (collectively, the “Project”).

- F. The Project components, including but not limited to the proposed buildings, access and parking facilities, landscaping, parks and open space, and infrastructure improvements, and potential development sequencing to ensure necessary infrastructure support for the Project are all more particularly shown in the Development Plan consisting of * _____ sheets of plans dated _____ and on file with City (#PLN _____, CEQ _____), the VTM consisting of * _____ sheets of plans dated _____ and on file with the City (#PLN _____, CEQ _____), and the applicable conditions of approval, subject of that certain Notice of Conditions of Approval recorded in the Official Records as Document No. _____ (“COAs”) for the Development Plan and VTM, all incorporated herein by reference as if set forth in full. Certain improvements as set forth in the COAs are necessary to provide infrastructure support for the Project.
- G. Through this Agreement, the Parties intend to preserve the size and density of development as set forth in the Project Approvals. City and Developer each acknowledge that development and construction of the Project is a large-scale undertaking involving major investments by Developer and City, and assurances that Developer will be allowed to develop and use the Property in accordance with the terms and conditions set forth herein and the existing rules governing development of the Property will benefit both Developer and City.
- H. City is willing to enter this Agreement for the reasons enumerated in SCCC Section 17.10.010 to (i) eliminate uncertainty in the comprehensive development planning of large-scale projects in the City, such as the Project; (ii) secure orderly development and fiscal benefits for public services, improvements and facilities planning in the City, including the voluntary, supplementary community benefits offered by the Developer; (iii) meet the goals of the General Plan; and (iv) plan for and concentrate public and private resources for the mutual benefit of both Developer and City.
- I. Developer acknowledges and recognizes that material inducements for the City to enter into this Agreement include opportunities to:
- i. Support the City’s North Santa Clara planning effort by converting an underutilized 48.6-acre site, primarily used as a surface parking lot, to a pedestrian-oriented, high-intensity and high-density mixed-use development that is sustainable and inclusive by design, with a range of building types, connections between people, places, and open space;
 - ii. Broaden the housing supply and business opportunities in North Santa Clara through development of a human-centric, interconnected urban

neighborhood that provides a diverse and complementary mix of residential, commercial, retail and community uses with up to 3 million gsf of office/research and development (“R&D”) space, approximately 100,000 gsf of neighborhood retail space, approximately 10,000 sf childcare and up to 1,800 multifamily residences;

- iii. Promote an active pedestrian realm with continuous access to at-grade, podium-level, and rooftop private open space and at-grade public parks with flexible programming that will add substantial public park area and private open space to North Santa Clara;
 - iv. Promote and support local, regional, and State of California (State) mobility and greenhouse gas reduction objectives to reduce vehicle miles traveled and infrastructure costs through infill and mixed-use development in an existing urbanized and transit-rich area;
 - v. Facilitate ridership of multimodal transportation and minimize vehicular infrastructure, while providing efficient access to sufficient and flexible parking that meets current and future demand;
 - vi. Meet and exceed the City’s Affordable Housing Ordinance and Inclusionary Zoning requirements; and
 - vii. Promote and facilitate opportunities for childcare and grocery services in North Santa Clara; and
 - viii. Provide at least \$5 Million, subject to CPI, in voluntary funding towards public art and cultural programing; and
 - ix. Provide up to \$3 Million, subject to CPI, in voluntary funding for the City-led intersection improvements at Mission College and Great America Parkway.
 - x. Provide up to \$3.5 Million, subject to CPI, in voluntary funding for the City’s purchase of a new ladder truck and fire engine; and
 - xi. Provide for the voluntary allocation of point of sale to secure tax revenues from the construction of the Project for the benefit of the City’s general fund.
- b. In addition to the benefits of the Project and the voluntary community benefit contributions by Developer, the Project will also provide for, upgraded utility infrastructure, payment of substantial new development impact fees, school fees, increased property taxes to support public services and facilities and provide opportunities for construction and permanent jobs.

J. City’s willingness to enter into this Agreement is a material inducement to Developer to implement the Project, and Developer proposes to enter this Agreement in order (i) to

obtain assurances from City that the Property may be developed, constructed, completed and used pursuant to this Agreement, and in accordance with existing policies, rules and regulations of the City, subject to the exceptions and limitations expressed herein and the term of this Agreement; and (ii) to provide for a coordinated and systematic approach to funding the cost of certain public improvements and facilities planned by the City, and to establish the timing and extent of contributions required from Developer for these purposes.

- K. Developer requested City enter into this Agreement, and proceedings have been taken in accordance with State law, as set forth below.
- L. On *_____, _____, and _____, City's Planning Commission held a duly noticed public hearings on the Project, where following public testimony, the Planning Commission by adoption of Resolutions *_____, _____, and _____ recommended that the City Council (i) approve and certify the Final Environmental Impact Report ("EIR") pursuant to the California Environmental Quality Act ("CEQA"), making findings with respect thereto, adopting a Mitigation Monitoring and Reporting Plan ("MMRP"), and adopting a Statement of Overriding Considerations ("SOC"); (ii) approve the General Plan Amendment; (iii) approve the Rezoning and Development Plan, including TDMP and AHP, subject to COAs; (iv) approve the VTM, subject to COAs; and (v) approve this Agreement.
- M. On *_____, the City Council held a duly noticed public hearing on the Project, where following public testimony, the City Council, by adoption of Resolutions *_____, _____, _____ and _____ (i) approved and certified the EIR pursuant to CEQA, making findings with respect thereto and adopting a MMRP and SOC; (ii) approved the General Plan Amendment; (iii) approved the Rezoning and Development Plan, including TDMP and AHP, subject to COAs; (iv) approved the VTM, subject to COAs; and introduced Ordinance No. *_____, approving this Agreement.
- N. On *_____, the City Council adopted Ordinances Nos. *_____ and _____, rezoning the property and approving the Development Plan, and enacting this Agreement, and the Ordinances became effective thirty (30) days later on *_____ ("Effective Date").

AGREEMENT

NOW, THEREFORE, pursuant to the authority contained in California Government Code Section 65864 and following, and SCCC Section 17.10.010 and following, and in consideration of the mutual representations, covenants and promises of the Parties, the Parties hereto agree as follows below. A glossary of defined terms in this Agreement is provided in Exhibit C.

1. TERM

1.1 Effective Date. The term (“Term”) of this Agreement shall commence on the Effective Date (set forth above) and shall continue for a period of ten (10) years after the Effective Date, unless sooner terminated or extended as hereinafter provided.

1.2 Term Extensions. Notwithstanding the provisions of Section 1.1 the Term may be extended as follows and each such extension shall be documented by Operating Memoranda pursuant to Section 22.1:

- a. **First Extension.** If either of the following (a)(i) [First Extension Performance Option] or (a)(ii) [First Extension Payment Option], below occur then the Term of this Agreement may, at the request of the Developer, be extended by an additional five (5) years for a total Term of fifteen (15) years:

(i) First Extension Performance Option: a building permit(s) (“Building Permit”) has been issued for a residential building within the Project containing at least ninety (90) units for Very Low Income Households prior to January 15, 2031 and at least two and one half (2.5) acres or more of public or private parks or trail improvements on the Property have been approved and either completed or subject to a binding public improvement agreement and secured by financial security acceptable to the City (e.g., performance bonds), and at least one of the following (A) or (B) has occurred:

(A) Developer satisfies the obligations in Section 4.16 related to delivery of a Grocery Store or an Approved Grocery Alternative (“Grocery Performance Milestone”); or

(B) Developer satisfies the obligations in Section 4.17 related to delivery of Childcare Facility or an Approved Childcare Alternative (“Childcare Performance Milestone”).

(ii) First Extension Payment Option. Developer pays to the City an amount of one dollar (\$1.00), as adjusted by CPI from the Effective Date, for all remaining maximum allowed square feet of the Project that are not complete or subject to a Building Permit as of the date the First Extension Payment Option is exercised.

- b. **Second Extension.** If, in addition to satisfaction of (a) [First Extension] above, either of the following (b)(i) [Second Extension Performance Option] or (b)(ii) [Second Extension Payment Option], below occur, then the Term of this Agreement may, at the request of the Developer, be extended, by an additional five (5) years for a total Term of twenty (20) years:

(i) Second Extension Performance Option. A Building Permit has been issued for at least one hundred and eighty (180) total affordable units, and at least 5 acres or more of public or private parks or trail improvements on the Property have been approved and either complete or subject to a binding public improvement agreement and secured by financial security acceptable to the City (e.g., performance bonds), and Developer has completed either the

Grocery Performance Milestone or the Childcare Performance Milestone as defined in (a)(i).

(ii) Second Extension Payment Option. Developer pays to the City an amount of one dollar and fifty cents (\$1.50), as adjusted by CPI from the Effective Date, for all remaining maximum allowed square feet of the Project that are not complete or subject to a Building Permit as of the date the Second Extension Payment Option is exercised.

- c. **Third Extension**. If, in addition to satisfaction of (a) [First Extension] and (b) [Second Extension], above, either of the following (c)(i) [Third Extension Performance Option] or (c)(ii) [Third Extension Payment Option], below occur, then the Term of this Agreement may, at the request of the Developer, be extended by an additional five (5) years for a total Term of (25) years.

(i) Third Extension Performance Option. A Building Permit has been issued for at least two hundred and seventy (270) total affordable units, at least 7.4 acres or more of public or private parks or trail improvements on the Property have been approved and either complete or subject to a binding public improvement agreement and secured by financial security acceptable to the City (e.g., performance bonds), and Developer has completed both the Grocery Performance Milestone and the Childcare Performance Milestone as defined in (a)(i).

(ii) Third Extension Payment Option. Developer pays to the City an amount of two dollars (\$2.00), as adjusted by CPI from the Effective Date, for all remaining maximum allowed square feet of the Project that are not complete or subject to a Building Permit as of the date the Third Extension Payment Option is exercised.

1.3 Expiration. Following expiration of the Term or any extension, or if sooner terminated, this Agreement shall have no force and effect, subject, however, to post-termination obligations of Developer and City. The Parties agree that the term of any VTM shall expire and be of no further force or effect upon expiration of this Agreement.

2. DEVELOPMENT OF THE PROPERTY

2.1 Property. The Property that is the subject of this Agreement is that certain real property described in Exhibit A attached hereto. The Parties acknowledge that the VTM is intended to resubdivide the entire Property. Therefore, upon the request of Developer, City agrees to meet and confer with Developer on whether, for ease of future reference, to replace the legal description in Exhibit A with the final legal descriptions shown on the recorded Final Map(s) that describe the entire Property, subject to the City's confirmation that the Final Maps accurately describe the Property. The determination of whether to replace the legal description in Exhibit A with the final legal descriptions shown on the Final Map(s) shall be made at the City's sole discretion.

2.2 Binding Covenants. It is intended and agreed that the provisions of this Agreement shall constitute covenants that shall run with the Property, and the benefits and burdens hereof shall bind and inure to all successors in interest to the Parties hereto.

2.3 Life of Approvals. Pursuant to Government Code section 66452.6(a) and this Agreement, the life of the Project Approvals (defined in Recital D) and all subsequent Project approvals, including but not limited to architectural approval(s) and tree removal permit(s) (each a “Subsequent Project Approval” and collectively with the Project Approvals the “Approvals”) shall automatically be extended to and until the later of the following: (1) the end of the Term of this Agreement; or (2) the end of the term or life of any such Approval. Notwithstanding the foregoing, the Vested Elements secured by Developer under this Agreement shall have a life no greater than the Term of this Agreement, and any extension thereof.

2.4 Vested Elements. The permitted uses of the Property, the maximum density and intensity of use, the maximum heights, locations, numbers and gross square footage of the proposed buildings, the provisions for vehicular access and parking, reservation or dedication of land for public purposes or fees in-lieu thereof, provision for construction of public improvements and/or required fees associated with the Project as provided in, and limited by, the Approvals and this Agreement, shall be vested and are hereby vested and referred to as vested elements (“Vested Elements”). In addition to the foregoing Vested Elements, other terms and conditions of development applicable to the Project are set forth in the following documents as they exist as of the Effective Date:

- a. The General Plan of the City of Santa Clara, current as of the Effective Date, the terms and conditions of which are incorporated herein by this reference;
- b. SCCC, current as of the Effective Date, including the Rezoning;
- c. The Development Plan, including the TDMP and AHP, and VTM, including the COAs imposed thereon;
- d. All other applicable City plans, policies, programs, regulations, ordinances and resolutions of the City in effect as of the Effective Date, which regulate development of the Property and implementation of the Project, and which are not inconsistent with the terms of this Agreement (“Other Regulations”);
- e. Any permits and/or Subsequent Approvals, including but not limited to additional subdivision maps or lot line adjustments, if any, final maps, site and architectural review, demolition permits, Building Permits, grading permits, and infrastructure improvement plans processed in accordance with the terms of this Agreement. Upon approval, each such Subsequent Approval shall be incorporated into this Agreement and vested hereby; and,
- f. Proof of availability of sufficient water supply demonstrating the Project’s compliance with Government Code § 66473.7.

2.5 Permitted Uses. The permitted uses for the Property and the Project include the following, all as more particularly described in the Development Plan and all of which must be implemented in accordance with the Approvals and the COAs, and MMRP. The number of residential units and amount of square footage for each use are subject to the Minor Change process as set forth in Section 11.2(b):

- a. Up to 1,800 residential units and related amenity space;
- b. Up to 3 million gross square feet (“gsf”) of office/R&D and related amenity space;
- c. Approximately 100,000 gsf of neighborhood retail uses; and
- d. Approximately 10,000 gsf of childcare facilities.

2.6 Present Right to Develop. Subject to Developer’s fulfillment of the provisions of this Agreement, including the Development Plan and COAs, the City hereby grants to Developer the present vested right to develop and construct on the Property all the improvements authorized by, and in accordance with, this Agreement and the Vested Elements. To the extent permitted by law, no future modification (including by later-adopted initiative and/or referendum) of the City’s General Plan, SCCC, ordinances, policies or regulations that purport to (i) limit the rate or timing of development, size of buildings or other improvements (including developable square footage), or amount of development of the portions of the Project to be built; or (ii) impose fees, exactions or conditions upon development, occupancy or use of the Property other than as provided in the Project Approvals and the COAs and MMRP, or pursuant to this Agreement, shall apply to the Property; provided, however, that nothing in this Agreement shall prevent or preclude City from adopting any fees or land use regulations or amendments thereto, expressly permitted herein.

2.7 Timing of Improvements; No Moratoria. Subject to the Project Approvals and this Agreement, Developer shall have the right to develop the Project at such time as Developer deems appropriate subject to Section 2.3 and this Section 2.7 within the exercise of its subjective business judgment. The Parties acknowledge and agree that presently the Developers cannot predict the timing of the Project. Therefore, the Developers have no obligation to develop or construct all or any component of the Project. The timing, sequencing, and phasing of the Project is solely the right and responsibility of Developers in the exercise of their business judgment so long as it is consistent with the Vested Rights and the MMRP. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465 that failure of the Parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the Parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that the Developers shall have the right to develop the Property in such order, at such rate, and at such times as Developers deem appropriate within the exercise of its subjective business judgment and the provisions of this Agreement. No annual (or other) limit, moratoria, or

other limitation upon the number of, or pacing of, buildings which may be constructed, or Building Permits which may be obtained, or the like shall apply to the Project.

2.8 Agreement and Comprehensive Plan for Development. The Parties acknowledge that, except as specifically set forth herein, the Project Approvals, the MMRP, and COAs set forth a comprehensive schedule of all development terms and conditions, development mitigation measures and fees, special assessments, special taxes, exactions, fees in-lieu, charges and dedications required in the public interest to be contributed, paid or constructed due to development of the Project on the Property. All fees referred to herein, may be subject to an annual increase until paid, but only if such increase is applied equally to similarly situated projects on a City-wide or area-wide basis, and any such annual increase shall be limited in the manner specified in Section 3.

2.9 Design of On-Site and Off-Site Improvements. Development of the Property shall be subject to Architectural Review Process by City pursuant to the policies, regulations and ordinances, including Article 6 of the City Zoning Code entitled “Permit Processing Procedures”, in effect as of the Effective Date, and subject to the Vested Elements, the MMRP, and this Agreement. No such Architectural Review shall, without Developer’s consent, require development of the Property inconsistent with the Vested Elements, or MMRP unless City determines it is necessary to protect against conditions which create a substantial adverse risk to the physical health or safety of residents or users of the Project or the affected surrounding region. The Vested Elements and the MMRP, and all improvement plans prepared in accordance thereof, shall govern the design and scope of all on-site and off-site improvements benefiting or to be constructed on the Property. In no event shall Architectural Review approval by City be conditioned on or require any change in the Vested Elements or the MMRP, without Developer’s consent.

2.10 Development of the Site. In consideration for the City entering into this Agreement, Developer agrees to perform all of its obligations contained in this Agreement in the time and manner set out in this Agreement, the MMRP, the COAs and the Project Approvals.

2.11 Integrated Development. City and Developer acknowledge that the Project is, and shall be considered, an integrated development. It is thus the intention of the Parties that, if construction on one component of the Project is commenced, any additional development of the Property will adhere to this Agreement and the Project Approvals. However, nothing in this Agreement is intended: (i) to prevent Developer from individually commencing and completing development of any portion of the Project, even if development on other portions thereof has not been commenced and/or completed; (ii) to prevent Developer from independently marketing, selling, renting and/or occupying all, or any portion of, such developed space, pursuant to Section 12, provided that all current obligations under this Agreement and the Development Plan and all infrastructure requirements for the existing developed space have been met; and (iii) to require Developer to develop any portion of the Project (even if development on another portion of the Project has been commenced and/or completed).

2.12 Building Standards. Developer hereby agrees to employ all reasonable efforts such that the Project will be built to LEED Neighborhood Development Silver or equivalent

standards, LEED CS Gold or equivalent standards for commercial buildings and LEED NC Silver for residential buildings, all as described in more detail in the Project Approvals.

3. EFFECT OF AGREEMENT

3.1 Subsequent State or Federal Laws or Regulations. As provided in California Government Code section 65869.5, this Agreement shall not preclude the application to the Project of changes in laws, regulations, plans or policies, to the extent that such changes are required by changes in county, regional, State or federal laws or regulations (“Changes in the Law”). In the event Changes in the Law prevent or preclude compliance with one or more material provisions of this Agreement, Developer may request that such material provisions be modified or suspended, or performance delayed, as may be necessary to comply with Changes in the Law, and City may take such action as it deems necessary to be consistent with the intent of this Agreement.

3.2 Changes to Existing Regulations. Except as otherwise specifically provided, only the following changes to the Vested Elements, including such changes adopted by the electorate through the powers of initiative, or otherwise, shall apply to the development of the Property:

- a. Subject to Section 3 herein, Citywide regulations, ordinances, policies, programs, resolutions or fees adopted after the Effective Date that are not in conflict with the Vested Elements and the terms and conditions for development of the Property established by this Agreement, or otherwise applicable regulations existing as of the Effective Date. Changes to the General Plan, SCCC or other regulations shall be deemed to conflict with the approvals and this Agreement (“Conflicting City Law”) if such changes prevent development of the Property in substantial accordance with the Approvals; require significant changes in the development of the Property from what is contemplated by the Approvals; significantly delay, ration or impose a moratorium on development of the Property; or require the issuance of discretionary or nondiscretionary permits or approvals by the City other than those required as of the Effective Date. A fee shall be deemed to conflict with this Agreement if it is an increase in an existing fee by more than the amount permitted pursuant to Section 4 below.
- b. Any law, regulation or policy which would otherwise be Conflicting City Law, but through this Agreement or by later separate document, application to the Property has been consented to in writing by the Developer.

3.3 Further Reviews. Developer acknowledges that existing land use regulations, the Vested Elements and this Agreement contemplate the possibility of further reviews of elements or portions of the Project by the City including potential CEQA analysis, if required. Nothing in this Agreement shall be deemed to limit the legal authority of City with respect to these reviews as provided by, and otherwise consistent with, this Agreement and the Vested Elements. In no event shall such further review by City revisit the COAs and Project Approvals or be conditioned on or require any change in the

Project except as contemplated by the COAs, the Project Approvals and/or this Agreement.

3.4 Local Rules. Future development on the Property shall be subject to all the official rules, regulations and policies (collectively “Local Rules”) of the City which govern uses, architectural design, landscaping, public improvements and construction standards, and which are contained in and not inconsistent with the Vested Elements or are in effect as of the Effective Date, with the exception that revisions or amendments to the Local Rules necessitated by reasonable public health or fire and life-safety considerations shall apply as though the rules were in effect as of the Effective Date. Notwithstanding any other provision of this Agreement, and without limitation as to any other exceptions contained in this Agreement, City shall retain the authority to take the following actions, so long as such action is applied on a Citywide basis to similarly situated projects:

- a. Adopt and apply property transfer taxes and/or excise taxes;
- b. Adopt and apply utility charges;
- c. Adopt updates to building and/or fire codes;
- d. Maintain the right of voters to act by initiative or referendum, but only to the extent that the initiative or referendum does not affect or interfere with any vested rights acquired by the Developer in this Agreement; except that this Agreement itself is subject to referendum; and,
- e. Take other actions not expressly prohibited by the terms or provisions of this Agreement.

3.5 Future Exercise of Discretion by City. This Agreement shall not be construed to limit the authority or obligation of City to hold necessary public hearings, or, except as provided herein, to limit discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances or laws which require the exercise of discretion by City or any of its officers or officials. Except as provided herein, this Agreement shall not prevent City from applying new rules, regulations and policies, or from conditioning future Project development approval applications on new rules, regulations and policies that do not conflict with the terms of the Vested Elements or this Agreement.

4. DEVELOPMENT FEES, EXACTIONS AND DEDICATIONS.

4.1 Development Fees, Exactions and Dedications. During the time period between the Effective Date and the time period that is seven (7) years after the Effective Date (such time period, as extended by any delay due to Force Majeure hereinafter the “Development Fee Vested Period”), the types and amounts of fees, special assessments, special taxes, exactions and dedications (collectively “Fees”) payable due to the development, build out, occupancy and use of the Property pursuant to this Agreement shall be exclusively those set forth in the Project Approvals, the COAs and as specified in this Agreement. Notwithstanding any amendments to the Fees or imposition of any new City fees, taxes, special assessments or other exactions during the Development Fee

Vested Period, the Fees set forth in this Agreement, the COAs, and Project Approvals shall be the only fees, charges, special assessments, special taxes, dedications and exactions payable to City due to development of the Property during the Development Fee Vested Period; provided however that any automatic and generally applicable increases to such Fees occurring during the Development Fee Vested Period pursuant to an ordinance adopted prior to the Development Vested Period shall apply to the Fees. The defined term “Fees” for this purpose does not include Load Fees adopted by Silicon Valley Power. The Development Fee Vesting Period shall be extended (if still in effect at the time) or reset (if expired at the time) for a period(s) of four (4) years upon the date of City approval of an Architectural Review Permit for any portion of the Project based on whatever Fees are in effect as of the reset date (each a “Development Fee Vesting Locking Period”). Each Development Fee Vesting Locking Period shall be documented by Operating Memoranda pursuant to Section 22.1. After the Development Fee Vesting Period has expired (subject to the Development Fee Vesting Locking Periods noted above), all Fees payable due to the development, build out, occupancy and use of the Property pursuant to this Agreement shall be those Fees, and in the amounts, then in effect so long as such Fee is (i) generally applicable on a city-wide or area-wide basis for similar land uses, and (ii) are not redundant as to the Project of a fee, dedication, program, requirement, or facility that is imposed or required under this Agreement, the COAs, or the Project Approvals. Notwithstanding anything to the contrary herein, if the Developer complies with the requirements of Section 4.8, Art in Public and Private Development Funding, the Project shall not be subject to any public art fee (or similarly titled development fee or special tax adopted for the purposes of increasing the amount of public/publicly accessible art or generating funding for such purpose) adopted by the City as set forth in Section 4.8.

4.2 Processing Fees. Processing fees, including without limitation Building Permit application, processing and inspection fees (“Processing Fees”), may be increased if the increase is applicable Citywide and reflects the reasonable cost to City of performing the administrative processing or other service for which the particular Processing Fee is charged. New Processing Fees may be imposed if the new Processing Fees apply to all similarly situated projects or works within the City and if the application of these Processing Fees to the Property is prospective only. Processing Fees shall be due and payable on an individual project application basis, so that only those fees applying to the actual construction of each portion of the Project shall be paid upon the issuance of the appropriate permits for that portion of the Project. Developer shall pay the costs associated with the planning, processing and environmental review process for the Project, provided that such costs shall be limited to (i) reasonable costs directly associated with the preparation of the EIR; (ii) fees ordinarily charged by City for processing land use applications and permits, provided that such fees and costs are applied to Developer in the same manner as other similarly situated applicants seeking similar land use approvals and are not limited in applicability to the Project or to related uses; and (iii) fees associated with third-party contract permit plan checking, if applicable, above those normally charged by the City. Pursuant to Section 4.3, Developer shall reimburse City for reasonable staff overtime expenses incurred by City in processing review, approval, inspection and completion of the Project provided that such overtime expenses are (a) reasonably necessary for the completion of the Project in

accordance with Developer's schedule; and (b) applied to Developer in the same manner as similarly situated project applicants.

4.3 Reimbursement to City. Notwithstanding the foregoing limitations on Processing Fees, Developer agrees to reimburse City for expenses over and above Processing Fees paid by Developer as an applicant for reasonable third-party contractual costs incurred by City relating to any expedited processing of entitlements and environmental review related to this Agreement requested by the Developer. Such reimbursement shall be due within sixty (60) days of receipt of an invoice from the City.

4.4 Dedications. Developer shall offer to dedicate to City, upon request by City, all portions of the Property designated in the Project Approvals or Conditions of Approval for public easements, streets or public areas.

4.5 Mitigations. Developer agrees to contribute to the costs of public facilities and services in the amounts set forth in the Project Approvals, MMRP, and COAs as required to mitigate impacts of the development of the Property ("Mitigations"). City and Developer recognize and agree that but for Developer's contributions to mitigate the impacts arising as a result of the entitlements granted pursuant to this Agreement, City would not and could not approve the development of the Property as provided by this Agreement. City's approval of development of the Property is in reliance upon, and in consideration of, Developer's agreement to make contributions toward the cost of public improvements and public services as provided to mitigate the impacts of development of the Property.

4.6 Affordable Housing Provisions. Developer agrees to provide onsite residential units at affordable rents/costs, as set forth in the AHP (set forth in Section 2.11 of the Development Plan). The City's baseline Inclusionary Housing Policy requires developers of for sale and rental residential developments (including mixed use projects) of ten (10) or more units to provide at least fifteen (15%) percent of their units at rents or prices affordable to extremely low, very low, low and moderate income households, or some combination thereof, as long as the distribution of affordable units average for all rental units does not exceed a maximum of one hundred percent (100%) of area median income or the average for all affordable for-sale rental units does not exceed one hundred percent (100%) AMI, and for the affordable units to be dispersed with the market rate units. Inclusionary units are subject to reduced required fees, and any calculations that result in fractional units pay in-lieu fees. The Project must meet all requirements of the City's existing Affordable Housing Ordinance and all affordable housing units must be dispersed with the market rate units, unless, upon the request of Developer, an alternate plan is approved by the City Council pursuant to the AHP and existing Affordable Housing Ordinance. When and if the City Council approves an alternative plan pursuant to the AHP, such alternative plan shall be incorporated by reference in this Agreement so long as such alternate plan otherwise complies with this Agreement. In addition, the Developer has voluntarily agreed to meet and exceed this requirement as provided in the AHP by proposing to provide an average affordability of eighty (80%) AMI with no individual affordable rental unit exceeding a maximum of one hundred percent (100%)

AMI and no individual affordable for-sale unit exceeding a maximum of one hundred and twenty percent (120%) AMI.

4.7 Open Space and Parks. Developer acknowledges its obligation to provide parkland, pay a fee in lieu thereof, or a combination of such dedication and fee pursuant to Chapter 17.35 of the City Code. Notwithstanding the preceding provisions of Section 4 or any other provisions in this Agreement to the contrary, the provisions of this Section 4.7 shall exclusively govern the dedication of parkland and payment of fees due in lieu of parkland dedication, and the credits against the amount of such parkland dedication and/or such in lieu fees, with respect to the Project. Said fees shall be assessed per development of the Project's residential units and shall be paid prior to the issuance of a building permits for vertical construction of residential buildings and the timing of dedication and delivery of parkland shall be as set forth in a park improvement agreement executed between the City and Developer. In addition, the Project will comply with the following with respect to open space and parks as the Project is implemented:

- a. **Minimum Park and Open Space Improvements.** Subject to the City's formal public park review process, concurrent with issuance of Building Permits resulting in a cumulative of five hundred (500) or more residential units within Area C, the Developer will have completed or entered into a public improvement agreement with the City to complete a minimum of one and a half (1.5) acres or more of public park or private open space improvements with a public access easement that include play areas for children ages 2 to 5 and ages 5 to 12.
- b. **Maintenance of Public Parks.** The Parties acknowledge that the size and design of the public park is conceptual and will be subject to the City's process under the Park Ordinance. When a public park is proposed by the Developer, in addition to the park improvement agreement and as a condition of approval, the Developer will enter into a maintenance agreement with the City to maintain the proposed public parks on the Property consistent with City's standard and typical maintenance standards for a minimum of forty years from dedication ("Public Park Maintenance Period"). The Parties agree that the target maximum annual maintenance cost for the public park, including an annualized reserve for anticipated capital replacement costs during the Public Park Maintenance Period, is one dollar and sixteen cents (\$1.16) per square foot of public park, as adjusted by CPI from the Effective Date (the "Target Maximum Public Park Maintenance Cost"). The Target Maximum Public Park Maintenance Cost is intended to cover one hundred percent (100%) of reasonable annual park maintenance and capital replacement during the Public Park Maintenance Period based on current conceptual park designs and assumes private maintenance by Developer as an independent contractor. If at the time the public parks are designed, Developer proposes a design or programmatic elements that result in estimated annual maintenance costs that exceed the Target Maximum Public Park Maintenance Cost, the Developer will nevertheless accept responsibility for maintenance of the parks and assume responsibility for one hundred percent (100%) of annual maintenance costs during the Public Park Maintenance Period. If, however, the City requests changes to the park design or programmatic elements proposed by

Developer that increase estimated maintenance costs above the Target Maximum Public Park Maintenance Cost, the Parties will meet and confer in good faith on design changes to reduce maintenance costs to at or below the Target Maximum Public Park Maintenance Costs. If the City does not wish to accept design changes that would reduce maintenance costs, the City may instead elect to enter into an agreement with the Developer to reimburse maintenance costs in excess of the Target Maximum Public Park Maintenance Cost for the Public Park Maintenance Period. After the Public Park Maintenance Period, the City will be solely responsible for all public park maintenance and capital replacement costs for any dedicated public park.

- c. **Maintenance of Public Trails.** When a public trail is proposed by the Developer on the Property, in addition to the trail improvement agreement and as a condition of approval, the Developer will enter into a maintenance agreement with the City to maintain the proposed public trail on the Property consistent with City's standard and typical maintenance standards for a minimum of forty years from dedication ("Public Trail Maintenance Period"). The Parties agree that the target maximum annual maintenance cost for the public trail, including an annualized reserve for anticipated capital replacement costs during the Public Trail Maintenance Period, is one dollar and sixteen cents (\$1.16) per square foot of public trail, as adjusted by CPI from the Effective Date (the "Target Maximum Public Trail Maintenance Cost"). The Target Maximum Public Trail Maintenance Cost is intended to cover one hundred percent (100%) of reasonable annual public trail maintenance and capital replacement during the Public Trail Maintenance Period based on current conceptual public trail designs and assumes private maintenance by Developer as an independent contractor.
- d. **Public Access to Private Open Space.** Public access easements will apply to ground level private open space of a public facing nature over which pedestrian, bicycle traffic, or other public use is reasonably anticipated or would provide a convenience, amenity value, and/or help create pedestrian or bicycle connectivity. Delineation of areas subject to such public access easements will be determined at the time of Architectural Design Review approval for each Project phase or subphase that includes ground level private open space improvements. Areas subject to access easements are anticipated to consist of privately-owned sidewalks, pedestrian plazas, parks, bike lanes, streets, and landscaped areas directly adjacent to public parks or rights of way. Upon completion of each phase of applicable private open space in the Project, Developer to provide a public access easement over the applicable areas with either 24/7 access, or other reasonable hours as appropriate depending on the location, to be recorded prior to the applicable certificate of occupancy. The City shall not be responsible for any maintenance costs for the public access easement areas.

4.8 Art in Public and Private Development Funding. Parties agree that art in public and private development has come to be an essential element in placemaking, social practice, and the creation of vibrant and economically successful communities. As such, the Developer agrees to invest an aggregate (reasonable hard and soft third party costs for

processing, design, construction and installation) minimum amount of five million dollars (\$5,000,000), as adjusted by CPI, in original art features within the Project (“Public Art Funding”). These features must be publicly visible and/or accessible and may include, but are not limited to: sculptures, murals, exhibition or performance spaces and functional art such as decorative benches, bike racks or other architectural design features that are commissioned original pieces of art approved by the City. Placemaking activities such as temporary art installations or cultural arts programming that the general public can participate in are also considered acceptable uses of the Public Art Funding. All projects to be supported by the Public Art Funding shall be submitted to the City with a maintenance plan for approval. The Developer shall spend , or place in an escrow held by the City, at least Three Million Dollars (\$3,000,000), adjusted by CPI, of the Public Art Funding prior to the exercise of First Extension of the Term of this Agreement, and at least the full amount of the Public Art Funding prior to the exercise of the Second Extension of the Term. If the requirement in the preceding sentence is satisfied, the Project shall not be subject to any new public art fee or similar public arts requirements adopted by the City for the longer of the full Term of this Agreement or through completion of the Project. Any escrowed funds shall remain in an earmarked account for use on the Project until five (5) years after termination of this Agreement. After that time, any unspent funds remaining in escrow will be available to the City for any public art purpose within the City in the City’s sole discretion. The obligations of this Section 4.8 shall survive termination of this Agreement.

4.9 Local Transportation Improvements; Fair Share Traffic Fees. In addition to all applicable traffic impact fees pursuant to Santa Clara Code Section 17.15.330, Developer agrees to the total sum of up to Six Million Four Hundred Thousand Sixty Seven Thousand One Hundred and Fifty Nine Dollars (\$6,467,159) (“Fair Share Traffic Fees”) payable to the City to mitigate the Project’s contributions to certain local and regional intersection improvements identified in the EIR and further specified and allocated in Exhibit B (“Allocation of Fair Share Traffic Fees”). The Fair Share Traffic Fees shall be payable at the times and in the amounts shown on Allocation of Fair Share Traffic Fees. At the Developer’s option, Developer may pay Fair Share Traffic Fees in cash when due, or by use of a bond or letter of credit, to be credited proportionately to such intersection improvement or otherwise subject to the provisions of this Section 4.9. In the event the City permits the Developer to build any local transportation improvements over and above the Project’s fair share, Developer shall be entitled to reimbursement from traffic fees paid to City by properties not associated with the Project and which benefit from the improvements over and above the Project’s fair share when those properties develop.

4.10 Sewer Connection Fee. If the City should adopt an ordinance subsequent to the Effective Date of this Agreement that permits reduced Sewer Connection Fees as a result of onsite conservation measures, the Developer may apply for consideration of such reductions toward the Sewer Connection Fees paid on behalf of the Project. Applications may be filed for any portion of the Project, if that portion of the Project has a minimum of one year of ninety percent (90%) occupancy prior to receipt of the application by the City.

4.11 Vacation of Democracy Way. The City agrees to approve the vacation of Democracy Way as shown in the VTM and may utilize any applicable procedure permissible under the City Charter and/or the SCCC to effectuate the vacation of the street right of way easement, including all required relocation of public utilities (the “Street Easement Vacation”). The Street Easement Vacation is subject to the reservation of a public utility easement therein until the relocation of all required public utilities existing within Democracy Way as of the Effective Date (“Existing Public Utilities”). Developer shall, at its cost, relocate or cause to be relocated all Existing Public Utilities (“Relocation Work”). Promptly following the completion of such Relocation Work, the City shall vacate the reserved public utility easement within the Vacated Street Area pursuant to the summary vacation procedures set forth in Streets and Highways Code Section 8300 *et seq.* When the Developer commences the Relocation Work, the City will, promptly upon receipt of a written request to do so from Developer and at the Developer’s cost, prepare an appraisal of the fair market value of the street right of way easement by a qualified appraiser (“ROW Appraisal”). The Developer will have the right to review the qualifications and scope of work for the Appraisal prior to its preparation, and the City shall consider and address any reasonable objections of the Developer in good faith. The Developer shall pay to the City the fair market value established by the ROW Appraisal (“FMV”), minus the actual and reasonable soft and hard costs of the Relocation Work (“Relocation Costs”). Developer will pay to the City the amount (if any) that the FMV exceeds the Relocation Costs. If, however, the Relocation Costs exceed the FMV, no amount will be due to either Party. The Street Easement Vacation and any payment due to the City under this Section 4.11 shall be completed prior to the recordation of a Final Map for either Area A or Area B (whichever is earlier), as depicted on the VTM. The Parties acknowledge that this process may take several years to complete, and that the City will commence this process only upon the written request of the Developer and execution of a reimbursement agreement for the City’s actual, reasonable costs related to implementation of this Section 4.11.

4.12 Utility Improvements. Developer shall, at its cost, upgrade existing public utilities per the infrastructure delivery plan set forth in the Project Approvals. Developer shall be entitled to reimbursement for any upsizing of public utilities to serve connections from properties not associated with the Project.

4.13 SVP Facilities. Special facilities may be required for the provision of electric service to the Project. Developer agrees to fulfill its commitments to SVP pursuant to the COAs and, if required, a separate agreement to be entered with SVP.

4.14 Transportation Services. Developer agrees to implement the Transportation Demand Management Plan, as set forth in Section 2.10 of the Development Plan, in order to facilitate the usage of multi-modal transit in cooperation with the City, other public agencies, and other local business interests.

4.15 Point of Sale for Project Construction. The Developer agrees to, prior to issuance of Building Permits, to the extent allowed by law, to require all persons and entities providing materials to be used in connection with the construction and development of, or incorporated into, the Project, including by way of illustration but not limitation bulk

lumber, concrete, structural steel, roof trusses and other pre-fabricated building components, to (a) obtain a use tax direct payment permit; (b) elect to obtain a subcontractor permit for the job site of a contract valued at Five Million Dollars (\$5,000,000) or more; or (c) otherwise designate the Property as the place of use of material used in the construction of the Project and the place of sale of all fixtures installed in and/or furnished in order to have the local portion of the sales and use tax distributed directly to City instead of through the county-wide pool. Developer shall instruct its general contractor(s) to, and shall cause such general contractor(s) to instruct its/their subcontractors to, cooperate with City or City's consultant to ensure the local sales/use tax derived from construction of the Project is allocated to City to the fullest extent possible and to the extent allowed by law. This Section 4.15 shall not apply to tenants who perform their own tenant improvement work. To assist City or City's consultant in its efforts to ensure that such local sales/use tax is so allocated to City, Developer shall on an annual basis, or as frequently as quarterly upon City's or City's consultant request, provide City or City's consultant with such information as shall be reasonably requested by City or City's consultant regarding subcontractors working on the Project with contracts in excess of the amount set forth above, including a description of all applicable work and materials and the dollar value of such subcontracts, and, if applicable, evidence of their designation, such as approvals or applications for the direct payment permit, of City as the place of use of such work and materials. City or City's consultant may use such information to contact each subcontractor who may qualify for local allocation of use taxes to City. The City's sole and exclusive remedy for any failure of any general contractor(s) or subcontractor(s) to allocate sales and use tax revenues as provided herein or to comply with this Section 4.15 will be specific performance.

4.16 Grocery Store. If and when the northeastern portion of Area B, fronting Tasman Drive and Old Ironsides, is developed by the Developer during the Term (as the Term may be extended), such development must be designed, as part of the Architectural Design Review application and related Building Permit plans, to include a grocery store that meets the following minimum criteria: (a) a minimum of fifteen thousand (15,000) square feet of leasable area and (b) capable of providing traditional grocery store products including fresh produce, dairy, meat and fish, and dry goods ("Grocery Store"). As part of such development, Developer shall construct or pay all costs associated with completion of the Grocery Store to an initial core and shell condition (meaning all basic structural and life safety improvements are completed not including any tenant improvements) prior to the issuance of a final certificate of occupancy for the building that includes the Grocery Store. If the Developer proposes development on Area B that does not include the area proposed for the Grocery Store, the Developer shall submit information with the Architectural Review Permit to the City to confirm that such development will not limit, conflict with or otherwise adversely impact the future feasibility of the Grocery Store. If the Developer wishes to move the Grocery Store, the Director may, in their reasonable discretion, approve an alternative location as part of an Architectural Design Review application without amendment to this Agreement (in which case requirements of this Section 4.16 would apply to such alternative location). Such alternative location shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. The Parties acknowledge the grocery store market is subject to fluctuation and there is no guarantee that a third party tenant will be available to lease the

space on commercially reasonable terms. For a period of three (3) years from completion of initial core and shell improvements such that the Grocery Store is available and ready to execute a binding lease with a grocery tenant and commence tenant improvements, the Developer will make good faith efforts to market and lease the Grocery Store to a grocery store tenant providing traditional grocery store products including fresh produce, dairy, meat and fish, and dry goods, and will provide the Director regular updates (not less than quarterly) on these marketing and leasing efforts until a binding lease is entered into with a tenant ("Grocery Store Marketing Period"). The commencement and conclusion of the Grocery Store Marketing Period shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. During the Grocery Store Marketing Period, the Developer shall offer the Grocery Store at commercially reasonable terms, as supported by qualified broker information, including a commercially reasonable tenant improvement allowance and a triple net rental rate that does not exceed a fair market rent for a grocery store, considering the condition of the space and the tenant improvement allowance. Developer will promptly notify City when a tenant providing a Grocery Store has executed a lease of the Grocery Store. If a lease is not entered into despite good faith marketing and leasing efforts within the Grocery Store Marketing Period, the Developer will have no further obligations related to the Grocery Store and can use the Grocery Store area for any permitted purpose. This Section 4.16 shall survive termination of this Agreement through the Grocery Store Marketing Period.

If, at the time the Developer submits for Architectural Review for building(s) within the applicable portion of Area B, the grocery market is either saturated or Developer demonstrates that a grocery tenant is otherwise unlikely, the Developer may submit a market study to the City, request the Director to engage a qualified consultant (retained by the City with expense reimbursed by Developer) to evaluate the market study. If the Director, in their reasonable discretion based on the information in the market study and findings of the City's qualified consultant, confirms a grocery tenant is unlikely, then Developer and City will meet and confer in good faith to identify one or more alternative community benefits to replace the Grocery Store. Such alternative community benefit(s) are subject to mutual approval of Developer and City (by the Director and City Manager), each in their reasonable discretion. City approval is subject to a finding that the proposed alternative community benefit(s) would have a dollar value (net cost or financial impact to the Project) at least equal to the Grocery Store and acceptance is in the best interests of the City ("Approved Grocery Store Alternative). Such Approved Grocery Store Alternative will not require an amendment to this Agreement, but will be documented in writing by Operating Memoranda pursuant to Section 22.1. Until an Approved Grocery Store Alternative is formally approved by Operating Memoranda, the Developer must continue to comply with the requirements of this Section 4.16.

4.17 Childcare Facility. If and when the portion of Area D fronting the SFPUC right of way is developed by the Developer during the Term, as the Term may be extended, such development must be designed, as part of the Architectural Design Review application and related Building Permit plans, to include a childcare facility that meets the following minimum criteria: (a) suitable to be open to the public, (b) a minimum of eight thousand (8,000) square feet of interior leasable area and an outdoor play area, and (c) capable of compliance with applicable state regulations on childcare facilities ("Childcare Facility").

As part of such development, Developer shall construct or pay all costs associated with completion of the Childcare Facility to an initial core and shell condition (meaning all basic structural and life safety improvements are completed not including any tenant improvements) prior to the issuance of a final certificate of occupancy for the building that includes the Childcare Facility. If the Developer wishes to move the Childcare Facility, the Director may, in their reasonable discretion, approve an alternative location as part of an Architectural Design Review application without amendment to this Agreement (in which case requirements of this Section 4.17 would apply to such alternative location). If requested and approved, such alternative location shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. The Parties acknowledge the childcare market is subject to fluctuation and there is no guarantee that a third party tenant will be available to lease the space on commercially reasonable terms. For a period of three (3) years from completion of initial core and shell improvements, such that the Childcare Facility is available and ready to execute a binding lease with a childcare tenant and commence tenant improvements, the Developer will make good faith efforts to market and lease the Childcare Facility to a tenant providing a daycare use, and will provide the Director regular updates (not less than quarterly) on these marketing and leasing Efforts until a binding lease is entered into with a tenant (“Childcare Facility Marketing Period”). The commencement and conclusion of the Childcare Facility Marketing Period shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. During the Childcare Facility Marketing Period, the Developer shall offer the Childcare Facility at commercially reasonable terms, as supported by qualified broker information, including a commercially reasonable tenant improvement allowance and a triple net rental rate that does not exceed a fair market rent for a childcare facility considering the condition of the space and the tenant improvement allowance. Developer will promptly notify City when a tenant providing a Childcare Facility has executed a lease of the Childcare Facility. If a lease is not entered into despite good faith marketing and leasing efforts within the Childcare Facility Marketing Period, the Developer will have no further obligations related to the Childcare Facility and can use the Childcare Facility area for any permitted purpose. This Section 4.17 shall survive termination of this Agreement through the Childcare Marketing Period.

If, at the time the Developer submits for Architectural Review for building(s) within the applicable portion of Area D, the childcare market is either saturated or Developer otherwise demonstrates that a childcare tenant is unlikely, the Developer may submit such market study to the City and request to the Director to confirm (by a qualified consultant retained by the City with expense reimbursed by Developer). If the Director, in their reasonable discretion based on the information in the market study and findings of the City’s qualified consultant, confirms Developer’s study demonstrating a childcare tenant is unlikely, then Developer and City will meet and confer in good faith to identify one or more alternative community benefits to replace the Childcare Facility. Such alternative community benefit(s) are subject to approval of Developer and the Director and City Manager in their reasonable discretion. City approval is subject to a finding that the proposed alternative community benefit(s) would have a dollar value (net cost or financial impact to the Project) at least equal to the Childcare Facility and acceptance is in the best interests of the City (“Approved Childcare Alternative”). Such Approved Childcare Alternative will not require an amendment to this Agreement, but will be

documented in writing by Operating Memoranda pursuant to Section 22.1. Until an Approved Childcare Alternative is formally approved by Operating Memoranda, the Developer must continue to comply with the requirements of this Section 4.17.

4.18 Regional Traffic Fee. As a voluntary contribution, Developer will pay One Dollar (\$1.00) per square foot, adjusted by CPI, at the issuance of each Building Permit for office/R&D within the Project (“Regional Traffic Fee”), up to a maximum of Three Million Dollars (\$3,000,000), as adjusted by CPI from the Effective Date, to the City for traffic intersection improvements. Once paid, Regional Traffic Fees are non-refundable

4.19 Fire Equipment Contribution. As a voluntary contribution, Developer will pay up to a maximum of Three Million Five Hundred and One Thousand and Fifty Dollars (\$3,501,050), as adjusted by CPI, to the City for purchase of a fire engine and a tractor drawn aerial apparatus. One Million Two Hundred Thousand Dollars (\$1,200,000)), as adjusted by CPI, for the purchase of the fire engine is due prior to/at the issuance of certificate(s) of occupancy that totals, in the aggregate, one million five hundred thousand (1,500,000) gross square feet of building area in the Project. The remaining Two Million Three Hundred and One Thousand and Fifty Dollars (\$2,301,050)), adjusted by CPI, for the purchase of the tractor drawn aerial apparatus is due prior to/at issuance of certificate(s) of occupancy that totals, in the aggregate, three million square gross feet of building area in the Project.

4.20 Minimum Residential Parking. Developer shall provide a minimum of one (1) parking space per residential unit in the Project, and may provide up to twenty-five percent (25%) of these minimum parking spaces through shared parking pursuant to SCCC Section 18.38.040 (A) [Exceptions and Reductions to Parking Requirements].

5. STANDARD OF REVIEW OF PERMITS

5.1 Standard of Review of Permits. All Subsequent Approvals required by Developer to develop the Property, but including (i) road construction permits, (ii) grading permits, (iii) Building Permits, (iv) fire permits, and (v) Certificates of Occupancy, shall be issued by City after City’s review and approval of Developer’s applications, provided that City’s review of the applications is limited to determining whether the following conditions are met:

- a. The application is complete; and,
- b. The application demonstrates that Developer has complied with the Vested Elements, the MMRP and the applicable Local Rules.

6. PRIORITY

6.1 Priority. In the event of conflict between the General Plan, this Agreement, SCCC, Other Regulations and Local Rules, all as they exist on the Effective Date, the Parties agree that the following sequence establishes the relative priority of each item: (1) the General Plan, as existing on the Effective Date; (2) this Agreement; (3) the Development Plan as modified by the COAs, (4) VTM as modified by the COAs, (4) Mitigation Monitoring and Reporting Program, (5) the other Project Approvals, (6) SCCC, and (7) Other Regulations and Local Rules.

7. COOPERATION IN IMPLEMENTATION

7.1 Cooperation in Implementation. Upon Developer's satisfactory completion of all required preliminary actions provided in the Project Approvals, and payment of required fees, if any, City shall proceed in a reasonable and expeditious manner, in compliance with the deadlines mandated by applicable agreements, statutes or ordinances, to complete all steps necessary for implementation of this Agreement and development of the Property in accordance with the Project Approvals, including the following actions:

- a. Scheduling all required public hearings by the Zoning Administrator, Planning Commission and City Council; and,
- b. Processing and checking all maps, plans, land use and architectural review permits, permits, building plans and specifications and other plans relating to development of the Property filed by Developer as necessary for complete development of the Property. Developer, in a timely manner, shall provide City with all documents, applications, plans and other information necessary for the City to carry out its obligations hereunder and to cause City's planners, engineers and all other consultants to submit in a timely manner all necessary materials and documents. It is the Parties' express intent to cooperate with one another and to diligently work to implement all land use and building approvals for development of the Property in accordance with the Development Plan and the terms hereof. At Developer's request and sole expense, City shall retain outside building consultants to review plans or otherwise assist City's efforts in order to expedite City processing and approval work. City shall cooperate with Developer, and assist Developer in obtaining any third-party governmental or private party permits, approvals, consents, rights of entry, or encroachment permits, needed for development of the Project or any other on or offsite improvements.

8. PERIODIC REVIEW

8.1 Annual Review; Special Review. City and Developer shall review all actions taken pursuant to the terms of this Agreement annually during each year of the Term, within thirty (30) days prior to each anniversary of the Effective Date unless the City and Developer agree in writing to conduct the review at another time pursuant to SCCC Section 17.10.220(a). Special Reviews may be conducted pursuant to the provisions of SCCC Section 17.10.220(b).

8.2 Developer's Submittal. Within ninety (90) days before each anniversary of the Effective Date, Developer shall submit a letter ("Compliance Letter") to the Community Development Director ("Director"), along with a copy directed to the City Attorney's Office, describing Developer's compliance with the terms of the Conditions of Approval and this Agreement during the preceding year. The Compliance Letter shall include a statement that the Compliance Letter is submitted to the City pursuant to the requirements of Government Code Section 65865.1, this Agreement, and SCCC. The reasonable cost of each annual review or special review conducted during the term of this Agreement shall be reimbursed to the City by Developer. Such reimbursement shall include all direct and indirect expenses reasonably incurred in such annual reviews.

8.3 City's Findings. Within sixty (60) days after receipt of the Compliance Letter, the Director shall determine whether, for the year under review, Developer has demonstrated good faith substantial compliance with the terms of this Agreement. If the Director finds and determines that Developer has complied substantially with the terms of this Agreement, or does not determine otherwise within sixty (60) days after delivery of the Compliance Letter, the annual review shall be deemed concluded, Developer shall be deemed to have complied in good faith with the terms and conditions of this Agreement during the year under review, and this Agreement shall remain in full force and effect. Upon a determination of compliance, the Director shall, if requested by Developer, issue a recordable certificate confirming Developer's compliance through the year under review. Developer may record the certificate with the Santa Clara County Recorder's Office. If the Director initially determines the Compliance Letter to be inadequate in any respect, he/she shall provide notice to that effect to Developer as provided in SCCC Section 17.10.220. If, after a duly noticed public hearing thereon, the City Council finds and determines based on substantial evidence that Developer has not complied substantially in good faith with the terms of this Agreement for the year under review, the City Council shall give written notice thereof to Developer specifying the noncompliance and such notice shall serve as a notice of default under Section 10.1. If Developer fails to cure the noncompliance within a reasonable period of time as established by the City Council, the City Council, in its discretion, may (i) grant additional time for compliance by Developer, or (ii) following the hearing described in SCCC Section 17.10.250, modify this Agreement to the extent necessary to remedy or mitigate the non-compliance, or (iii) terminate this Agreement. Except as affected by the terms hereof, the terms of SCCC Section 17.10.240(b)(2), and following, shall govern the City's compliance review process. During any review, Developer shall bear the burden of proof to demonstrate good faith compliance with the terms of this Agreement. If the City Council does not hold a hearing and make its determination within one hundred and twenty (120) days after delivery of the Compliance Letter for a given year, then it shall be deemed conclusive that Developer has complied in good faith with the terms and conditions of this Agreement during the period under review.

9. REIMBURSEMENTS

9.1 Reimbursements. The Parties agree that Developer shall not be entitled to reimbursement for the construction of any private or public improvement explicitly

provided by the Project Approvals, except as expressly provided in this Agreement or the COAs.

10. DEFAULT AND REMEDIES

10.1 Default. Failure by either Party to perform any material term or provision of this Agreement shall constitute a default, provided that the Party alleging the default gave the other Party advance written notice of the default and thirty (30) days to cure the condition, or, if the nature of the default is such that it cannot be cured within thirty (30) days, the Party receiving notice shall not be in default if the Party commences performance of its obligations within the thirty (30) day period and diligently completes that performance. Written notice shall specify in detail the nature of the obligation to be performed by the Party receiving notice.

10.2 Remedies. It is acknowledged by the Parties that City and Developer would not have entered into this Agreement if City or Developer were to be liable in damages under, or with respect to, this Agreement or the application thereof. City and Developer shall not be liable in damages to each other, or to any assignee, transferee or any other person, and Developer and City covenant not to sue for or claim damages from the other. Upon Developer's or City's material default, and failure to cure within a reasonable time depending on the nature of the default after demand by the non-defaulting Party, the non-defaulting Party shall institute mediation under Section 26 of this Agreement. If mediation fails to resolve the dispute, each Party shall have the right, in addition to all other rights and remedies available under this Agreement, to (i) bring any proceeding in the nature of specific performance, injunctive relief or mandamus, and/or (ii) bring any action at law or in equity as may be permitted by law or this Agreement. The Parties acknowledge that monetary damages and remedies at law generally are inadequate upon the occurrence of a default. Therefore, specific performance or other extraordinary equitable relief (such as injunction) is an appropriate remedy for the enforcement of this Agreement, other remedies at law being inadequate under all the circumstances pertaining as of the Effective Date of this Agreement and any such equitable remedy shall be available to the Parties.

10.3 Default by Developer/Withholding of Building Permit. City may, at its discretion, without submitting to mediation, refuse to issue a Building Permit for any structure within the Property, if Developer has materially failed and refused to complete any requirement that is a Condition of Approval, or that is applicable to the Building Permit requested. In addition, where City has determined that Developer is in default as described above, City may also refuse to issue the Developer any permit or entitlement for any structure or property located within the Project. This remedy shall be in addition to any other remedies provided for by this Agreement.

11. AMENDMENT OR TERMINATION

11.1 Agreement to Amend or Terminate. Subject to Section 22 regarding Operating Memoranda and Section 11.2 regarding future actions and minor changes, City and

Developer, by mutual agreement, may terminate or amend the terms of this Agreement, pursuant to Section 24.

11.2 Modification to Approvals. City and Developer anticipate that the Project will be implemented in accordance with the Vested Elements and the MMRP. The foregoing actions and other necessary or convenient implementation actions shall not require an amendment to this Agreement.

- a. City and Developer understand and acknowledge that changes to the Project which would not, in the discretion of the City, substantially comply with the Vested Elements or MMRP would necessitate subsequent review and approval, which will not be unreasonably withheld or delayed. Upon the written request of Developer, City may agree to make a substantive amendment or modification to the Project Approvals, including the Development Plan in compliance with procedural provisions set forth in the Development Plan or other land use ordinances and regulations in effect on the date of application for amendment or modification. The amendment or modification of the Development Plan shall be done pursuant to Section 24, unless treated as a minor change as described in Section 11.2(b) below.
- b. If Developer seeks a modification to the Approval(s), the Director or his/her designee shall determine: (i) whether the requested modification is minor when considered in light of the Project as a whole; and (ii) whether the requested modification is consistent with this Agreement and applicable law. If the Director or his/her designee finds, in his or her sole discretion, that the proposed modification is minor, consistent with this Agreement and applicable law, and will result in no new significant impacts not addressed and mitigated in the EIR, the modification shall be determined to be a “Minor Change” and shall not be considered an amendment to the applicable Approval(s) and shall not require a formal amendment to this Agreement. Upon the Director’s approval, any Minor Change shall become part of the applicable Approvals and this Agreement, and shall be deemed a Vested Element. Without limiting the generality of the foregoing, lot line adjustments, minor alterations to vehicle circulation patterns or vehicle access points, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the location of utilities and other infrastructure connections that do not substantially alter the design concepts of the Project, and minor adjustments to the Project Site diagram constitute Minor Changes. Notwithstanding the foregoing, Minor Changes shall not exceed five percent (5%) of the number proposed for modification.

11.3 Enforceability of Agreement. The City and Developer agree that unless this Agreement is amended or terminated pursuant to its terms, this Agreement shall be enforceable by either Party notwithstanding any subsequent change to or adoption of any applicable General Plan, Specific Plan, SCCC, Other Regulation or Local Rule adopted by City, with the exceptions listed in this Agreement.

12. MORTGAGEE PROTECTION: CERTAIN RIGHTS OF CURE

12.1 Mortgagee Protection. This Agreement shall be superior and senior to all liens placed upon the Property or any portion thereof after the date on which this Agreement or a memorandum thereof is recorded, including the lien of any deed of trust or mortgage (“Mortgage”). Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement shall be binding upon and effective against all persons and entities, including all deed of trust beneficiaries or mortgagees (“Mortgagees”) who acquire title to the Property or any portion thereof by foreclosure, trustee’s sale, deed in-lieu-of foreclosure, voluntary transfer or otherwise.

12.2 Mortgagee Obligations. City, upon receipt of a written request from a foreclosing Mortgagee, shall permit the Mortgagee to succeed to the rights and obligations of Developer under this Agreement, provided that all defaults by Developer hereunder that are reasonably susceptible of being cured are cured by the Mortgagee as soon as reasonably possible, provided, however, that in no event shall such Mortgagee personally be liable for any defaults or monetary obligations of Developer arising prior to acquisition of possession of such property by such Mortgagee. The foreclosing Mortgagee shall have the right to find a substitute developer to assume the obligations of Developer, which substitute shall be considered for approval by the City pursuant to Section 13 of this Agreement, but shall not, itself, be required to comply with all of the provisions of this Agreement.

12.3 Notice of Default to Mortgagee. If City receives notice from a Mortgagee requesting a copy of any notice of default given to Developer and specifying the address for service thereof, City shall endeavor to deliver to the Mortgagee, concurrently with service thereof to Developer, all notices given to Developer describing all claims by the City that Developer has defaulted hereunder. If City determines that Developer is not in compliance with this Agreement, City also shall endeavor to serve notice of noncompliance on the Mortgagee concurrently with service on Developer. Each Mortgagee shall have the right, but not the obligation, during the same period available to Developer to cure or remedy, or to commence to cure or remedy, the condition of default claimed or the areas of noncompliance set forth in City’s notice.

13. ASSIGNABILITY

13.1 Assignment. Neither Party shall convey, assign or transfer (“Transfer”) any of its interests, rights or obligations under this Agreement without the prior written consent of the other Party, which consent shall not be unreasonably withheld or delayed. In no event shall the obligations conferred upon Developer under this Agreement be transferred except through a Transfer of all or a portion of the Property. Should Developer Transfer any of its interests, rights or obligations under this Agreement, it shall nonetheless remain liable for performance of the obligations for installation of public improvements and payment of fees, unless the transferee executes an Assumption Agreement in a form reasonably acceptable to the City whereby the transferee agrees to be bound by the relevant terms of the Agreement, including the obligations for installation of public

improvements and payment of fees. During the Term, Developer shall provide City with written notice of a request to Transfer any interest in this Agreement forty-five (45) days prior to any such contemplated Transfer. Any such request for a Transfer shall be accompanied by quantitative and qualitative information that substantiates, to the City's reasonable satisfaction, that the proposed transferee has the capability to fulfill the rights and obligations of this Agreement. Within thirty (30) days of such a request and delivery of information, the City Manager shall make a determination, in his or her sole discretion, as to whether the Transfer shall be permitted or whether such Transfer necessitates an Amendment to this Agreement, subject to approval by the City Council. Each successor in interest to Developer shall be bound by all of the terms and provisions applicable to the portion of the Property acquired. This Agreement shall be binding upon and inure to the benefit of the Parties' successors, assigns and legal representatives. This Agreement shall be recorded by the City in the Santa Clara County Recorder's Office promptly upon execution by each of the Parties.

13.2 Covenants Run With The Land. This Agreement, the PD Zoning, and the General Plan Amendment are legislative in nature, and apply to the Property as regulatory ordinances. All of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall run with the land and shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns, devisees, administrators, representatives, lessees and all other persons or entities acquiring the Property, any lot, parcel or any portion thereof and any interest therein, whether by sale, operation of law or other manner, and shall inure to the benefit of the Parties and their respective successors.

13.3 Pre-Approved Transfers. The following Transfers shall not require approval by the City, and shall automatically, upon the satisfaction of the conditions in Section 13.1 above, result in the release of Developer of its obligations hereunder as they may relate specifically to the specific property or asset sold or transferred: (a) sale or lease of the property in its entirety to any other Party to this Agreement or to any affiliate of Developer; (b) sale or lease of one or more buildings to any other Party to this Agreement or to any affiliate of Developer; and (c) a loan or mortgage pertaining to the Property. As used herein, an "affiliate of Developer" means any entity that directly controls or is controlled by or under common control with Developer, whether through the ownership or control of voting interest, by contract, or otherwise.

13.4 Release Upon Transfer. Upon the Transfer of Developer's rights and interests hereunder pursuant to the preceding subparagraph of this Agreement, Developer shall be released from the obligations under this Agreement with respect to the Property transferred, sold or assigned, arising subsequent to the date of City approval of such Transfer; provided, however, that any transferee, purchaser or assignee approved by the City expressly assumes the obligations of Developer under this Agreement. In any event, the transferee, purchaser or assignee shall be subject to all the provisions hereof and shall provide all necessary documents, certifications and other necessary information prior to City approval.

13.5 Non-Assuming Transferees. Except as otherwise required by a transferor, the burdens, obligations and duties of such transferor under this Agreement shall not apply to any purchaser of any individual commercial or residential condominium offered for sale. The transferee in a transaction described above and the successors and assigns of such a transferee shall be deemed to have no obligations under this Agreement, but shall continue to benefit from the vested rights provided by this Agreement for the duration of the Term hereof. Nothing in this Section 13 shall exempt any property transferred to a non-assuming transferee from payment of applicable fees, taxes and assessments or compliance with applicable COAs.

13.6 Foreclosure. Nothing contained in this Section 13 shall prevent a Transfer of the Property, or any portion thereof, to a lender as a result of a foreclosure or deed in lieu of foreclosure, and any lender acquiring the Property, or any portion thereof, as a result of foreclosure or a deed in lieu of foreclosure shall take such Property subject to the rights and obligations of Developer under this Agreement; provided, however, in no event shall such lender be liable for any defaults or monetary obligations of Developer arising prior to acquisition of title to the Property by such lender, and provided further, in no event shall any such lender or its successors or assigns be entitled to a building permit or occupancy certificate until all fees due under this Agreement (relating to the portion of the Property acquired by such lender) have been paid to City.

14. CONTROLLING LAW

14.1 Controlling Law. This Agreement shall be governed by the laws of the State of California, and the exclusive venue for any disputes or legal actions shall be the County of Santa Clara. Developer shall comply with all requirements of State and federal law, in addition to the requirements of this Agreement, including, without limitation, the payment of prevailing wages, if required by applicable law. In any event, Developer shall pay prevailing wages for all work on off-site public improvements related to the Project.

15. GENERAL

15.1 Construction of Agreement. The language in this Agreement in all cases shall be construed as a whole and in accordance with its fair meaning.

15.2 No Waiver. No delay or omission by either Party in exercising any right or power accruing upon the other Party's noncompliance or failure to perform under the provisions of this Agreement shall impair or be construed to waive any right or power. A waiver by either Party of any of the covenants or conditions to be performed by Developer or City shall not be construed as a waiver of any succeeding breach of the same or other covenants and conditions.

15.3 Agreement is Entire Agreement. This Agreement and all exhibits attached hereto or incorporated herein, together with the Vested Elements and the MMRP, are the sole and entire Agreement between the Parties concerning the Property. The Parties acknowledge and agree that they have not made any representation with respect to the subject matter of this Agreement or any representations inducing the execution and

delivery, except representations set forth herein, and each Party acknowledges that it has relied on its own judgment in entering this Agreement. The Parties further acknowledge that all statements or representations that heretofore may have been made by either of them to the other are void and of no effect, and that neither of them has relied thereon in its dealings with the other.

15.4 Estoppel Certificate. Either Party from time to time may deliver written notice to the other Party requesting written certification that, to the knowledge of the certifying Party, (i) this Agreement is in full force and effect and constitutes a binding obligation of the Parties, (ii) this Agreement has not been amended or modified either orally or in writing, or, if it has been amended or modified, specifying the nature of the amendments or modifications, and, (iii) the requesting Party does not have knowledge of default in the performance of its obligations under this Agreement, or if in known default, describing therein the nature and monetary amount, if any, of the default. A Party receiving a request shall execute and return the certificate within thirty (30) days after receipt thereof. The City Manager shall have the right to execute the certificates requested by Developer. At the request of Developer, the certificates provided by City establishing the status of this Agreement with respect to any lot or parcel shall be in recordable form, and Developer shall have the right to record the certificate for the affected portion of the Property at its cost.

15.5 Severability. Each provision of this Agreement which is adjudged by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provisions hereof, and the other provisions shall remain in full force and effect.

15.6 Further Documents. Each Party shall execute and deliver to the other all other instruments and documents as may be reasonably necessary to carry out this Agreement.

15.7 Time of Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties hereunder.

15.8 Defense and Indemnification Provisions. Developer, and with respect to the portion of the Property transferred to them, each Developer transferee, hereby releases and agrees to protect, defend, hold harmless and indemnify City, its City Council, its officers, employees, agents and assigns (the "Indemnified Parties") from and against all claims, injury, liability, loss, cost and expense or damage, however same may be caused, including all costs and reasonable attorney's fees in providing the defense to any claim arising from the performance or non-performance of this Agreement by Developer. This provision is intended to be broadly construed and extends to, among other things, any challenge to the validity of this Agreement, environmental review for the Project, entitlements, or anything related to the passage of the Agreement by the City.

15.9 Construction. This Agreement has been reviewed and revised by legal counsel for both the City and Developer and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

16. TERMINATION

16.1 Termination. This Agreement shall terminate upon the earlier of (i) expiration of the Term, or (ii) when the Property has been fully developed and all of Developer's obligations have been fully satisfied as reasonably determined by City, or (iii) after all appeals have been exhausted before a final court of judgment, or issuance of a final court order directed to the City to set aside, withdraw, or abrogate the City's approval of this Agreement or any material part thereof. Upon termination of this Agreement as to all of the Property, at the request of Developer the City shall record a Notice of Termination for each affected parcel in a form satisfactory to the City Attorney in the Office of the Santa Clara County Recorder.

16.2 Effect Upon Termination on Developer Obligations. Termination of this Agreement as to the Developer shall not affect any of the Developer's obligations to comply with the City's General Plan, SCCC, MMRP, COAs, Project Approvals, or any terms and conditions of any applicable zoning, or subdivision map or other land use entitlement approved with respect to the Project, nor shall it affect any other covenants or development requirements in this Agreement specified to continue after the termination of this Agreement, or obligations to pay assessments, liens, fees or taxes.

16.3 Effect Upon Termination on City. Upon any termination of this Agreement as to all or a portion of the Property, the Approvals, Development Plan, Conditions of Approval, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested with respect to the Property, or portion thereof, and the City shall no longer be limited by this Agreement, to make any changes or modifications to the Approvals, conditions or fees applicable to the Property or portion thereof.

17. NOTICES

17.1 Notices. Except as otherwise expressly provided herein, all notices and demands pursuant to this Agreement shall be in writing and delivered in person, by commercial courier or by first-class certified mail, postage prepaid. Except as otherwise expressly provided herein, notices shall be considered delivered when personally served, upon delivery if delivered by commercial courier, or two (2) days after mailing if sent by mail. Notices shall be sent to the addresses below for the respective parties; provided, however, that either Party may change its address for purposes of this Section by giving written notice to the other Party. These addresses may be used for service of process:

To City:

City Clerk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

With copy to:
City Attorney
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

To Developer:

Innovation Commons Owner, LLC
c/o Kylli Inc.
4995 Patrick Henry Drive
Santa Clara, CA 95054
Attention: Ou Sun

With copy to:
Holland & Knight LLP
560 Mission Street Suite 1900
San Francisco, CA 94105
Attention: Tamsen Plume

The provisions of this Section shall be deemed directive only and shall not detract from the validity of any notice given in a manner that would be legally effective in the absence of this Section.

18. DEVELOPER INDEPENDENT CONTRACTOR

18.1 Developer is an Independent Contractor. Developer is not an agent or employee of City, but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed or utilized by Developer in connection with this Agreement are employees or contractors of Developer and shall not be considered employees of City in any respect.

19. PROJECT AS A PRIVATE UNDERTAKING

19.1 Project as a Private Undertaking. It is specifically understood and agreed that the Project is a private development. No partnership, joint venture or other association of any kind between City and Developer is formed by this Agreement.

20. NONDISCRIMINATION

20.1 Nondiscrimination. Developer shall not discriminate, in any way, against any person on the basis of race, color, national origin, gender, marital status, sexual orientation, age, creed, religion or disability in connection with or related to the performance of this Agreement.

21. FORCE MAJEURE

21.1 Force Majeure. In addition to any specific provisions of this Agreement, performance of obligations hereunder shall be excused and the term of this Agreement shall be extended during any period of delay caused at any time by reason of: floods, earthquakes, fires or similar catastrophes; wars, riots or similar hostilities; strikes and other labor difficulties beyond the Party's reasonable control; pandemics and epidemics that, due to specific provisions of a federal, state or local governmental declaration of emergency prohibit development or implementation of the Project; the enactment of new laws or restrictions imposed by other governmental or quasi-governmental entities preventing this Agreement from being implemented; or litigation involving this Agreement or the Approvals, which delays any activity contemplated hereunder, unless such action is brought by Developer. City and Developer shall promptly notify the other Party of any delay hereunder as soon as possible after the delay has been, or should have been, known.

22. OPERATING MEMORANDA

22.1 Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between City and Developer, and refinements and further development of the Project may demonstrate that clarifications with respect to the details of performance of City and Developer or minor revisions to the Project are appropriate. If and when, from time to time, during the term of this Agreement, City and Developer agree that such clarifications or minor modifications are necessary or appropriate, they may effectuate such clarifications through operating memoranda approved by City and Developer, which, after execution, shall be attached hereto ("Operating Memoranda"). No such Operating Memoranda shall constitute an Amendment to this Agreement requiring public notice or hearing. The City Attorney shall be authorized in his/her sole discretion to determine whether a requested clarification may be effectuated pursuant to this Section 22 or whether the requested clarification is of such a character to require an amendment of the Agreement pursuant to Section 24 hereof. The City Manager or Director, depending on the context, may execute any Operating Memoranda without City Council action.

23. THIRD PARTIES

23.1 Third Parties. If any person or entity not a party to this Agreement initiates an action at law or in equity to challenge the validity of any provision of this Agreement or the Approvals, the Parties shall reasonably cooperate in defending such action. Developer shall bear its own costs of defense as a real party in interest in any such action, and shall reimburse City for all reasonable costs and attorneys' fees expended by City in defense of any such action or other proceedings.

24. Amendments

24.1 Amendments. No alterations or changes to the terms of this Agreement shall be valid, unless made in writing and signed by both Parties, and completed in compliance with the procedures listed in SCCC and/or the Government Code for Development Agreement Amendments.

25. NO THIRD PARTY BENEFICIARY

25.1 No Third Party Beneficiary. This Agreement shall not be construed or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

26. DISPUTE RESOLUTION

26.1 Mediation. Any controversies between Developer and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day (eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

The costs of the mediator shall be borne by the Parties equally; however, each Party shall bear its own attorney, consultant, staff and miscellaneous fees and costs.

Mediation under this Section is a condition precedent to filing an action in any court, but it is not a condition precedent to the City's refusal to issue a Building Permit or any other entitlement under Section 5.

27. CONSENT

27.1 Consent. Where consent or approval of a Party is required or necessary under this Agreement, the consent or Agreement shall not be unreasonably withheld or delayed.

28. COVENANT OF GOOD FAITH AND FAIR DEALING

28.1 Covenant of Good Faith and Fair Dealing. Neither Party to this Agreement shall do anything which shall have the effect of harming or injuring the right of the other Party to receive benefits of this Agreement; each Party shall refrain from doing anything which would render its performance under this Agreement impossible; and, each Party shall do everything which this Agreement contemplates to accomplish the objectives and purpose of this Agreement.

29. AUTHORITY TO EXECUTE

29.1 Authority to Execute. The person or persons executing this Agreement on behalf of Developer warrant and represent that they have the authority to execute this Agreement on behalf of Developer, and further represent that they have the authority to bind Developer to the performance of its obligations in this Agreement.

30. COUNTERPARTS

30.1 Counterparts. This Agreement may be executed in multiple originals, each of which is deemed an original, and may be signed in Counterparts. The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

SIGNATURES FOLLOW ON NEXT PAGE

**CITY OF SANTA CLARA, CALIFORNIA,
a chartered California municipal corporation**

APPROVED AS TO FORM:

GLEN R. GOOGINS
City Attorney

JÖVAN D. GROGAN
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

“CITY”

DEVELOPER
INNOVATION COMMONS OWNER LLC,
A DELAWARE LIMITED LIABILITY COMPANY

By: _____
Signature of Person executing the Agreement on behalf of Developer

Name: _____

Title: _____

Local Address: _____

Email Address: _____

Telephone: () _____

Fax: () _____

EXHIBIT A

LEGAL PROPERTY DESCRIPTION & PLAT

TRACT ONE:

ALL OF PARCELS 7 AND 8, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING A SUBDIVISION OF ALL OF PARCEL 3, [BOOK 368 PM 31, 32, 33](#) AND A PORTION OF THE LANDS FORMERLY OF FESPAR ENTERPRISES, INC., DESCRIBED IN PARCEL ONE OF [0426 OFFICIAL RECORDS 659](#)", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MARCH 16, 1976 IN [BOOK 368 OF MAPS, PAGES 36 AND 37](#).

TRACT TWO:

ALL OF PARCELS 35, 36 AND 37, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING A RESUBDIVISION OF PARCEL 6 AS SHOWN ON PARCEL MAP 3399 RECORDED IN [BOOK 368 OF MAPS, PAGES 36 AND 37](#) AND ALSO BEING A RESUBDIVISION OF PARCELS 26, 30 AND 31 AS SHOWN ON PARCEL MAP RECORDED IN [BOOK 386 OF MAPS, PAGES 4 AND 5](#), SANTA CLARA COUNTY RECORDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JANUARY 25, 1977 IN [BOOK 387 OF MAPS, PAGE 44](#).

TRACT THREE:

PARCEL 2, AS SHOWN ON PARCEL MAP FILED AUGUST 07, 1978 IN [BOOK 424 OF MAPS, PAGE\(S\) 24](#), SANTA CLARA COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION GRANTED IN THE DEED TO THE CITY OF SANTA CLARA, A CALIFORNIA MUNICIPAL CORPORATION, RECORDED SEPTEMBER 09, 1987 IN [BOOK K287, PAGE 1136](#), OFFICIAL RECORDS, AS FOLLOWS:

BEGINNING AT THAT CERTAIN POINT OF INTERSECTION OF THE SOUTHERLY LINE OF TASMAN DRIVE (55.00 FEET HALF STREET) WITH THE COMMON LINE BETWEEN PARCEL 2 AND PARCEL 3, AS SAID SOUTHERLY LINE OF TASMAN DRIVE AND SAID COMMON LINE ARE SHOWN UPON SAID PARCEL MAP; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF TASMAN DRIVE NORTH 89° 28' 06" WEST 42.75 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF TASMAN DRIVE AND PROCEEDING SOUTH 86° 28' 04" EAST 42.81 FEET TO A POINT ON SAID COMMON LINE BETWEEN PARCELS 2 AND 3; THENCE NORTHERLY ALONG SAID COMMON LINE NORTH 00° 31' 54" EAST 2.24 FEET TO THE POINT OF BEGINNING.

TRACT FOUR:

ALL OF PARCEL 3, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING ALL OF PARCELS 41 AND 42, AS SHOWN ON THAT CERTAIN "PARCEL MAP" RECORDED IN [BOOK 405 OF MAPS, PAGE 3](#), SANTA CLARA COUNTY RECORDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON AUGUST 07, 1978 IN [BOOK 424, OF MAPS, PAGE 24](#).

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF SANTA CLARA, A MUNICIPAL CORPORATION BY GRANT DEED RECORDED SEPTEMBER 09, 1987 IN [BOOK K287, PAGE 1123](#), OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THAT CERTAIN POINT OF INTERSECTION OF THE SOUTHERLY LINE OF TASMAN DRIVE (55.00 FEET HALF STREET) WITH THE EASTERLY LINE OF SAID PARCEL 3, AS SAID DRIVE AND PARCEL ARE SHOWN UPON THE MAP ABOVE REFERRED TO, SAID EASTERLY LINE OF PARCEL 3 ALSO BEING THE WESTERLY LINE OF PARCEL 40, AS SAID LINE AND PARCEL 40 ARE SHOWN UPON THAT CERTAIN PARCEL MAP FILED IN [BOOK 405 OF MAPS, PAGE 3](#), RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE PROCEEDING WESTERLY ALONG SAID SOUTHERLY LINE OF TASMAN DRIVE NORTH 89° 28' 06" WEST 200.00 FEET TO THE COMMON LINE BETWEEN SAID PARCEL 3 AND PARCEL 2, AS SAID PARCELS ARE SHOWN UPON THE FIRST PARCEL MAP ABOVE REFERRED TO; THENCE PROCEEDING

SOUTHERLY ALONG SAID COMMON LINE, SOUTH 00° 31' 54" WEST 2.24 FEET; THENCE SOUTH 86° 28' 04" EAST 200.27 FEET TO SAID COMMON LINE BETWEEN PARCEL 3 AND PARCEL 40; THENCE NORTHERLY ALONG SAID COMMON LINE NORTH 00° 31' 54" EAST 12.72 FEET TO THE POINT OF BEGINNING.

TRACT FIVE:

ALL OF PARCEL 1, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING ALL OF PARCEL 41 AND 42, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN [BOOK 405 OF MAPS, PAGE 3](#) SANTA CLARA COUNTY RECORDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON AUGUST 07, 1978 IN [BOOK 424 OF MAPS, PAGE 24](#).

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE SANTA CLARA COUNTY TRANSIT DISTRICT RECORDED MAY 15, 1998 AS INSTRUMENT NO. [14185766](#), AS FOLLOWS:

ALL OF THAT CERTAIN PROPERTY SITUATED IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND BEING A PORTION OF PARCEL 1, AS SAID PARCEL 1 IS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN [BOOK 424 OF MAPS, PAGE 24](#), RECORDS OF SANTA CLARA COUNTY, CALIFORNIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINES OF TASMAN DRIVE AND PATRICK HENRY DRIVE AS SAID DRIVES ARE SHOWN ON SAID PARCEL MAP, THENCE EASTERLY ALONG THE CENTERLINE OF SAID TASMAN DRIVE SOUTH 82° 00' 43" EAST 159.80 FEET TO A CURVE; THENCE CONTINUING EASTERLY ALONG SAID CENTERLINE OF TASMAN DRIVE ALONG SAID CURVE CONCAVE NORTHERLY WITH A RADIUS OF 2864.84 FEET THROUGH A CENTRAL ANGLE OF 1° 31' 41" AND AN ARC LENGTH OF 76.41 FEET; THENCE SOUTH 6° 27' 35" WEST 55.00 FEET TO THE SOUTHERLY LINE OF TASMAN DRIVE AND TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88° 21' 09" WEST 32.18 FEET; THENCE SOUTH 7° 09' 18" WEST 3.43 FEET; THENCE FROM A TANGENT BEARING OF NORTH 82° 56' 21" WEST ALONG A CURVE CONCAVE NORTHERLY WITH A RADIUS OF **30.2 FEET** THROUGH A CENTRAL ANGLE OF 0° 56' 35" AND AN ARC LENGTH OF 50.19 FEET;

THENCE NORTH 7° 54' 36" EAST 3.00 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTHERLY LINE OF TASMAN DRIVE NORTH 82° 00' 43" WEST 65.02 FEET TO A CURVE; THENCE LEAVING SAID PARALLEL LINE AND PROCEEDING SOUTHWESTERLY ALONG SAID CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 50.00 FEET THROUGH A CENTRAL ANGLE OF 63° 26' 29" AND AN ARC LENGTH OF 55.36 FEET; THENCE NORTH 51° 02' 20" WEST 1.32 FEET TO THE EASTERLY LINE OF PATRICK HENRY DRIVE; THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE FROM A TANGENT BEARING OF NORTH 31° 10' 39" EAST ALONG A CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 50.00 FEET THROUGH A CENTRAL ANGLE OF 66° 48' 38" AND AN ARC LENGTH OF 58.30 FEET TO THE SOUTHERLY LINE OF TASMAN DRIVE; THENCE CONTINUING EASTERLY ALONG SAID SOUTHERLY LINE SOUTH 82° 00' 43" EAST 69.18 FEET TO A CURVE; THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF TASMAN DRIVE FROM A TANGENT BEARING OF SOUTH 82° 00' 44" EAST ALONG A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 2919.84 FEET THROUGH A CENTRAL ANGLE OF 1° 31' 41" AND AN ARC LENGTH OF 77.87 FEET TO THE TRUE POINT OF BEGINNING.

TRACT SIX:

ALL OF PARCEL 40, AS SAID PARCEL IS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP, BEING A RESUBDIVISION OF PARCELS 22 AND 23 ON PARCEL MAP RECORDED IN BOOK 386 OF MAPS, PAGES 4 AND 5...", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON SEPTEMBER 29, 1977 IN [BOOK 405 OF MAPS, PAGE 3](#).

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE CITY OF SANTA CLARA, A MUNICIPAL CORPORATION BY THAT CERTAIN GRANT DEED RECORDED JANUARY 26, 1988 IN [BOOK K428, PAGE 465](#), OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE SANTA CLARA COUNTY

TRANSIT DISTRICT BY THAT CERTAIN GRANT DEED RECORDED MAY 08, 1998 AS INSTRUMENT NO. [14176548](#), OFFICIAL RECORDS.

TRACT SEVEN:

ALL THAT PORTION OF DEMOCRACY WAY LYING WESTERLY OF THE WESTERLY LINE OF OLD IRONSIDES DRIVE AND EASTERLY OF THE EASTERLY LINE OF PATRICK HENRY DRIVE, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED MARCH 12, 1976 IN [BOOK 368 OF MAPS, PAGES 36 AND 37](#), SANTA CLARA COUNTY RECORDS.

TRACT EIGHT:

EASEMENT RESERVED IN THAT CERTAIN DEED RECORDED NOVEMBER 3, 1950 IN [BOOK 2089, PAGE 315](#), OFFICIAL RECORDS

[Insert Plat]

EXHIBIT B
ALLOCATION OF FAIR SHARE TRAFFIC FEES

[insert; City preparing draft]

EXHIBIT C

DEFINITIONS

- “Affiliate of Developer” as defined in Section 13.3 of this Agreement.
- “Agreement” as defined on page 1 (first paragraph) of this Agreement.
- “AHP” as defined in Recital D of this Agreement.
- “Allocation of Fair Share Traffic Fees” as defined in Section 4.9 of this Agreement.
- “Approvals” as defined in Section 2.3 of this Agreement.
- “Approved Childcare Alternative” as defined in Section 4.17 of this Agreement.
- “Approved Grocery Store Alternative” as defined in Section 4.16 of this Agreement.
- “Building Permit” as defined in Section 1.2a(i) of this Agreement.
- “CEQA” as defined in Recital L of this Agreement.
- “Changes in the Law” as defined in Section 3.1 of this Agreement.
- “Childcare Facility” as defined in Section 4.17 of this Agreement.
- “Childcare Facility Marketing Period” as defined in Section 4.17 of this Agreement.
- “Childcare Performance Milestone” as defined in Section 1.2a(i)(B) of this Agreement.
- “City” as defined on page 1 (first paragraph) of this Agreement.
- “COAs” as defined in Recital F of this Agreement.
- “Compliance Letter” as defined in Section 8.2 of this Agreement.
- “Conflicting City Law” as defined in Section 3.2a of this Agreement.
- “Developer” as defined on page 1 (first paragraph) of this Agreement.
- “Development Fee Vesting Locking Periods” as defined in Section 4.1 of this Agreement.
- “Development Fee Vested Period” as defined in Section 4.1 of this Agreement.
- “Development Plan” as defined in Recital D of this Agreement.
- “Director” as defined in Section 8.2 of this Agreement.
- “Effective Date” as defined in Recital N of this Agreement.

“EIR” as defined in Recital L of this Agreement.

“Existing Public Utilities” as defined in Section 4.11 of this Agreement.

“Fair Share Traffic Fees” as defined in Section 4.9 of this Agreement.

“Fees” as defined in Section 4.1 of this Agreement.

“FMV” as defined in Section 4.11 of this Agreement.

“General Plan Amendment” as defined in Recital D of this Agreement.

“Grocery Performance Milestone” as defined in Section 1.2a(i)(A) of this Agreement.

“Grocery Store” as defined in Section 4.16 of this Agreement.

“Grocery Store Marketing Period” as defined in Section 4.16 of this Agreement.

“gsf” as defined in Recital E of this Agreement.

“Indemnified Parties” as defined in Section 15.8 of this Agreement.

“Local Rules” as defined in Section 3.4 of this Agreement.

“Maintenance Period” as defined in Section 4.7b of this Agreement.

“Minor Change” as defined in Section 11.2b of this Agreement.

“Mitigations” as defined in Section 4.5 of this Agreement.

“MMRP” as defined in Recital L of this Agreement.

“Mortgage” as defined in Section 12.1 of this Agreement.

“Mortgagees” as defined in Section 12.1 of this Agreement.

“Operating Memoranda” as defined in Section 22.1 of this Agreement.

“Other Regulations” as defined in Section 2.4d of this Agreement.

“Parties” as defined on page 1 (first paragraph) of this Agreement.

“PD” as defined in Recital D of this Agreement.

“POSP” as defined in Recital D of this Agreement.

“Processing Fees” as defined in Section 4.2 of this Agreement.

“Project” as defined in Recital E of this Agreement.

“Project Approvals” as defined in Recital D of this Agreement.

“Property” as defined in Recital C of this Agreement.

“Public Art Funding” as defined in Section 4.8 of this Agreement.

“Public Arts/Cultural Features” as defined in Section 4.8 of this Agreement.

“Rezoning” as defined in Recital D of this Agreement.

“R&D” as defined in Recital E of this Agreement.

“Relocation Cost” as defined in Section 4.11 of this Agreement.

“Relocation Work” as defined in Section 4.11 of this Agreement.

“ROW Appraisal” as defined in Section 4.11 of this Agreement.

“SCCC” as defined in Recital B of this Agreement.

“SOC” as defined in Recital L of this Agreement.

“Street Easement Vacation” as defined in Section 4.11 of this Agreement.

“Subsequent Project Approval” as defined in Section 2.3 of this Agreement.

“SVP” as defined in Recital E of this Agreement.

“Target Maximum Maintenance Cost” as defined in Section 4.7a of this Agreement.

“TDMP” as defined in Recital D of this Agreement.

“Term” as defined in Section 1.1 of this Agreement.

“Transfer” as defined in Section 13.1 of this Agreement.

“Vested Elements” as defined in Section 2.4 of this Agreement.

“VTM” as defined in Recital D of this Agreement.

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING
THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO
APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE
CITY OF SANTA CLARA AND KYLLI, INC. FOR THE
PROPERTY LOCATED AT 4995 PATRICK HENRY DRIVE AND
3005 DEMOCRACY WAY, SANTA CLARA**

SCH#2018072068
PLN2017-12924 (General Plan Amendment)
PLN2018-13400 (Rezoning)
PLN22-00635 (Vesting Tentative Subdivision Map)
PLN21-15387 (Development Agreement)

WHEREAS, California Government Code Sections 65864 through 65869.51 ("Development Agreement Act") authorize cities to enter into binding development agreements with owners of real property and these agreements govern the development of the property; and

WHEREAS, Kylli, Inc., through its wholly-owned subsidiary Innovation Commons Owner, LLC ("Owner") has requested that the City of Santa Clara ("City") enter into the type of agreement contemplated by the Development Agreement Act; and

WEHERAS, City staff have negotiated and recommended for approval a Development Agreement subject to specific conditions of approval, all attached as Exhibit "Development Agreement for Mission Point", with Owner in connection with the proposed development of up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to three million square feet of office/research-and-development ("R&D"), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; public right-of-way improvements, and site infrastructure and utilities ("Project") at 4995 Patrick Henry Drive and 3005 Democracy Way, Santa Clara ("Project Site");

WHEREAS, the Project approvals will include the Environmental Impact Report (EIR) for the Mission Point Project; General Plan Amendment from High-Intensity Office/Research and

Development (maximum FAR 2.0), to the new Urban Center Mission Point (minimum FAR 1.5) land use designation for Areas “A”, “B”, and “C”, and to the new Urban Center Mixed Use (60 - 250 dwelling units per acre) land use designation for Area “D”; Rezoning from High-Intensity Office/Research and Development (HO-RD) to Planned Development (PD); Vesting Tentative Subdivision Map; and the adoption of a Development Agreement Ordinance (collectively, the “Approvals”);

WHEREAS, Santa Clara City Code Section 17.10.120 requires the Planning Commission to hold a public hearing before making a recommendation on the approval of a Development Agreement;

WHEREAS, before considering the Development Agreement, the Planning Commission reviewed and considered the information contained in the DEIR, FEIR and Appendix to the FEIR, that combined constitute the EIR for the Project (SCH#2018072068);

WHEREAS, notice of the October 9, 2024 public hearing on the proposed Development Agreement was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, notices of the October 9, 2024 public hearing on the Development Agreement were mailed to all property owners within a quarter mile of the property, according to the most recent assessor’s roll, on September 26, 2024, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing to consider the Development Agreement, and then immediately voted to continue the hearing to the meeting scheduled for October 23, 2024; and

WHEREAS, on October 23, 2024 the Planning Commission conducted a duly-noticed public hearing to consider the proposed Development Agreement, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the Development Agreement and related applications, at which time all interested persons were given an opportunity to give testimony and present evidence, both in favor of and in opposition to the proposed Development Agreement.

WHEREAS, the Planning Commission has reviewed the Development Agreement, and has considered all available facts related to the Development Agreement;

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

1. The Planning Commission hereby finds and determines that the forgoing recitals are true and correct and by reference makes them a part hereof.
2. That the Planning Commission hereby recommends that the City Council approve the Development Agreement between the City of Santa Clara and Kylli, Inc. for the property located at 4995 Patrick Henry Drive and 3005 Democracy Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), incorporated by this reference, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof.
3. Pursuant to Government Code Sections 65867 and 65867.5, the Planning Commission hereby finds that the provisions of the Development Agreement are consistent with the General Plan, in that the proposed project creates a mixed-use development of the scale and character that complements and is supportive of the surrounding uses and existing and planned transit

facilities; creates a mixed-use development that maximizes density with accessibility to alternative transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

4. The Planning Commission hereby finds and determines that the Development Agreement complies with all requirements of Government Code Section 65865.2, in that the Development Agreement specifies the duration of the Agreement (10 years, with three 5 year extension options), lists the permitted uses of the property (residential, commercial, office/research & development, and mixed use), sets the density and intensity of the proposed uses (60 to 250 dwelling units per acre with up to 3.1 Million square feet of nonresidential development), sets the maximum height and size of the proposed buildings (192 feet, as depicted on the Exhibit "PD Development Plans" to Resolution No. ____), and includes provisions for the dedication of land for public purposes (up to 7.6 acres).

5. The Planning Commission hereby recommends that the City Council approve and adopt the Development Agreement with Owner.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER, 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

REENA BRILLIOT
ACTING DIRECTOR COMMUNITY DEVELOPMENT

CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Exhibit "Development Agreement for Mission Point"

**RECORD WITHOUT FEES
PURSUANT TO GOVERNMENT CODE § 6103**

**RECORDING REQUESTED BY
AND**

WHEN RECORDED MAIL TO:

City of Santa Clara
City Clerk's Office
1500 Warburton Avenue
Santa Clara, California 95050

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**DEVELOPMENT AGREEMENT
FOR
MISSION POINT
(MIXED USE)**

BETWEEN

THE CITY OF SANTA CLARA,

a chartered California municipal corporation,

AND

INNOVATION COMMONS OWNER LLC,

a Delaware limited liability company

Effective Date * _____

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EXHIBITS

- A. Legal Description & Plat of Property
- B. Allocation of Fair Share Traffic Fees
- C. Definitions Glossary

**DEVELOPMENT AGREEMENT
FOR
MISSION POINT
(MIXED USE)**

This DEVELOPMENT AGREEMENT (“Agreement”), dated for reference purposes as of _____, 2024 is entered into by and between CITY OF SANTA CLARA (“City”), a chartered California municipal corporation, and INNOVATION COMMONS OWNER LLC, a Delaware limited liability company (“Developer”), (collectively the “Parties”) and is effective on the date set forth in Recital N.

RECITALS

Developer and City enter into this Agreement on the basis of the following facts, understandings and intentions, and the following recitals are a substantive part of this Agreement:

- A. Sections 65864 through 65869.5 of the California Government Code authorize the City to establish procedures to enter into binding development agreements with persons having legal or equitable interests in real property located within the City for development of property.
- B. “The Code of the City of Santa Clara, California” (“SCCC”) Section 17.10.010 and following, establishes the authority and procedure for review and approval of proposed development agreements.
- C. Developer is currently the legal owner of the property (“Property”) governed by this Agreement. The Property consists of nine (9) separate parcels (APNs 104-04-064, 104-04-065, 104-04-111, 104-04-112, 104-04-113, 104-04-142, 104-04-143, 104-04-150 and 104-04-151) totaling approximately 48.6 acres, as further legally described and depicted in Exhibit A, attached hereto and incorporated by this reference.
- D. Developer has submitted the following application(s) to the City (each such application being referenced herein as modified and finally approved by the City Council): (i) a General Plan Amendment to change the use designation of the Property from the existing *High-Intensity Office/R&D* designation to a newly established designation of *Urban Center Mixed Use and Urban Center Mission Point*) (#PLN _____; CEQ _____) (“General Plan Amendment”); (ii) a rezoning of the Property (“Rezoning”) from *High Intensity Office/R&D* to *Planned Development* (“PD”) with a Development Plan that includes a Transportation Demand Management Plan (“TDMP”), Affordable Housing Plan (“AHP”) and Parks & Open Space Plan (“POSP”) (#PLN _____, CEQ _____) (collectively, the “Development Plan”); and (iii) a vesting tentative subdivision map to merge and re-subdivide the Property, vacate Democracy Way, including relocation of the underground public improvements (#PLN _____, CEQ _____) (“VTM”). The applications in the foregoing subparagraphs D. (i),(ii), and (iii) are collectively referred to as the “Project Approvals”.
- E. The Project Approvals would authorize the Developer to redevelop the Property with an infill, mixed-use neighborhood consisting of up to 3 million gross square feet (“gsf”) of

office/research and development (“R&D”) space, approximately 100,000 gsf of neighborhood retail space, and up to 2,600 multifamily residences by consolidating, on a smaller portion of the Property, the square footage for office/R&D previously assumed in the City’s General Plan (for the former Yahoo! campus) to accommodate new multifamily housing, including affordable housing, public parks and private open space, neighborhood serving services, childcare and retail, Silicon Valley Power (“SVP”) facilities (collectively, the “Project”).

- F. The Project components, including but not limited to the proposed buildings, access and parking facilities, landscaping, parks and open space, and infrastructure improvements, and potential development sequencing to ensure necessary infrastructure support for the Project are all more particularly shown in the Development Plan consisting of * _____ sheets of plans dated _____ and on file with City (#PLN _____, CEQ _____), the VTM consisting of * _____ sheets of plans dated _____ and on file with the City (#PLN _____, CEQ _____), and the applicable conditions of approval, subject of that certain Notice of Conditions of Approval recorded in the Official Records as Document No. _____ (“COAs”) for the Development Plan and VTM, all incorporated herein by reference as if set forth in full. Certain improvements as set forth in the COAs are necessary to provide infrastructure support for the Project.
- G. Through this Agreement, the Parties intend to preserve the size and density of development as set forth in the Project Approvals. City and Developer each acknowledge that development and construction of the Project is a large-scale undertaking involving major investments by Developer and City, and assurances that Developer will be allowed to develop and use the Property in accordance with the terms and conditions set forth herein and the existing rules governing development of the Property will benefit both Developer and City.
- H. City is willing to enter this Agreement for the reasons enumerated in SCCC Section 17.10.010 to (i) eliminate uncertainty in the comprehensive development planning of large-scale projects in the City, such as the Project; (ii) secure orderly development and fiscal benefits for public services, improvements and facilities planning in the City, including the voluntary, supplementary community benefits offered by the Developer; (iii) meet the goals of the General Plan; and (iv) plan for and concentrate public and private resources for the mutual benefit of both Developer and City.
- I. Developer acknowledges and recognizes that material inducements for the City to enter into this Agreement include opportunities to:
- i. Support the City’s North Santa Clara planning effort by converting an underutilized 48.6-acre site, primarily used as a surface parking lot, to a pedestrian-oriented, high-intensity and high-density mixed-use development that is sustainable and inclusive by design, with a range of building types, connections between people, places, and open space;
 - ii. Broaden the housing supply and business opportunities in North Santa Clara through development of a human-centric, interconnected urban

neighborhood that provides a diverse and complementary mix of residential, commercial, retail and community uses with up to 3 million gsf of office/research and development (“R&D”) space, approximately 100,000 gsf of neighborhood retail space, approximately 10,000 sf childcare and up to 2,600 multifamily residences;

- iii. Promote an active pedestrian realm with continuous access to at-grade, podium-level, and rooftop private open space and at-grade public parks with flexible programming that will add substantial public park area and private open space to North Santa Clara;
 - iv. Promote and support local, regional, and State of California (State) mobility and greenhouse gas reduction objectives to reduce vehicle miles traveled and infrastructure costs through infill and mixed-use development in an existing urbanized and transit-rich area;
 - v. Facilitate ridership of multimodal transportation and minimize vehicular infrastructure, while providing efficient access to sufficient and flexible parking that meets current and future demand;
 - vi. Meet and exceed the City’s Affordable Housing Ordinance and Inclusionary Zoning requirements; and
 - vii. Promote and facilitate opportunities for childcare and grocery services in North Santa Clara; and
 - viii. Provide at least \$5 Million, subject to CPI, in voluntary funding towards public art and cultural programing; and
 - ix. Provide up to \$3 Million, subject to CPI, in voluntary funding for the City-led intersection improvements at Mission College and Great America Parkway.
 - x. Provide up to \$3.5 Million, subject to CPI, in voluntary funding for the City’s purchase of a new ladder truck and fire engine; and
 - xi. Provide for the voluntary allocation of point of sale to secure tax revenues from the construction of the Project for the benefit of the City’s general fund.
- b. In addition to the benefits of the Project and the voluntary community benefit contributions by Developer, the Project will also provide for, upgraded utility infrastructure, payment of substantial new development impact fees, school fees, increased property taxes to support public services and facilities and provide opportunities for construction and permanent jobs.
- J. City’s willingness to enter into this Agreement is a material inducement to Developer to implement the Project, and Developer proposes to enter this Agreement in order (i) to

obtain assurances from City that the Property may be developed, constructed, completed and used pursuant to this Agreement, and in accordance with existing policies, rules and regulations of the City, subject to the exceptions and limitations expressed herein and the term of this Agreement; and (ii) to provide for a coordinated and systematic approach to funding the cost of certain public improvements and facilities planned by the City, and to establish the timing and extent of contributions required from Developer for these purposes.

- K. Developer requested City enter into this Agreement, and proceedings have been taken in accordance with State law, as set forth below.
- L. On *_____, _____, and _____, City's Planning Commission held a duly noticed public hearings on the Project, where following public testimony, the Planning Commission by adoption of Resolutions *_____, _____, and _____ recommended that the City Council (i) approve and certify the Final Environmental Impact Report ("EIR") pursuant to the California Environmental Quality Act ("CEQA"), making findings with respect thereto, adopting a Mitigation Monitoring and Reporting Plan ("MMRP"), and adopting a Statement of Overriding Considerations ("SOC"); (ii) approve the General Plan Amendment; (iii) approve the Rezoning and Development Plan, including TDMP and AHP, subject to COAs; (iv) approve the VTM, subject to COAs; and (v) approve this Agreement.
- M. On *_____, the City Council held a duly noticed public hearing on the Project, where following public testimony, the City Council, by adoption of Resolutions *_____, _____, and _____ (i) approved and certified the EIR pursuant to CEQA, making findings with respect thereto and adopting a MMRP and SOC; (ii) approved the General Plan Amendment; (iii) approved the Rezoning and Development Plan, including TDMP and AHP, subject to COAs; (iv) approved the VTM, subject to COAs; and introduced Ordinance No. *_____, approving this Agreement.
- N. On *_____, the City Council adopted Ordinances Nos. *_____ and _____, rezoning the property and approving the Development Plan, and enacting this Agreement, and the Ordinances became effective thirty (30) days later on *_____ ("Effective Date").

AGREEMENT

NOW, THEREFORE, pursuant to the authority contained in California Government Code Section 65864 and following, and SCCC Section 17.10.010 and following, and in consideration of the mutual representations, covenants and promises of the Parties, the Parties hereto agree as follows below. A glossary of defined terms in this Agreement is provided in Exhibit C.

1. TERM

1.1 Effective Date. The term (“Term”) of this Agreement shall commence on the Effective Date (set forth above) and shall continue for a period of ten (10) years after the Effective Date, unless sooner terminated or extended as hereinafter provided.

1.2 Term Extensions. Notwithstanding the provisions of Section 1.1 the Term may be extended as follows and each such extension shall be documented by Operating Memoranda pursuant to Section 22.1:

- a. **First Extension.** If either of the following (a)(i) [First Extension Performance Option] or (a)(ii) [First Extension Payment Option], below occur then the Term of this Agreement may, at the request of the Developer, be extended by an additional five (5) years for a total Term of fifteen (15) years:

(i) First Extension Performance Option: a building permit(s) (“Building Permit”) has been issued for a residential building within the Project containing at least ninety (90) units for Very Low Income Households prior to January 15, 2031 and at least two and one half (2.5) acres or more of public or private parks or trail improvements on the Property have been approved and either completed or subject to a binding public improvement agreement and secured by financial security acceptable to the City (e.g., performance bonds), and at least one of the following (A) or (B) has occurred:

(A) Developer satisfies the obligations in Section 4.16 related to delivery of a Grocery Store or an Approved Grocery Alternative (“Grocery Performance Milestone”); or

(B) Developer satisfies the obligations in Section 4.17 related to delivery of Childcare Facility or an Approved Childcare Alternative (“Childcare Performance Milestone”).

(ii) First Extension Payment Option. Developer pays to the City an amount of one dollar (\$1.00), as adjusted by CPI from the Effective Date, for all remaining maximum allowed square feet of the Project that are not complete or subject to a Building Permit as of the date the First Extension Payment Option is exercised.

- b. **Second Extension.** If, in addition to satisfaction of (a) [First Extension] above, either of the following (b)(i) [Second Extension Performance Option] or (b)(ii) [Second Extension Payment Option], below occur, then the Term of this Agreement may, at the request of the Developer, be extended, by an additional five (5) years for a total Term of twenty (20) years:

(i) Second Extension Performance Option. A Building Permit has been issued for at least one hundred and eighty (180) total affordable units, and at least 5 acres or more of public or private parks or trail improvements on the Property have been approved and either complete or subject to a binding public improvement agreement and secured by financial security acceptable to the City (e.g., performance bonds), and Developer has completed either the

Grocery Performance Milestone or the Childcare Performance Milestone as defined in (a)(i).

(ii) Second Extension Payment Option. Developer pays to the City an amount of one dollar and fifty cents (\$1.50), as adjusted by CPI from the Effective Date, for all remaining maximum allowed square feet of the Project that are not complete or subject to a Building Permit as of the date the Second Extension Payment Option is exercised.

- c. **Third Extension**. If, in addition to satisfaction of (a) [First Extension] and (b) [Second Extension], above, either of the following (c)(i) [Third Extension Performance Option] or (c)(ii) [Third Extension Payment Option], below occur, then the Term of this Agreement may, at the request of the Developer, be extended by an additional five (5) years for a total Term of (25) years.

(i) Third Extension Performance Option. A Building Permit has been issued for at least two hundred and seventy (270) total affordable units, at least 7.4 acres or more of public or private parks or trail improvements on the Property have been approved and either complete or subject to a binding public improvement agreement and secured by financial security acceptable to the City (e.g., performance bonds), and Developer has completed both the Grocery Performance Milestone and the Childcare Performance Milestone as defined in (a)(i).

(ii) Third Extension Payment Option. Developer pays to the City an amount of two dollars (\$2.00), as adjusted by CPI from the Effective Date, for all remaining maximum allowed square feet of the Project that are not complete or subject to a Building Permit as of the date the Third Extension Payment Option is exercised.

1.3 Expiration. Following expiration of the Term or any extension, or if sooner terminated, this Agreement shall have no force and effect, subject, however, to post-termination obligations of Developer and City. The Parties agree that the term of any VTM shall expire and be of no further force or effect upon expiration of this Agreement.

2. **DEVELOPMENT OF THE PROPERTY**

2.1 Property. The Property that is the subject of this Agreement is that certain real property described in Exhibit A attached hereto. The Parties acknowledge that the VTM is intended to resubdivide the entire Property. Therefore, upon the request of Developer, City agrees to meet and confer with Developer on whether, for ease of future reference, to replace the legal description in Exhibit A with the final legal descriptions shown on the recorded Final Map(s) that describe the entire Property, subject to the City's confirmation that the Final Maps accurately describe the Property. The determination of whether to replace the legal description in Exhibit A with the final legal descriptions shown on the Final Map(s) shall be made at the City's sole discretion.

2.2 Binding Covenants. It is intended and agreed that the provisions of this Agreement shall constitute covenants that shall run with the Property, and the benefits and burdens hereof shall bind and inure to all successors in interest to the Parties hereto.

2.3 Life of Approvals. Pursuant to Government Code section 66452.6(a) and this Agreement, the life of the Project Approvals (defined in Recital D) and all subsequent Project approvals, including but not limited to architectural approval(s) and tree removal permit(s) (each a “Subsequent Project Approval” and collectively with the Project Approvals the “Approvals”) shall automatically be extended to and until the later of the following: (1) the end of the Term of this Agreement; or (2) the end of the term or life of any such Approval. Notwithstanding the foregoing, the Vested Elements secured by Developer under this Agreement shall have a life no greater than the Term of this Agreement, and any extension thereof.

2.4 Vested Elements. The permitted uses of the Property, the maximum density and intensity of use, the maximum heights, locations, numbers and gross square footage of the proposed buildings, the provisions for vehicular access and parking, reservation or dedication of land for public purposes or fees in-lieu thereof, provision for construction of public improvements and/or required fees associated with the Project as provided in, and limited by, the Approvals and this Agreement, shall be vested and are hereby vested and referred to as vested elements (“Vested Elements”). In addition to the foregoing Vested Elements, other terms and conditions of development applicable to the Project are set forth in the following documents as they exist as of the Effective Date:

- a. The General Plan of the City of Santa Clara, current as of the Effective Date, the terms and conditions of which are incorporated herein by this reference;
- b. SCCC, current as of the Effective Date, including the Rezoning;
- c. The Development Plan, including the TDMP and AHP, and VTM, including the COAs imposed thereon;
- d. All other applicable City plans, policies, programs, regulations, ordinances and resolutions of the City in effect as of the Effective Date, which regulate development of the Property and implementation of the Project, and which are not inconsistent with the terms of this Agreement (“Other Regulations”);
- e. Any permits and/or Subsequent Approvals, including but not limited to additional subdivision maps or lot line adjustments, if any, final maps, site and architectural review, demolition permits, Building Permits, grading permits, and infrastructure improvement plans processed in accordance with the terms of this Agreement. Upon approval, each such Subsequent Approval shall be incorporated into this Agreement and vested hereby; and,
- f. Proof of availability of sufficient water supply demonstrating the Project’s compliance with Government Code § 66473.7.

2.5 Permitted Uses. The permitted uses for the Property and the Project include the following, all as more particularly described in the Development Plan and all of which must be implemented in accordance with the Approvals and the COAs, and MMRP. The number of residential units and amount of square footage for each use are subject to the Minor Change process as set forth in Section 11.2(b):

- a. Up to 2,600 residential units and related amenity space;
- b. Up to 3 million gross square feet (“gsf”) of office/R&D and related amenity space, as may be reduced by the Office/R&D – Residential Flex option pursuant to the Development Plan;
- c. Approximately 100,000 gsf of neighborhood retail uses; and
- d. Approximately 10,000 gsf of childcare facilities.

2.6 Present Right to Develop. Subject to Developer’s fulfillment of the provisions of this Agreement, including the Development Plan and COAs, the City hereby grants to Developer the present vested right to develop and construct on the Property all the improvements authorized by, and in accordance with, this Agreement and the Vested Elements. To the extent permitted by law, no future modification (including by later-adopted initiative and/or referendum) of the City’s General Plan, SCCC, ordinances, policies or regulations that purport to (i) limit the rate or timing of development, size of buildings or other improvements (including developable square footage), or amount of development of the portions of the Project to be built; or (ii) impose fees, exactions or conditions upon development, occupancy or use of the Property other than as provided in the Project Approvals and the COAs and MMRP, or pursuant to this Agreement, shall apply to the Property; provided, however, that nothing in this Agreement shall prevent or preclude City from adopting any fees or land use regulations or amendments thereto, expressly permitted herein.

2.7 Timing of Improvements; No Moratoria. Subject to the Project Approvals and this Agreement, Developer shall have the right to develop the Project at such time as Developer deems appropriate subject to Section 2.3 and this Section 2.7 within the exercise of its subjective business judgment. The Parties acknowledge and agree that presently the Developers cannot predict the timing of the Project. Therefore, the Developers have no obligation to develop or construct all or any component of the Project. The timing, sequencing, and phasing of the Project is solely the right and responsibility of Developers in the exercise of their business judgment so long as it is consistent with the Vested Rights and the MMRP. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465 that failure of the Parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the Parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that the Developers shall have the right to develop the Property in such order, at such rate, and at such times as Developers deem appropriate within the exercise of its subjective business judgment and the provisions of this Agreement. No annual (or other) limit, moratoria, or

other limitation upon the number of, or pacing of, buildings which may be constructed, or Building Permits which may be obtained, or the like shall apply to the Project.

2.8 Agreement and Comprehensive Plan for Development. The Parties acknowledge that, except as specifically set forth herein, the Project Approvals, the MMRP, and COAs set forth a comprehensive schedule of all development terms and conditions, development mitigation measures and fees, special assessments, special taxes, exactions, fees in-lieu, charges and dedications required in the public interest to be contributed, paid or constructed due to development of the Project on the Property. All fees referred to herein, may be subject to an annual increase until paid, but only if such increase is applied equally to similarly situated projects on a City-wide or area-wide basis, and any such annual increase shall be limited in the manner specified in Section 3.

2.9 Design of On-Site and Off-Site Improvements. Development of the Property shall be subject to Architectural Review Process by City pursuant to the policies, regulations and ordinances, including Article 6 of the City Zoning Code entitled “Permit Processing Procedures”, in effect as of the Effective Date, and subject to the Vested Elements, the MMRP, and this Agreement. No such Architectural Review shall, without Developer’s consent, require development of the Property inconsistent with the Vested Elements, or MMRP unless City determines it is necessary to protect against conditions which create a substantial adverse risk to the physical health or safety of residents or users of the Project or the affected surrounding region. The Vested Elements and the MMRP, and all improvement plans prepared in accordance thereof, shall govern the design and scope of all on-site and off-site improvements benefiting or to be constructed on the Property. In no event shall Architectural Review approval by City be conditioned on or require any change in the Vested Elements or the MMRP, without Developer’s consent.

2.10 Development of the Site. In consideration for the City entering into this Agreement, Developer agrees to perform all of its obligations contained in this Agreement in the time and manner set out in this Agreement, the MMRP, the COAs and the Project Approvals.

2.11 Integrated Development. City and Developer acknowledge that the Project is, and shall be considered, an integrated development. It is thus the intention of the Parties that, if construction on one component of the Project is commenced, any additional development of the Property will adhere to this Agreement and the Project Approvals. However, nothing in this Agreement is intended: (i) to prevent Developer from individually commencing and completing development of any portion of the Project, even if development on other portions thereof has not been commenced and/or completed; (ii) to prevent Developer from independently marketing, selling, renting and/or occupying all, or any portion of, such developed space, pursuant to Section 12, provided that all current obligations under this Agreement and the Development Plan and all infrastructure requirements for the existing developed space have been met; and (iii) to require Developer to develop any portion of the Project (even if development on another portion of the Project has been commenced and/or completed).

2.12 Building Standards. Developer hereby agrees to employ all reasonable efforts such that the Project will be built to LEED Neighborhood Development Silver or equivalent

standards, LEED CS Gold or equivalent standards for commercial buildings and LEED NC Silver for residential buildings, all as described in more detail in the Project Approvals.

3. EFFECT OF AGREEMENT

3.1 Subsequent State or Federal Laws or Regulations. As provided in California Government Code section 65869.5, this Agreement shall not preclude the application to the Project of changes in laws, regulations, plans or policies, to the extent that such changes are required by changes in county, regional, State or federal laws or regulations (“Changes in the Law”). In the event Changes in the Law prevent or preclude compliance with one or more material provisions of this Agreement, Developer may request that such material provisions be modified or suspended, or performance delayed, as may be necessary to comply with Changes in the Law, and City may take such action as it deems necessary to be consistent with the intent of this Agreement.

3.2 Changes to Existing Regulations. Except as otherwise specifically provided, only the following changes to the Vested Elements, including such changes adopted by the electorate through the powers of initiative, or otherwise, shall apply to the development of the Property:

- a. Subject to Section 3 herein, Citywide regulations, ordinances, policies, programs, resolutions or fees adopted after the Effective Date that are not in conflict with the Vested Elements and the terms and conditions for development of the Property established by this Agreement, or otherwise applicable regulations existing as of the Effective Date. Changes to the General Plan, SCCC or other regulations shall be deemed to conflict with the approvals and this Agreement (“Conflicting City Law”) if such changes prevent development of the Property in substantial accordance with the Approvals; require significant changes in the development of the Property from what is contemplated by the Approvals; significantly delay, ration or impose a moratorium on development of the Property; or require the issuance of discretionary or nondiscretionary permits or approvals by the City other than those required as of the Effective Date. A fee shall be deemed to conflict with this Agreement if it is an increase in an existing fee by more than the amount permitted pursuant to Section 4 below.
- b. Any law, regulation or policy which would otherwise be Conflicting City Law, but through this Agreement or by later separate document, application to the Property has been consented to in writing by the Developer.

3.3 Further Reviews. Developer acknowledges that existing land use regulations, the Vested Elements and this Agreement contemplate the possibility of further reviews of elements or portions of the Project by the City including potential CEQA analysis, if required. Nothing in this Agreement shall be deemed to limit the legal authority of City with respect to these reviews as provided by, and otherwise consistent with, this Agreement and the Vested Elements. In no event shall such further review by City revisit the COAs and Project Approvals or be conditioned on or require any change in the

Project except as contemplated by the COAs, the Project Approvals and/or this Agreement.

3.4 Local Rules. Future development on the Property shall be subject to all the official rules, regulations and policies (collectively “Local Rules”) of the City which govern uses, architectural design, landscaping, public improvements and construction standards, and which are contained in and not inconsistent with the Vested Elements or are in effect as of the Effective Date, with the exception that revisions or amendments to the Local Rules necessitated by reasonable public health or fire and life-safety considerations shall apply as though the rules were in effect as of the Effective Date. Notwithstanding any other provision of this Agreement, and without limitation as to any other exceptions contained in this Agreement, City shall retain the authority to take the following actions, so long as such action is applied on a Citywide basis to similarly situated projects:

- a. Adopt and apply property transfer taxes and/or excise taxes;
- b. Adopt and apply utility charges;
- c. Adopt updates to building and/or fire codes;
- d. Maintain the right of voters to act by initiative or referendum, but only to the extent that the initiative or referendum does not affect or interfere with any vested rights acquired by the Developer in this Agreement; except that this Agreement itself is subject to referendum; and,
- e. Take other actions not expressly prohibited by the terms or provisions of this Agreement.

3.5 Future Exercise of Discretion by City. This Agreement shall not be construed to limit the authority or obligation of City to hold necessary public hearings, or, except as provided herein, to limit discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances or laws which require the exercise of discretion by City or any of its officers or officials. Except as provided herein, this Agreement shall not prevent City from applying new rules, regulations and policies, or from conditioning future Project development approval applications on new rules, regulations and policies that do not conflict with the terms of the Vested Elements or this Agreement.

4. DEVELOPMENT FEES, EXACTIONS AND DEDICATIONS.

4.1 Development Fees, Exactions and Dedications. During the time period between the Effective Date and the time period that is seven (7) years after the Effective Date (such time period, as extended by any delay due to Force Majeure hereinafter the “Development Fee Vested Period”), the types and amounts of fees, special assessments, special taxes, exactions and dedications (collectively “Fees”) payable due to the development, build out, occupancy and use of the Property pursuant to this Agreement shall be exclusively those set forth in the Project Approvals, the COAs and as specified in this Agreement. Notwithstanding any amendments to the Fees or imposition of any new City fees, taxes, special assessments or other exactions during the Development Fee

Vested Period, the Fees set forth in this Agreement, the COAs, and Project Approvals shall be the only fees, charges, special assessments, special taxes, dedications and exactions payable to City due to development of the Property during the Development Fee Vested Period; provided however that any automatic and generally applicable increases to such Fees occurring during the Development Fee Vested Period pursuant to an ordinance adopted prior to the Development Vested Period shall apply to the Fees. The defined term “Fees” for this purpose does not include Load Fees adopted by Silicon Valley Power. The Development Fee Vesting Period shall be extended (if still in effect at the time) or reset (if expired at the time) for a period(s) of four (4) years upon the date of City approval of an Architectural Review Permit for any portion of the Project based on whatever Fees are in effect as of the reset date (each a “Development Fee Vesting Locking Period”). Each Development Fee Vesting Locking Period shall be documented by Operating Memoranda pursuant to Section 22.1. After the Development Fee Vesting Period has expired (subject to the Development Fee Vesting Locking Periods noted above), all Fees payable due to the development, build out, occupancy and use of the Property pursuant to this Agreement shall be those Fees, and in the amounts, then in effect so long as such Fee is (i) generally applicable on a city-wide or area-wide basis for similar land uses, and (ii) are not redundant as to the Project of a fee, dedication, program, requirement, or facility that is imposed or required under this Agreement, the COAs, or the Project Approvals. Notwithstanding anything to the contrary herein, if the Developer complies with the requirements of Section 4.8, Art in Public and Private Development Funding, the Project shall not be subject to any public art fee (or similarly titled development fee or special tax adopted for the purposes of increasing the amount of public/publicly accessible art or generating funding for such purpose) adopted by the City as set forth in Section 4.8.

4.2 Processing Fees. Processing fees, including without limitation Building Permit application, processing and inspection fees (“Processing Fees”), may be increased if the increase is applicable Citywide and reflects the reasonable cost to City of performing the administrative processing or other service for which the particular Processing Fee is charged. New Processing Fees may be imposed if the new Processing Fees apply to all similarly situated projects or works within the City and if the application of these Processing Fees to the Property is prospective only. Processing Fees shall be due and payable on an individual project application basis, so that only those fees applying to the actual construction of each portion of the Project shall be paid upon the issuance of the appropriate permits for that portion of the Project. Developer shall pay the costs associated with the planning, processing and environmental review process for the Project, provided that such costs shall be limited to (i) reasonable costs directly associated with the preparation of the EIR; (ii) fees ordinarily charged by City for processing land use applications and permits, provided that such fees and costs are applied to Developer in the same manner as other similarly situated applicants seeking similar land use approvals and are not limited in applicability to the Project or to related uses; and (iii) fees associated with third-party contract permit plan checking, if applicable, above those normally charged by the City. Pursuant to Section 4.3, Developer shall reimburse City for reasonable staff overtime expenses incurred by City in processing review, approval, inspection and completion of the Project provided that such overtime expenses are (a) reasonably necessary for the completion of the Project in

accordance with Developer's schedule; and (b) applied to Developer in the same manner as similarly situated project applicants.

4.3 Reimbursement to City. Notwithstanding the foregoing limitations on Processing Fees, Developer agrees to reimburse City for expenses over and above Processing Fees paid by Developer as an applicant for reasonable third-party contractual costs incurred by City relating to any expedited processing of entitlements and environmental review related to this Agreement requested by the Developer. Such reimbursement shall be due within sixty (60) days of receipt of an invoice from the City.

4.4 Dedications. Developer shall offer to dedicate to City, upon request by City, all portions of the Property designated in the Project Approvals or Conditions of Approval for public easements, streets or public areas.

4.5 Mitigations. Developer agrees to contribute to the costs of public facilities and services in the amounts set forth in the Project Approvals, MMRP, and COAs as required to mitigate impacts of the development of the Property ("Mitigations"). City and Developer recognize and agree that but for Developer's contributions to mitigate the impacts arising as a result of the entitlements granted pursuant to this Agreement, City would not and could not approve the development of the Property as provided by this Agreement. City's approval of development of the Property is in reliance upon, and in consideration of, Developer's agreement to make contributions toward the cost of public improvements and public services as provided to mitigate the impacts of development of the Property.

4.6 Affordable Housing Provisions. Developer agrees to provide onsite residential units at affordable rents/costs, as set forth in the AHP (set forth in Section 2.11 of the Development Plan). The City's baseline Inclusionary Housing Policy requires developers of for sale and rental residential developments (including mixed use projects) of ten (10) or more units to provide at least fifteen (15%) percent of their units at rents or prices affordable to extremely low, very low, low and moderate income households, or some combination thereof, as long as the distribution of affordable units average for all rental units does not exceed a maximum of one hundred percent (100%) of area median income or the average for all affordable for-sale rental units does not exceed one hundred percent (100%) AMI, and for the affordable units to be dispersed with the market rate units. Inclusionary units are subject to reduced required fees, and any calculations that result in fractional units pay in-lieu fees. The Project must meet all requirements of the City's existing Affordable Housing Ordinance and all affordable housing units must be dispersed with the market rate units, unless, upon the request of Developer, an alternate plan is approved by the City Council pursuant to the AHP and existing Affordable Housing Ordinance. When and if the City Council approves an alternative plan pursuant to the AHP, such alternative plan shall be incorporated by reference in this Agreement so long as such alternate plan otherwise complies with this Agreement. In addition, the Developer has voluntarily agreed to meet and exceed this requirement as provided in the AHP by proposing to provide an average affordability of eighty (80%) AMI with no individual affordable rental unit exceeding a maximum of one hundred percent (100%)

AMI and no individual affordable for-sale unit exceeding a maximum of one hundred and twenty percent (120%) AMI.

4.7 Open Space and Parks. Developer acknowledges its obligation to provide parkland, pay a fee in lieu thereof, or a combination of such dedication and fee pursuant to Chapter 17.35 of the City Code. Notwithstanding the preceding provisions of Section 4 or any other provisions in this Agreement to the contrary, the provisions of this Section 4.7 shall exclusively govern the dedication of parkland and payment of fees due in lieu of parkland dedication, and the credits against the amount of such parkland dedication and/or such in lieu fees, with respect to the Project. Said fees shall be assessed per development of the Project's residential units and shall be paid prior to the issuance of a building permits for vertical construction of residential buildings and the timing of dedication and delivery of parkland shall be as set forth in a park improvement agreement executed between the City and Developer. In addition, the Project will comply with the following with respect to open space and parks as the Project is implemented:

- a. **Minimum Park and Open Space Improvements.** Subject to the City's formal public park review process, concurrent with issuance of Building Permits resulting in a cumulative of five hundred (500) or more residential units within Area C, the Developer will have completed or entered into a public improvement agreement with the City to complete a minimum of one and a half (1.5) acres or more of public park or private open space improvements with a public access easement that include play areas for children ages 2 to 5 and ages 5 to 12. If any residential is developed on Area C pursuant to the Office/R&D Residential Flex option in the Development Plan, the Developer will also offer to dedicate a minimum of one and a half (1.5) acres of public park land, or private open space area with a public access easement, to the City, with the terms for completion and delivery of improvements to be determined in good faith between the Developer and City through conditions of approval of the Architectural Review Permit and a Park Improvement Agreement to be executed between the City and Developer prior to the issuance of any building permit on Area C.
- b. **Maintenance of Public Parks.** The Parties acknowledge that the size and design of the public park is conceptual and will be subject to the City's process under the Park Ordinance. When a public park is proposed by the Developer, in addition to the park improvement agreement and as a condition of approval, the Developer will enter into a maintenance agreement with the City to maintain the proposed public parks on the Property consistent with City's standard and typical maintenance standards for a minimum of forty years from dedication ("Public Park Maintenance Period"). The Parties agree that the target maximum annual maintenance cost for the public park, including an annualized reserve for anticipated capital replacement costs during the Public Park Maintenance Period, is one dollar and sixteen cents (\$1.16) per square foot of public park, as adjusted by CPI from the Effective Date (the "Target Maximum Public Park Maintenance Cost"). The Target Maximum Public Park Maintenance Cost is intended to cover one hundred percent (100%) of reasonable annual park maintenance and capital replacement during the Public Park Maintenance Period based on current

conceptual park designs and assumes private maintenance by Developer as an independent contractor. If at the time the public parks are designed, Developer proposes a design or programmatic elements that result in estimated annual maintenance costs that exceed the Target Maximum Public Park Maintenance Cost, the Developer will nevertheless accept responsibility for maintenance of the parks and assume responsibility for one hundred percent (100%) of annual maintenance costs during the Public Park Maintenance Period. If, however, the City requests changes to the park design or programmatic elements proposed by Developer that increase estimated maintenance costs above the Target Maximum Public Park Maintenance Cost, the Parties will meet and confer in good faith on design changes to reduce maintenance costs to at or below the Target Maximum Public Park Maintenance Costs. If the City does not wish to accept design changes that would reduce maintenance costs, the City may instead elect to enter into an agreement with the Developer to reimburse maintenance costs in excess of the Target Maximum Public Park Maintenance Cost for the Public Park Maintenance Period. After the Public Park Maintenance Period, the City will be solely responsible for all public park maintenance and capital replacement costs for any dedicated public park.

- c. **Maintenance of Public Trails.** When a public trail is proposed by the Developer on the Property, in addition to the trail improvement agreement and as a condition of approval, the Developer will enter into a maintenance agreement with the City to maintain the proposed public trail on the Property consistent with City's standard and typical maintenance standards for a minimum of forty years from dedication ("Public Trail Maintenance Period"). The Parties agree that the target maximum annual maintenance cost for the public trail, including an annualized reserve for anticipated capital replacement costs during the Public Trail Maintenance Period, is one dollar and sixteen cents (\$1.16) per square foot of public trail, as adjusted by CPI from the Effective Date (the "Target Maximum Public Trail Maintenance Cost"). The Target Maximum Public Trail Maintenance Cost is intended to cover one hundred percent (100%) of reasonable annual public trail maintenance and capital replacement during the Public Trail Maintenance Period based on current conceptual public trail designs and assumes private maintenance by Developer as an independent contractor.
- d. **Public Access to Private Open Space.** Public access easements will apply to ground level private open space of a public facing nature over which pedestrian, bicycle traffic, or other public use is reasonably anticipated or would provide a convenience, amenity value, and/or help create pedestrian or bicycle connectivity. Delineation of areas subject to such public access easements will be determined at the time of Architectural Design Review approval for each Project phase or subphase that includes ground level private open space improvements. Areas subject to access easements are anticipated to consist of privately-owned sidewalks, pedestrian plazas, parks, bike lanes, streets, and landscaped areas directly adjacent to public parks or rights of way. Upon completion of each phase of applicable private open space in the Project, Developer to provide a public access easement over the applicable areas with either 24/7 access, or other

reasonable hours as appropriate depending on the location, to be recorded prior to the applicable certificate of occupancy. The City shall not be responsible for any maintenance costs for the public access easement areas.

4.8 Art in Public and Private Development Funding. Parties agree that art in public and private development has come to be an essential element in placemaking, social practice, and the creation of vibrant and economically successful communities. As such, the Developer agrees to invest an aggregate (reasonable hard and soft third party costs for processing, design, construction and installation) minimum amount of five million dollars (\$5,000,000), as adjusted by CPI, in original art features within the Project (“Public Art Funding”). These features must be publicly visible and/or accessible and may include, but are not limited to: sculptures, murals, exhibition or performance spaces and functional art such as decorative benches, bike racks or other architectural design features that are commissioned original pieces of art approved by the City. Placemaking activities such as temporary art installations or cultural arts programming that the general public can participate in are also considered acceptable uses of the Public Art Funding. All projects to be supported by the Public Art Funding shall be submitted to the City with a maintenance plan for approval. The Developer shall spend , or place in an escrow held by the City, at least Three Million Dollars (\$3,000,000), adjusted by CPI, of the Public Art Funding prior to the exercise of First Extension of the Term of this Agreement, and at least the full amount of the Public Art Funding prior to the exercise of the Second Extension of the Term. If the requirement in the preceding sentence is satisfied, the Project shall not be subject to any new public art fee or similar public arts requirements adopted by the City for the longer of the full Term of this Agreement or through completion of the Project. Any escrowed funds shall remain in an earmarked account for use on the Project until five (5) years after termination of this Agreement. After that time, any unspent funds remaining in escrow will be available to the City for any public art purpose within the City in the City’s sole discretion. The obligations of this Section 4.8 shall survive termination of this Agreement.

4.9 Local Transportation Improvements; Fair Share Traffic Fees. In addition to all applicable traffic impact fees pursuant to Santa Clara Code Section 17.15.330, Developer agrees to the total sum of up to Six Million Four Hundred Thousand Sixty Seven Thousand One Hundred and Fifty Nine Dollars (\$6,467,159) (“Fair Share Traffic Fees”) payable to the City to mitigate the Project’s contributions to certain local and regional intersection improvements identified in the EIR and further specified and allocated in Exhibit B (“Allocation of Fair Share Traffic Fees”). The Fair Share Traffic Fees shall be payable at the times and in the amounts shown on Allocation of Fair Share Traffic Fees. At the Developer’s option, Developer may pay Fair Share Traffic Fees in cash when due, or by use of a bond or letter of credit, to be credited proportionately to such intersection improvement or otherwise subject to the provisions of this Section 4.9. In the event the City permits the Developer to build any local transportation improvements over and above the Project’s fair share, Developer shall be entitled to reimbursement from traffic fees paid to City by properties not associated with the Project and which benefit from the improvements over and above the Project’s fair share when those properties develop.

4.10 Sewer Connection Fee. If the City should adopt an ordinance subsequent to the Effective Date of this Agreement that permits reduced Sewer Connection Fees as a result of onsite conservation measures, the Developer may apply for consideration of such reductions toward the Sewer Connection Fees paid on behalf of the Project. Applications may be filed for any portion of the Project, if that portion of the Project has a minimum of one year of ninety percent (90%) occupancy prior to receipt of the application by the City.

4.11 Vacation of Democracy Way. The City agrees to approve the vacation of Democracy Way as shown in the VTM and may utilize any applicable procedure permissible under the City Charter and/or the SCCC to effectuate the vacation of the street right of way easement, including all required relocation of public utilities (the “Street Easement Vacation”). The Street Easement Vacation is subject to the reservation of a public utility easement therein until the relocation of all required public utilities existing within Democracy Way as of the Effective Date (“Existing Public Utilities”). Developer shall, at its cost, relocate or cause to be relocated all Existing Public Utilities (“Relocation Work”). Promptly following the completion of such Relocation Work, the City shall vacate the reserved public utility easement within the Vacated Street Area pursuant to the summary vacation procedures set forth in Streets and Highways Code Section 8300 *et seq.* When the Developer commences the Relocation Work, the City will, promptly upon receipt of a written request to do so from Developer and at the Developer’s cost, prepare an appraisal of the fair market value of the street right of way easement by a qualified appraiser (“ROW Appraisal”). The Developer will have the right to review the qualifications and scope of work for the Appraisal prior to its preparation, and the City shall consider and address any reasonable objections of the Developer in good faith. The Developer shall pay to the City the fair market value established by the ROW Appraisal (“FMV”), minus the actual and reasonable soft and hard costs of the Relocation Work (“Relocation Costs”). Developer will pay to the City the amount (if any) that the FMV exceeds the Relocation Costs. If, however, the Relocation Costs exceed the FMV, no amount will be due to either Party. The Street Easement Vacation and any payment due to the City under this Section 4.11 shall be completed prior to the recordation of a Final Map for either Area A or Area B (whichever is earlier), as depicted on the VTM. The Parties acknowledge that this process may take several years to complete, and that the City will commence this process only upon the written request of the Developer and execution of a reimbursement agreement for the City’s actual, reasonable costs related to implementation of this Section 4.11.

4.12 Utility Improvements. Developer shall, at its cost, upgrade existing public utilities per the infrastructure delivery plan set forth in the Project Approvals. Developer shall be entitled to reimbursement for any upsizing of public utilities to serve connections from properties not associated with the Project.

4.13 SVP Facilities. Special facilities may be required for the provision of electric service to the Project. Developer agrees to fulfill its commitments to SVP pursuant to the COAs and, if required, a separate agreement to be entered with SVP.

4.14 Transportation Services. Developer agrees to implement the Transportation Demand Management Plan, as set forth in Section 2.10 of the Development Plan, in order to facilitate the usage of multi-modal transit in cooperation with the City, other public agencies, and other local business interests.

4.15 Point of Sale for Project Construction. The Developer agrees to, prior to issuance of Building Permits, to the extent allowed by law, to require all persons and entities providing materials to be used in connection with the construction and development of, or incorporated into, the Project, including by way of illustration but not limitation bulk lumber, concrete, structural steel, roof trusses and other pre-fabricated building components, to (a) obtain a use tax direct payment permit; (b) elect to obtain a subcontractor permit for the job site of a contract valued at Five Million Dollars (\$5,000,000) or more; or (c) otherwise designate the Property as the place of use of material used in the construction of the Project and the place of sale of all fixtures installed in and/or furnished in order to have the local portion of the sales and use tax distributed directly to City instead of through the county-wide pool. Developer shall instruct its general contractor(s) to, and shall cause such general contractor(s) to instruct its/their subcontractors to, cooperate with City or City's consultant to ensure the local sales/use tax derived from construction of the Project is allocated to City to the fullest extent possible and to the extent allowed by law. This Section 4.15 shall not apply to tenants who perform their own tenant improvement work. To assist City or City's consultant in its efforts to ensure that such local sales/use tax is so allocated to City, Developer shall on an annual basis, or as frequently as quarterly upon City's or City's consultant request, provide City or City's consultant with such information as shall be reasonably requested by City or City's consultant regarding subcontractors working on the Project with contracts in excess of the amount set forth above, including a description of all applicable work and materials and the dollar value of such subcontracts, and, if applicable, evidence of their designation, such as approvals or applications for the direct payment permit, of City as the place of use of such work and materials. City or City's consultant may use such information to contact each subcontractor who may qualify for local allocation of use taxes to City. The City's sole and exclusive remedy for any failure of any general contractor(s) or subcontractor(s) to allocate sales and use tax revenues as provided herein or to comply with this Section 4.15 will be specific performance.

4.16 Grocery Store. If and when the northeastern portion of Area B, fronting Tasman Drive and Old Ironsides, is developed by the Developer during the Term (as the Term may be extended), such development must be designed, as part of the Architectural Design Review application and related Building Permit plans, to include a grocery store that meets the following minimum criteria: (a) a minimum of fifteen thousand (15,000) square feet of leasable area and (b) capable of providing traditional grocery store products including fresh produce, dairy, meat and fish, and dry goods ("Grocery Store"). As part of such development, Developer shall construct or pay all costs associated with completion of the Grocery Store to an initial core and shell condition (meaning all basic structural and life safety improvements are completed not including any tenant improvements) prior to the issuance of a final certificate of occupancy for the building that includes the Grocery Store. If the Developer proposes development on Area B that does not include the area proposed for the Grocery Store, the Developer shall submit

information with the Architectural Review Permit to the City to confirm that such development will not limit, conflict with or otherwise adversely impact the future feasibility of the Grocery Store. If the Developer wishes to move the Grocery Store, the Director may, in their reasonable discretion, approve an alternative location as part of an Architectural Design Review application without amendment to this Agreement (in which case requirements of this Section 4.16 would apply to such alternative location). Such alternative location shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. The Parties acknowledge the grocery store market is subject to fluctuation and there is no guarantee that a third party tenant will be available to lease the space on commercially reasonable terms. For a period of three (3) years from completion of initial core and shell improvements such that the Grocery Store is available and ready to execute a binding lease with a grocery tenant and commence tenant improvements, the Developer will make good faith efforts to market and lease the Grocery Store to a grocery store tenant providing traditional grocery store products including fresh produce, dairy, meat and fish, and dry goods, and will provide the Director regular updates (not less than quarterly) on these marketing and leasing efforts until a binding lease is entered into with a tenant ("Grocery Store Marketing Period"). The commencement and conclusion of the Grocery Store Marketing Period shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. During the Grocery Store Marketing Period, the Developer shall offer the Grocery Store at commercially reasonable terms, as supported by qualified broker information, including a commercially reasonable tenant improvement allowance and a triple net rental rate that does not exceed a fair market rent for a grocery store, considering the condition of the space and the tenant improvement allowance. Developer will promptly notify City when a tenant providing a Grocery Store has executed a lease of the Grocery Store. If a lease is not entered into despite good faith marketing and leasing efforts within the Grocery Store Marketing Period, the Developer will have no further obligations related to the Grocery Store and can use the Grocery Store area for any permitted purpose. This Section 4.16 shall survive termination of this Agreement through the Grocery Store Marketing Period.

If, at the time the Developer submits for Architectural Review for building(s) within the applicable portion of Area B, the grocery market is either saturated or Developer demonstrates that a grocery tenant is otherwise unlikely, the Developer may submit a market study to the City, request the Director to engage a qualified consultant (retained by the City with expense reimbursed by Developer) to evaluate the market study. If the Director, in their reasonable discretion based on the information in the market study and findings of the City's qualified consultant, confirms a grocery tenant is unlikely, then Developer and City will meet and confer in good faith to identify one or more alternative community benefits to replace the Grocery Store. Such alternative community benefit(s) are subject to mutual approval of Developer and City (by the Director and City Manager), each in their reasonable discretion. City approval is subject to a finding that the proposed alternative community benefit(s) would have a dollar value (net cost or financial impact to the Project) at least equal to the Grocery Store and acceptance is in the best interests of the City ("Approved Grocery Store Alternative). Such Approved Grocery Store Alternative will not require an amendment to this Agreement, but will be documented in writing by Operating Memoranda pursuant to Section 22.1. Until an Approved Grocery

Store Alternative is formally approved by Operating Memoranda, the Developer must continue to comply with the requirements of this Section 4.16.

4.17 Childcare Facility. If and when the portion of Area D fronting the SFPUC right of way is developed by the Developer during the Term, as the Term may be extended, such development must be designed, as part of the Architectural Design Review application and related Building Permit plans, to include a childcare facility that meets the following minimum criteria: (a) suitable to be open to the public, (b) a minimum of eight thousand (8,000) square feet of interior leasable area and an outdoor play area, and (c) capable of compliance with applicable state regulations on childcare facilities (“Childcare Facility”). As part of such development, Developer shall construct or pay all costs associated with completion of the Childcare Facility to an initial core and shell condition (meaning all basic structural and life safety improvements are completed not including any tenant improvements) prior to the issuance of a final certificate of occupancy for the building that includes the Childcare Facility. If the Developer wishes to move the Childcare Facility, the Director may, in their reasonable discretion, approve an alternative location as part of an Architectural Design Review application without amendment to this Agreement (in which case requirements of this Section 4.17 would apply to such alternative location). If requested and approved, such alternative location shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. The Parties acknowledge the childcare market is subject to fluctuation and there is no guarantee that a third party tenant will be available to lease the space on commercially reasonable terms. For a period of three (3) years from completion of initial core and shell improvements, such that the Childcare Facility is available and ready to execute a binding lease with a childcare tenant and commence tenant improvements, the Developer will make good faith efforts to market and lease the Childcare Facility to a tenant providing a daycare use, and will provide the Director regular updates (not less than quarterly) on these marketing and leasing Efforts until a binding lease is entered into with a tenant (“Childcare Facility Marketing Period”). The commencement and conclusion of the Childcare Facility Marketing Period shall be documented by the Parties by Operating Memorandum pursuant to Section 22.1. During the Childcare Facility Marketing Period, the Developer shall offer the Childcare Facility at commercially reasonable terms, as supported by qualified broker information, including a commercially reasonable tenant improvement allowance and a triple net rental rate that does not exceed a fair market rent for a childcare facility considering the condition of the space and the tenant improvement allowance. Developer will promptly notify City when a tenant providing a Childcare Facility has executed a lease of the Childcare Facility. If a lease is not entered into despite good faith marketing and leasing efforts within the Childcare Facility Marketing Period, the Developer will have no further obligations related to the Childcare Facility and can use the Childcare Facility area for any permitted purpose. This Section 4.17 shall survive termination of this Agreement through the Childcare Marketing Period.

If, at the time the Developer submits for Architectural Review for building(s) within the applicable portion of Area D, the childcare market is either saturated or Developer otherwise demonstrates that a childcare tenant is unlikely, the Developer may submit such market study to the City and request to the Director to confirm (by a qualified consultant retained by the City with expense reimbursed by Developer). If the Director,

in their reasonable discretion based on the information in the market study and findings of the City's qualified consultant, confirms Developer's study demonstrating a childcare tenant is unlikely, then Developer and City will meet and confer in good faith to identify one or more alternative community benefits to replace the Childcare Facility. Such alternative community benefit(s) are subject to approval of Developer and the Director and City Manager in their reasonable discretion. City approval is subject to a finding that the proposed alternative community benefit(s) would have a dollar value (net cost or financial impact to the Project) at least equal to the Childcare Facility and acceptance is in the best interests of the City ("Approved Childcare Alternative). Such Approved Childcare Alternative will not require an amendment to this Agreement, but will be documented in writing by Operating Memoranda pursuant to Section 22.1. Until an Approved Childcare Alternative is formally approved by Operating Memoranda, the Developer must continue to comply with the requirements of this Section 4.17.

4.18 Regional Traffic Fee. As a voluntary contribution, Developer will pay One Dollar (\$1.00) per square foot, adjusted by CPI, at the issuance of each Building Permit for office/R&D within the Project ("Regional Traffic Fee"), up to a maximum of Three Million Dollars (\$3,000,000), as adjusted by CPI from the Effective Date ("Regional Traffic Fee Cap"), to the City for traffic intersection improvements. In the event that residential is developed on Area C pursuant to the Office/R&D-Residential Flex described and defined in the Development Plan, then the amount of the Regional Traffic Fee will increase to One Dollar and Thirty Seven Cents (\$1.37) per square foot, adjusted by CPI, at the issuance of each Building Permit for office/R&D within the Project subject to Regional Traffic Fee Cap. Once paid, Regional Traffic Fees are non-refundable

4.19 Fire Equipment Contribution. As a voluntary contribution, Developer will pay up to a maximum of Three Million Five Hundred and One Thousand and Fifty Dollars (\$3,501,050), as adjusted by CPI, to the City for purchase of a fire engine and a tractor drawn aerial apparatus. One Million Two Hundred Thousand Dollars (\$1,200,000)), as adjusted by CPI, for the purchase of the fire engine is due prior to/at the issuance of certificate(s) of occupancy that totals, in the aggregate, one million five hundred thousand (1,500,000) gross square feet of building area in the Project. The remaining Two Million Three Hundred and One Thousand and Fifty Dollars (\$2,301,050)), adjusted by CPI, for the purchase of the tractor drawn aerial apparatus is due prior to/at issuance of certificate(s) of occupancy that totals, in the aggregate, three million square gross feet of building area in the Project.

4.20 Minimum Residential Parking. Developer shall provide a minimum of one (1) parking space per residential unit in the Project, and may provide up to twenty-five percent (25%) of these minimum parking spaces through shared parking pursuant to SCCC Section 18.38.040 (A) [Exceptions and Reductions to Parking Requirements].

5. STANDARD OF REVIEW OF PERMITS

5.1 Standard of Review of Permits. All Subsequent Approvals required by Developer to develop the Property, but including (i) road construction permits, (ii) grading permits, (iii) Building Permits, (iv) fire permits, and (v) Certificates of Occupancy, shall be issued by City after City's review and approval of Developer's applications, provided that City's review of the applications is limited to determining whether the following conditions are met:

- a. The application is complete; and,
- b. The application demonstrates that Developer has complied with the Vested Elements, the MMRP and the applicable Local Rules.

6. PRIORITY

6.1 Priority. In the event of conflict between the General Plan, this Agreement, SCCC, Other Regulations and Local Rules, all as they exist on the Effective Date, the Parties agree that the following sequence establishes the relative priority of each item: (1) the General Plan, as existing on the Effective Date; (2) this Agreement; (3) the Development Plan as modified by the COAs, (4) VTM as modified by the COAs, (4) Mitigation Monitoring and Reporting Program, (5) the other Project Approvals, (6) SCCC, and (7) Other Regulations and Local Rules.

7. COOPERATION IN IMPLEMENTATION

7.1 Cooperation in Implementation. Upon Developer's satisfactory completion of all required preliminary actions provided in the Project Approvals, and payment of required fees, if any, City shall proceed in a reasonable and expeditious manner, in compliance with the deadlines mandated by applicable agreements, statutes or ordinances, to complete all steps necessary for implementation of this Agreement and development of the Property in accordance with the Project Approvals, including the following actions:

- a. Scheduling all required public hearings by the Zoning Administrator, Planning Commission and City Council; and,
- b. Processing and checking all maps, plans, land use and architectural review permits, permits, building plans and specifications and other plans relating to development of the Property filed by Developer as necessary for complete development of the Property. Developer, in a timely manner, shall provide City with all documents, applications, plans and other information necessary for the City to carry out its obligations hereunder and to cause City's planners, engineers and all other consultants to submit in a timely manner all necessary materials and documents. It is the Parties' express intent to cooperate with one another and to diligently work to implement all land use and building approvals for development of the Property in accordance with the Development Plan and the terms hereof. At Developer's request and sole expense, City shall retain outside building consultants to review plans or otherwise assist City's efforts in order to expedite City processing and approval work. City shall cooperate with Developer, and assist Developer in obtaining any third-party governmental or private party

permits, approvals, consents, rights of entry, or encroachment permits, needed for development of the Project or any other on or offsite improvements.

8. PERIODIC REVIEW

8.1 Annual Review; Special Review. City and Developer shall review all actions taken pursuant to the terms of this Agreement annually during each year of the Term, within thirty (30) days prior to each anniversary of the Effective Date unless the City and Developer agree in writing to conduct the review at another time pursuant to SCCC Section 17.10.220(a). Special Reviews may be conducted pursuant to the provisions of SCCC Section 17.10.220(b).

8.2 Developer's Submittal. Within ninety (90) days before each anniversary of the Effective Date, Developer shall submit a letter ("Compliance Letter") to the Community Development Director ("Director"), along with a copy directed to the City Attorney's Office, describing Developer's compliance with the terms of the Conditions of Approval and this Agreement during the preceding year. The Compliance Letter shall include a statement that the Compliance Letter is submitted to the City pursuant to the requirements of Government Code Section 65865.1, this Agreement, and SCCC. The reasonable cost of each annual review or special review conducted during the term of this Agreement shall be reimbursed to the City by Developer. Such reimbursement shall include all direct and indirect expenses reasonably incurred in such annual reviews.

8.3 City's Findings. Within sixty (60) days after receipt of the Compliance Letter, the Director shall determine whether, for the year under review, Developer has demonstrated good faith substantial compliance with the terms of this Agreement. If the Director finds and determines that Developer has complied substantially with the terms of this Agreement, or does not determine otherwise within sixty (60) days after delivery of the Compliance Letter, the annual review shall be deemed concluded, Developer shall be deemed to have complied in good faith with the terms and conditions of this Agreement during the year under review, and this Agreement shall remain in full force and effect. Upon a determination of compliance, the Director shall, if requested by Developer, issue a recordable certificate confirming Developer's compliance through the year under review. Developer may record the certificate with the Santa Clara County Recorder's Office. If the Director initially determines the Compliance Letter to be inadequate in any respect, he/she shall provide notice to that effect to Developer as provided in SCCC Section 17.10.220. If, after a duly noticed public hearing thereon, the City Council finds and determines based on substantial evidence that Developer has not complied substantially in good faith with the terms of this Agreement for the year under review, the City Council shall give written notice thereof to Developer specifying the noncompliance and such notice shall serve as a notice of default under Section 10.1. If Developer fails to cure the noncompliance within a reasonable period of time as established by the City Council, the City Council, in its discretion, may (i) grant additional time for compliance by Developer, or (ii) following the hearing described in SCCC Section 17.10.250, modify this Agreement to the extent necessary to remedy or mitigate the non-compliance, or (iii) terminate this Agreement. Except as affected by the terms hereof, the terms of SCCC Section 17.10.240(b)(2), and following, shall govern the City's compliance review

process. During any review, Developer shall bear the burden of proof to demonstrate good faith compliance with the terms of this Agreement. If the City Council does not hold a hearing and make its determination within one hundred and twenty (120) days after delivery of the Compliance Letter for a given year, then it shall be deemed conclusive that Developer has complied in good faith with the terms and conditions of this Agreement during the period under review.

9. REIMBURSEMENTS

9.1 Reimbursements. The Parties agree that Developer shall not be entitled to reimbursement for the construction of any private or public improvement explicitly provided by the Project Approvals, except as expressly provided in this Agreement or the COAs.

10. DEFAULT AND REMEDIES

10.1 Default. Failure by either Party to perform any material term or provision of this Agreement shall constitute a default, provided that the Party alleging the default gave the other Party advance written notice of the default and thirty (30) days to cure the condition, or, if the nature of the default is such that it cannot be cured within thirty (30) days, the Party receiving notice shall not be in default if the Party commences performance of its obligations within the thirty (30) day period and diligently completes that performance. Written notice shall specify in detail the nature of the obligation to be performed by the Party receiving notice.

10.2 Remedies. It is acknowledged by the Parties that City and Developer would not have entered into this Agreement if City or Developer were to be liable in damages under, or with respect to, this Agreement or the application thereof. City and Developer shall not be liable in damages to each other, or to any assignee, transferee or any other person, and Developer and City covenant not to sue for or claim damages from the other. Upon Developer's or City's material default, and failure to cure within a reasonable time depending on the nature of the default after demand by the non-defaulting Party, the non-defaulting Party shall institute mediation under Section 26 of this Agreement. If mediation fails to resolve the dispute, each Party shall have the right, in addition to all other rights and remedies available under this Agreement, to (i) bring any proceeding in the nature of specific performance, injunctive relief or mandamus, and/or (ii) bring any action at law or in equity as may be permitted by law or this Agreement. The Parties acknowledge that monetary damages and remedies at law generally are inadequate upon the occurrence of a default. Therefore, specific performance or other extraordinary equitable relief (such as injunction) is an appropriate remedy for the enforcement of this Agreement, other remedies at law being inadequate under all the circumstances pertaining as of the Effective Date of this Agreement and any such equitable remedy shall be available to the Parties.

10.3 Default by Developer/Withholding of Building Permit. City may, at its discretion, without submitting to mediation, refuse to issue a Building Permit for any structure within the Property, if Developer has materially failed and refused to complete any

requirement that is a Condition of Approval, or that is applicable to the Building Permit requested. In addition, where City has determined that Developer is in default as described above, City may also refuse to issue the Developer any permit or entitlement for any structure or property located within the Project. This remedy shall be in addition to any other remedies provided for by this Agreement.

11. AMENDMENT OR TERMINATION

11.1 Agreement to Amend or Terminate. Subject to Section 22 regarding Operating Memoranda and Section 11.2 regarding future actions and minor changes, City and Developer, by mutual agreement, may terminate or amend the terms of this Agreement, pursuant to Section 24.

11.2 Modification to Approvals. City and Developer anticipate that the Project will be implemented in accordance with the Vested Elements and the MMRP. The foregoing actions and other necessary or convenient implementation actions shall not require an amendment to this Agreement.

- a.** City and Developer understand and acknowledge that changes to the Project which would not, in the discretion of the City, substantially comply with the Vested Elements or MMRP would necessitate subsequent review and approval, which will not be unreasonably withheld or delayed. Upon the written request of Developer, City may agree to make a substantive amendment or modification to the Project Approvals, including the Development Plan in compliance with procedural provisions set forth in the Development Plan or other land use ordinances and regulations in effect on the date of application for amendment or modification. The amendment or modification of the Development Plan shall be done pursuant to Section 24, unless treated as a minor change as described in Section 11.2(b) below.
- b.** If Developer seeks a modification to the Approval(s), the Director or his/her designee shall determine: (i) whether the requested modification is minor when considered in light of the Project as a whole; and (ii) whether the requested modification is consistent with this Agreement and applicable law. If the Director or his/her designee finds, in his or her sole discretion, that the proposed modification is minor, consistent with this Agreement and applicable law, and will result in no new significant impacts not addressed and mitigated in the EIR, the modification shall be determined to be a “Minor Change” and shall not be considered an amendment to the applicable Approval(s) and shall not require a formal amendment to this Agreement. Upon the Director’s approval, any Minor Change shall become part of the applicable Approvals and this Agreement, and shall be deemed a Vested Element. Without limiting the generality of the foregoing, lot line adjustments, minor alterations to vehicle circulation patterns or vehicle access points, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the location of utilities and other infrastructure connections that do not substantially alter the design concepts of the Project, and minor adjustments to the

Project Site diagram constitute Minor Changes. Notwithstanding the foregoing, Minor Changes shall not exceed five percent (5%) of the number proposed for modification.

11.3 Enforceability of Agreement. The City and Developer agree that unless this Agreement is amended or terminated pursuant to its terms, this Agreement shall be enforceable by either Party notwithstanding any subsequent change to or adoption of any applicable General Plan, Specific Plan, SCCC, Other Regulation or Local Rule adopted by City, with the exceptions listed in this Agreement.

12. MORTGAGEE PROTECTION: CERTAIN RIGHTS OF CURE

12.1 Mortgagee Protection. This Agreement shall be superior and senior to all liens placed upon the Property or any portion thereof after the date on which this Agreement or a memorandum thereof is recorded, including the lien of any deed of trust or mortgage (“Mortgage”). Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement shall be binding upon and effective against all persons and entities, including all deed of trust beneficiaries or mortgagees (“Mortgagees”) who acquire title to the Property or any portion thereof by foreclosure, trustee’s sale, deed in-lieu-of foreclosure, voluntary transfer or otherwise.

12.2 Mortgagee Obligations. City, upon receipt of a written request from a foreclosing Mortgagee, shall permit the Mortgagee to succeed to the rights and obligations of Developer under this Agreement, provided that all defaults by Developer hereunder that are reasonably susceptible of being cured are cured by the Mortgagee as soon as reasonably possible, provided, however, that in no event shall such Mortgagee personally be liable for any defaults or monetary obligations of Developer arising prior to acquisition of possession of such property by such Mortgagee. The foreclosing Mortgagee shall have the right to find a substitute developer to assume the obligations of Developer, which substitute shall be considered for approval by the City pursuant to Section 13 of this Agreement, but shall not, itself, be required to comply with all of the provisions of this Agreement.

12.3 Notice of Default to Mortgagee. If City receives notice from a Mortgagee requesting a copy of any notice of default given to Developer and specifying the address for service thereof, City shall endeavor to deliver to the Mortgagee, concurrently with service thereof to Developer, all notices given to Developer describing all claims by the City that Developer has defaulted hereunder. If City determines that Developer is not in compliance with this Agreement, City also shall endeavor to serve notice of noncompliance on the Mortgagee concurrently with service on Developer. Each Mortgagee shall have the right, but not the obligation, during the same period available to Developer to cure or remedy, or to commence to cure or remedy, the condition of default claimed or the areas of noncompliance set forth in City’s notice.

13. ASSIGNABILITY

13.1 Assignment. Neither Party shall convey, assign or transfer (“Transfer”) any of its interests, rights or obligations under this Agreement without the prior written consent of the other Party, which consent shall not be unreasonably withheld or delayed. In no event shall the obligations conferred upon Developer under this Agreement be transferred except through a Transfer of all or a portion of the Property. Should Developer Transfer any of its interests, rights or obligations under this Agreement, it shall nonetheless remain liable for performance of the obligations for installation of public improvements and payment of fees, unless the transferee executes an Assumption Agreement in a form reasonably acceptable to the City whereby the transferee agrees to be bound by the relevant terms of the Agreement, including the obligations for installation of public improvements and payment of fees. During the Term, Developer shall provide City with written notice of a request to Transfer any interest in this Agreement forty-five (45) days prior to any such contemplated Transfer. Any such request for a Transfer shall be accompanied by quantitative and qualitative information that substantiates, to the City’s reasonable satisfaction, that the proposed transferee has the capability to fulfill the rights and obligations of this Agreement. Within thirty (30) days of such a request and delivery of information, the City Manager shall make a determination, in his or her sole discretion, as to whether the Transfer shall be permitted or whether such Transfer necessitates an Amendment to this Agreement, subject to approval by the City Council. Each successor in interest to Developer shall be bound by all of the terms and provisions applicable to the portion of the Property acquired. This Agreement shall be binding upon and inure to the benefit of the Parties’ successors, assigns and legal representatives. This Agreement shall be recorded by the City in the Santa Clara County Recorder’s Office promptly upon execution by each of the Parties.

13.2 Covenants Run With The Land. This Agreement, the PD Zoning, and the General Plan Amendment are legislative in nature, and apply to the Property as regulatory ordinances. All of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall run with the land and shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns, devisees, administrators, representatives, lessees and all other persons or entities acquiring the Property, any lot, parcel or any portion thereof and any interest therein, whether by sale, operation of law or other manner, and shall inure to the benefit of the Parties and their respective successors.

13.3 Pre-Approved Transfers. The following Transfers shall not require approval by the City, and shall automatically, upon the satisfaction of the conditions in Section 13.1 above, result in the release of Developer of its obligations hereunder as they may relate specifically to the specific property or asset sold or transferred: (a) sale or lease of the property in its entirety to any other Party to this Agreement or to any affiliate of Developer; (b) sale or lease of one or more buildings to any other Party to this Agreement or to any affiliate of Developer; and (c) a loan or mortgage pertaining to the Property. As used herein, an “affiliate of Developer” means any entity that directly controls or is controlled by or under common control with Developer, whether through the ownership or control of voting interest, by contract, or otherwise.

13.4 Release Upon Transfer. Upon the Transfer of Developer's rights and interests hereunder pursuant to the preceding subparagraph of this Agreement, Developer shall be released from the obligations under this Agreement with respect to the Property transferred, sold or assigned, arising subsequent to the date of City approval of such Transfer; provided, however, that any transferee, purchaser or assignee approved by the City expressly assumes the obligations of Developer under this Agreement. In any event, the transferee, purchaser or assignee shall be subject to all the provisions hereof and shall provide all necessary documents, certifications and other necessary information prior to City approval.

13.5 Non-Assuming Transferees. Except as otherwise required by a transferor, the burdens, obligations and duties of such transferor under this Agreement shall not apply to any purchaser of any individual commercial or residential condominium offered for sale. The transferee in a transaction described above and the successors and assigns of such a transferee shall be deemed to have no obligations under this Agreement, but shall continue to benefit from the vested rights provided by this Agreement for the duration of the Term hereof. Nothing in this Section 13 shall exempt any property transferred to a non-assuming transferee from payment of applicable fees, taxes and assessments or compliance with applicable COAs.

13.6 Foreclosure. Nothing contained in this Section 13 shall prevent a Transfer of the Property, or any portion thereof, to a lender as a result of a foreclosure or deed in lieu of foreclosure, and any lender acquiring the Property, or any portion thereof, as a result of foreclosure or a deed in lieu of foreclosure shall take such Property subject to the rights and obligations of Developer under this Agreement; provided, however, in no event shall such lender be liable for any defaults or monetary obligations of Developer arising prior to acquisition of title to the Property by such lender, and provided further, in no event shall any such lender or its successors or assigns be entitled to a building permit or occupancy certificate until all fees due under this Agreement (relating to the portion of the Property acquired by such lender) have been paid to City.

14. CONTROLLING LAW

14.1 Controlling Law. This Agreement shall be governed by the laws of the State of California, and the exclusive venue for any disputes or legal actions shall be the County of Santa Clara. Developer shall comply with all requirements of State and federal law, in addition to the requirements of this Agreement, including, without limitation, the payment of prevailing wages, if required by applicable law. In any event, Developer shall pay prevailing wages for all work on off-site public improvements related to the Project.

15. GENERAL

15.1 Construction of Agreement. The language in this Agreement in all cases shall be construed as a whole and in accordance with its fair meaning.

15.2 No Waiver. No delay or omission by either Party in exercising any right or power accruing upon the other Party's noncompliance or failure to perform under the provisions

of this Agreement shall impair or be construed to waive any right or power. A waiver by either Party of any of the covenants or conditions to be performed by Developer or City shall not be construed as a waiver of any succeeding breach of the same or other covenants and conditions.

15.3 Agreement is Entire Agreement. This Agreement and all exhibits attached hereto or incorporated herein, together with the Vested Elements and the MMRP, are the sole and entire Agreement between the Parties concerning the Property. The Parties acknowledge and agree that they have not made any representation with respect to the subject matter of this Agreement or any representations inducing the execution and delivery, except representations set forth herein, and each Party acknowledges that it has relied on its own judgment in entering this Agreement. The Parties further acknowledge that all statements or representations that heretofore may have been made by either of them to the other are void and of no effect, and that neither of them has relied thereon in its dealings with the other.

15.4 Estoppel Certificate. Either Party from time to time may deliver written notice to the other Party requesting written certification that, to the knowledge of the certifying Party, (i) this Agreement is in full force and effect and constitutes a binding obligation of the Parties, (ii) this Agreement has not been amended or modified either orally or in writing, or, if it has been amended or modified, specifying the nature of the amendments or modifications, and, (iii) the requesting Party does not have knowledge of default in the performance of its obligations under this Agreement, or if in known default, describing therein the nature and monetary amount, if any, of the default. A Party receiving a request shall execute and return the certificate within thirty (30) days after receipt thereof. The City Manager shall have the right to execute the certificates requested by Developer. At the request of Developer, the certificates provided by City establishing the status of this Agreement with respect to any lot or parcel shall be in recordable form, and Developer shall have the right to record the certificate for the affected portion of the Property at its cost.

15.5 Severability. Each provision of this Agreement which is adjudged by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provisions hereof, and the other provisions shall remain in full force and effect.

15.6 Further Documents. Each Party shall execute and deliver to the other all other instruments and documents as may be reasonably necessary to carry out this Agreement.

15.7 Time of Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties hereunder.

15.8 Defense and Indemnification Provisions. Developer, and with respect to the portion of the Property transferred to them, each Developer transferee, hereby releases and agrees to protect, defend, hold harmless and indemnify City, its City Council, its officers, employees, agents and assigns (the "Indemnified Parties") from and against all claims, injury, liability, loss, cost and expense or damage, however same may be caused,

including all costs and reasonable attorney's fees in providing the defense to any claim arising from the performance or non-performance of this Agreement by Developer. This provision is intended to be broadly construed and extends to, among other things, any challenge to the validity of this Agreement, environmental review for the Project, entitlements, or anything related to the passage of the Agreement by the City.

15.9 Construction. This Agreement has been reviewed and revised by legal counsel for both the City and Developer and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

16. TERMINATION

16.1 Termination. This Agreement shall terminate upon the earlier of (i) expiration of the Term, or (ii) when the Property has been fully developed and all of Developer's obligations have been fully satisfied as reasonably determined by City, or (iii) after all appeals have been exhausted before a final court of judgment, or issuance of a final court order directed to the City to set aside, withdraw, or abrogate the City's approval of this Agreement or any material part thereof. Upon termination of this Agreement as to all of the Property, at the request of Developer the City shall record a Notice of Termination for each affected parcel in a form satisfactory to the City Attorney in the Office of the Santa Clara County Recorder.

16.2 Effect Upon Termination on Developer Obligations. Termination of this Agreement as to the Developer shall not affect any of the Developer's obligations to comply with the City's General Plan, SCCC, MMRP, COAs, Project Approvals, or any terms and conditions of any applicable zoning, or subdivision map or other land use entitlement approved with respect to the Project, nor shall it affect any other covenants or development requirements in this Agreement specified to continue after the termination of this Agreement, or obligations to pay assessments, liens, fees or taxes.

16.3 Effect Upon Termination on City. Upon any termination of this Agreement as to all or a portion of the Property, the Approvals, Development Plan, Conditions of Approval, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested with respect to the Property, or portion thereof, and the City shall no longer be limited by this Agreement, to make any changes or modifications to the Approvals, conditions or fees applicable to the Property or portion thereof.

17. NOTICES

17.1 Notices. Except as otherwise expressly provided herein, all notices and demands pursuant to this Agreement shall be in writing and delivered in person, by commercial courier or by first-class certified mail, postage prepaid. Except as otherwise expressly provided herein, notices shall be considered delivered when personally served, upon delivery if delivered by commercial courier, or two (2) days after mailing if sent by mail. Notices shall be sent to the addresses below for the respective parties; provided, however,

that either Party may change its address for purposes of this Section by giving written notice to the other Party. These addresses may be used for service of process:

To City:

City Clerk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

With copy to:
City Attorney
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

To Developer:

Innovation Commons Owner, LLC
c/o Kylli Inc.
4995 Patrick Henry Drive
Santa Clara, CA 95054
Attention: Ou Sun

With copy to:
Holland & Knight LLP
560 Mission Street Suite 1900
San Francisco, CA 94105
Attention: Tamsen Plume

The provisions of this Section shall be deemed directive only and shall not detract from the validity of any notice given in a manner that would be legally effective in the absence of this Section.

18. DEVELOPER INDEPENDENT CONTRACTOR

18.1 Developer is an Independent Contractor. Developer is not an agent or employee of City, but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed or utilized by Developer in connection with this Agreement are employees or contractors of Developer and shall not be considered employees of City in any respect.

19. PROJECT AS A PRIVATE UNDERTAKING

19.1 Project as a Private Undertaking. It is specifically understood and agreed that the Project is a private development. No partnership, joint venture or other association of any kind between City and Developer is formed by this Agreement.

20. NONDISCRIMINATION

20.1 Nondiscrimination. Developer shall not discriminate, in any way, against any person on the basis of race, color, national origin, gender, marital status, sexual orientation, age, creed, religion or disability in connection with or related to the performance of this Agreement.

21. FORCE MAJEURE

21.1 Force Majeure. In addition to any specific provisions of this Agreement, performance of obligations hereunder shall be excused and the term of this Agreement shall be extended during any period of delay caused at any time by reason of: floods, earthquakes, fires or similar catastrophes; wars, riots or similar hostilities; strikes and other labor difficulties beyond the Party's reasonable control; pandemics and epidemics that, due to specific provisions of a federal, state or local governmental declaration of emergency prohibit development or implementation of the Project; the enactment of new laws or restrictions imposed by other governmental or quasi-governmental entities preventing this Agreement from being implemented; or litigation involving this Agreement or the Approvals, which delays any activity contemplated hereunder, unless such action is brought by Developer. City and Developer shall promptly notify the other Party of any delay hereunder as soon as possible after the delay has been, or should have been, known.

22. OPERATING MEMORANDA

22.1 Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between City and Developer, and refinements and further development of the Project may demonstrate that clarifications with respect to the details of performance of City and Developer or minor revisions to the Project are appropriate. If and when, from time to time, during the term of this Agreement, City and Developer agree that such clarifications or minor modifications are necessary or appropriate, they may effectuate such clarifications through operating memoranda approved by City and Developer, which, after execution, shall be attached hereto ("Operating Memoranda"). No such Operating Memoranda shall constitute an Amendment to this Agreement requiring public notice or hearing. The City Attorney shall be authorized in his/her sole discretion to determine whether a requested clarification may be effectuated pursuant to this Section 22 or whether the requested clarification is of such a character to require an amendment of the Agreement pursuant to Section 24 hereof. The City Manager or Director, depending on the context, may execute any Operating Memoranda without City Council action.

23. THIRD PARTIES

23.1 Third Parties. If any person or entity not a party to this Agreement initiates an action at law or in equity to challenge the validity of any provision of this Agreement or the Approvals, the Parties shall reasonably cooperate in defending such action. Developer shall bear its own costs of defense as a real party in interest in any such action, and shall

reimburse City for all reasonable costs and attorneys' fees expended by City in defense of any such action or other proceedings.

24. Amendments

24.1 Amendments. No alterations or changes to the terms of this Agreement shall be valid, unless made in writing and signed by both Parties, and completed in compliance with the procedures listed in SCCC and/or the Government Code for Development Agreement Amendments.

25. NO THIRD PARTY BENEFICIARY

25.1 No Third Party Beneficiary. This Agreement shall not be construed or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

26. DISPUTE RESOLUTION

26.1 Mediation. Any controversies between Developer and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day (eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

The costs of the mediator shall be borne by the Parties equally; however, each Party shall bear its own attorney, consultant, staff and miscellaneous fees and costs.

Mediation under this Section is a condition precedent to filing an action in any court, but it is not a condition precedent to the City's refusal to issue a Building Permit or any other entitlement under Section 5.

27. CONSENT

27.1 Consent. Where consent or approval of a Party is required or necessary under this Agreement, the consent or Agreement shall not be unreasonably withheld or delayed.

28. COVENANT OF GOOD FAITH AND FAIR DEALING

28.1 Covenant of Good Faith and Fair Dealing. Neither Party to this Agreement shall do anything which shall have the effect of harming or injuring the right of the other Party to receive benefits of this Agreement; each Party shall refrain from doing anything which would render its performance under this Agreement impossible; and, each Party shall do everything which this Agreement contemplates to accomplish the objectives and purpose of this Agreement.

29. AUTHORITY TO EXECUTE

29.1 Authority to Execute. The person or persons executing this Agreement on behalf of Developer warrant and represent that they have the authority to execute this Agreement on behalf of Developer, and further represent that they have the authority to bind Developer to the performance of its obligations in this Agreement.

30. COUNTERPARTS

30.1 Counterparts. This Agreement may be executed in multiple originals, each of which is deemed an original, and may be signed in Counterparts. The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

SIGNATURES FOLLOW ON NEXT PAGE

**CITY OF SANTA CLARA, CALIFORNIA,
a chartered California municipal corporation**

APPROVED AS TO FORM:

GLEN R. GOOGINS
City Attorney

JÖVAN D. GROGAN
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

“CITY”

DEVELOPER
INNOVATION COMMONS OWNER LLC,
A DELAWARE LIMITED LIABILITY COMPANY

By: _____
Signature of Person executing the Agreement on behalf of Developer

Name: _____

Title: _____

Local Address: _____

Email Address: _____

Telephone: () _____

Fax: () _____

EXHIBIT A

LEGAL PROPERTY DESCRIPTION & PLAT

TRACT ONE:

ALL OF PARCELS 7 AND 8, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING A SUBDIVISION OF ALL OF PARCEL 3, [BOOK 368 PM 31, 32, 33](#) AND A PORTION OF THE LANDS FORMERLY OF FESPAR ENTERPRISES, INC., DESCRIBED IN PARCEL ONE OF [0426 OFFICIAL RECORDS 659](#)", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MARCH 16, 1976 IN [BOOK 368 OF MAPS, PAGES 36 AND 37](#).

TRACT TWO:

ALL OF PARCELS 35, 36 AND 37, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING A RESUBDIVISION OF PARCEL 6 AS SHOWN ON PARCEL MAP 3399 RECORDED IN [BOOK 368 OF MAPS, PAGES 36 AND 37](#) AND ALSO BEING A RESUBDIVISION OF PARCELS 26, 30 AND 31 AS SHOWN ON PARCEL MAP RECORDED IN [BOOK 386 OF MAPS, PAGES 4 AND 5](#), SANTA CLARA COUNTY RECORDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JANUARY 25, 1977 IN [BOOK 387 OF MAPS, PAGE 44](#).

TRACT THREE:

PARCEL 2, AS SHOWN ON PARCEL MAP FILED AUGUST 07, 1978 IN [BOOK 424 OF MAPS, PAGE\(S\) 24](#), SANTA CLARA COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION GRANTED IN THE DEED TO THE CITY OF SANTA CLARA, A CALIFORNIA MUNICIPAL CORPORATION, RECORDED SEPTEMBER 09, 1987 IN [BOOK K287, PAGE 1136](#), OFFICIAL RECORDS, AS FOLLOWS:

BEGINNING AT THAT CERTAIN POINT OF INTERSECTION OF THE SOUTHERLY LINE OF TASMAN DRIVE (55.00 FEET HALF STREET) WITH THE COMMON LINE BETWEEN PARCEL 2 AND PARCEL 3, AS SAID SOUTHERLY LINE OF TASMAN DRIVE AND SAID COMMON LINE ARE SHOWN UPON SAID PARCEL MAP; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF TASMAN DRIVE NORTH 89° 28' 06" WEST 42.75 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF TASMAN DRIVE AND PROCEEDING SOUTH 86° 28' 04" EAST 42.81 FEET TO A POINT ON SAID COMMON LINE BETWEEN PARCELS 2 AND 3; THENCE NORTHERLY ALONG SAID COMMON LINE NORTH 00° 31' 54" EAST 2.24 FEET TO THE POINT OF BEGINNING.

TRACT FOUR:

ALL OF PARCEL 3, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING ALL OF PARCELS 41 AND 42, AS SHOWN ON THAT CERTAIN "PARCEL MAP" RECORDED IN [BOOK 405 OF MAPS, PAGE 3](#), SANTA CLARA COUNTY RECORDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON AUGUST 07, 1978 IN [BOOK 424, OF MAPS, PAGE 24](#).

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF SANTA CLARA, A MUNICIPAL CORPORATION BY GRANT DEED RECORDED SEPTEMBER 09, 1987 IN [BOOK K287, PAGE 1123](#), OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THAT CERTAIN POINT OF INTERSECTION OF THE SOUTHERLY LINE OF TASMAN DRIVE (55.00 FEET HALF STREET) WITH THE EASTERLY LINE OF SAID PARCEL 3, AS SAID DRIVE AND PARCEL ARE SHOWN UPON THE MAP ABOVE REFERRED TO, SAID EASTERLY LINE OF PARCEL 3 ALSO BEING THE WESTERLY LINE OF PARCEL 40, AS SAID LINE AND PARCEL 40 ARE SHOWN UPON THAT CERTAIN PARCEL MAP FILED IN [BOOK 405 OF MAPS, PAGE 3](#), RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE PROCEEDING WESTERLY ALONG SAID SOUTHERLY LINE OF TASMAN DRIVE NORTH 89° 28' 06" WEST 200.00 FEET TO THE COMMON LINE BETWEEN SAID PARCEL 3 AND PARCEL 2, AS SAID PARCELS ARE SHOWN UPON THE FIRST PARCEL MAP ABOVE REFERRED TO; THENCE PROCEEDING

SOUTHERLY ALONG SAID COMMON LINE, SOUTH 00° 31' 54" WEST 2.24 FEET; THENCE SOUTH 86° 28' 04" EAST 200.27 FEET TO SAID COMMON LINE BETWEEN PARCEL 3 AND PARCEL 40; THENCE NORTHERLY ALONG SAID COMMON LINE NORTH 00° 31' 54" EAST 12.72 FEET TO THE POINT OF BEGINNING.

TRACT FIVE:

ALL OF PARCEL 1, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING ALL OF PARCEL 41 AND 42, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN [BOOK 405 OF MAPS, PAGE 3](#) SANTA CLARA COUNTY RECORDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON AUGUST 07, 1978 IN [BOOK 424 OF MAPS, PAGE 24](#).

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE SANTA CLARA COUNTY TRANSIT DISTRICT RECORDED MAY 15, 1998 AS INSTRUMENT NO. [14185766](#), AS FOLLOWS:

ALL OF THAT CERTAIN PROPERTY SITUATED IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND BEING A PORTION OF PARCEL 1, AS SAID PARCEL 1 IS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN [BOOK 424 OF MAPS, PAGE 24](#), RECORDS OF SANTA CLARA COUNTY, CALIFORNIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINES OF TASMAN DRIVE AND PATRICK HENRY DRIVE AS SAID DRIVES ARE SHOWN ON SAID PARCEL MAP, THENCE EASTERLY ALONG THE CENTERLINE OF SAID TASMAN DRIVE SOUTH 82° 00' 43" EAST 159.80 FEET TO A CURVE; THENCE CONTINUING EASTERLY ALONG SAID CENTERLINE OF TASMAN DRIVE ALONG SAID CURVE CONCAVE NORTHERLY WITH A RADIUS OF 2864.84 FEET THROUGH A CENTRAL ANGLE OF 1° 31' 41" AND AN ARC LENGTH OF 76.41 FEET; THENCE SOUTH 6° 27' 35" WEST 55.00 FEET TO THE SOUTHERLY LINE OF TASMAN DRIVE AND TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88° 21' 09" WEST 32.18 FEET; THENCE SOUTH 7° 09' 18" WEST 3.43 FEET; THENCE FROM A TANGENT BEARING OF NORTH 82° 56' 21" WEST ALONG A CURVE CONCAVE NORTHERLY WITH A RADIUS OF **30.2 FEET** THROUGH A CENTRAL ANGLE OF 0° 56' 35" AND AN ARC LENGTH OF 50.19 FEET;

THENCE NORTH 7° 54' 36" EAST 3.00 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTHERLY LINE OF TASMAN DRIVE NORTH 82° 00' 43" WEST 65.02 FEET TO A CURVE; THENCE LEAVING SAID PARALLEL LINE AND PROCEEDING SOUTHWESTERLY ALONG SAID CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 50.00 FEET THROUGH A CENTRAL ANGLE OF 63° 26' 29" AND AN ARC LENGTH OF 55.36 FEET; THENCE NORTH 51° 02' 20" WEST 1.32 FEET TO THE EASTERLY LINE OF PATRICK HENRY DRIVE; THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE FROM A TANGENT BEARING OF NORTH 31° 10' 39" EAST ALONG A CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 50.00 FEET THROUGH A CENTRAL ANGLE OF 66° 48' 38" AND AN ARC LENGTH OF 58.30 FEET TO THE SOUTHERLY LINE OF TASMAN DRIVE; THENCE CONTINUING EASTERLY ALONG SAID SOUTHERLY LINE SOUTH 82° 00' 43" EAST 69.18 FEET TO A CURVE; THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF TASMAN DRIVE FROM A TANGENT BEARING OF SOUTH 82° 00' 44" EAST ALONG A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 2919.84 FEET THROUGH A CENTRAL ANGLE OF 1° 31' 41" AND AN ARC LENGTH OF 77.87 FEET TO THE TRUE POINT OF BEGINNING.

TRACT SIX:

ALL OF PARCEL 40, AS SAID PARCEL IS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP, BEING A RESUBDIVISION OF PARCELS 22 AND 23 ON PARCEL MAP RECORDED IN BOOK 386 OF MAPS, PAGES 4 AND 5...", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON SEPTEMBER 29, 1977 IN [BOOK 405 OF MAPS, PAGE 3](#).

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE CITY OF SANTA CLARA, A MUNICIPAL CORPORATION BY THAT CERTAIN GRANT DEED RECORDED JANUARY 26, 1988 IN [BOOK K428, PAGE 465](#), OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE SANTA CLARA COUNTY

TRANSIT DISTRICT BY THAT CERTAIN GRANT DEED RECORDED MAY 08, 1998 AS INSTRUMENT NO. [14176548](#), OFFICIAL RECORDS.

TRACT SEVEN:

ALL THAT PORTION OF DEMOCRACY WAY LYING WESTERLY OF THE WESTERLY LINE OF OLD IRONSIDES DRIVE AND EASTERLY OF THE EASTERLY LINE OF PATRICK HENRY DRIVE, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED MARCH 12, 1976 IN [BOOK 368 OF MAPS, PAGES 36 AND 37](#), SANTA CLARA COUNTY RECORDS.

TRACT EIGHT:

EASEMENT RESERVED IN THAT CERTAIN DEED RECORDED NOVEMBER 3, 1950 IN [BOOK 2089, PAGE 315](#), OFFICIAL RECORDS

[Insert Plat]

EXHIBIT B
ALLOCATION OF FAIR SHARE TRAFFIC FEES

[insert; City preparing draft]

EXHIBIT C

DEFINITIONS

- “Affiliate of Developer” as defined in Section 13.3 of this Agreement.
- “Agreement” as defined on page 1 (first paragraph) of this Agreement.
- “AHP” as defined in Recital D of this Agreement.
- “Allocation of Fair Share Traffic Fees” as defined in Section 4.9 of this Agreement.
- “Approvals” as defined in Section 2.3 of this Agreement.
- “Approved Childcare Alternative” as defined in Section 4.17 of this Agreement.
- “Approved Grocery Store Alternative” as defined in Section 4.16 of this Agreement.
- “Building Permit” as defined in Section 1.2a(i) of this Agreement.
- “CEQA” as defined in Recital L of this Agreement.
- “Changes in the Law” as defined in Section 3.1 of this Agreement.
- “Childcare Facility” as defined in Section 4.17 of this Agreement.
- “Childcare Facility Marketing Period” as defined in Section 4.17 of this Agreement.
- “Childcare Performance Milestone” as defined in Section 1.2a(i)(B) of this Agreement.
- “City” as defined on page 1 (first paragraph) of this Agreement.
- “COAs” as defined in Recital F of this Agreement.
- “Compliance Letter” as defined in Section 8.2 of this Agreement.
- “Conflicting City Law” as defined in Section 3.2a of this Agreement.
- “Developer” as defined on page 1 (first paragraph) of this Agreement.
- “Development Fee Vesting Locking Periods” as defined in Section 4.1 of this Agreement.
- “Development Fee Vested Period” as defined in Section 4.1 of this Agreement.
- “Development Plan” as defined in Recital D of this Agreement.
- “Director” as defined in Section 8.2 of this Agreement.
- “Effective Date” as defined in Recital N of this Agreement.

“EIR” as defined in Recital L of this Agreement.

“Existing Public Utilities” as defined in Section 4.11 of this Agreement.

“Fair Share Traffic Fees” as defined in Section 4.9 of this Agreement.

“Fees” as defined in Section 4.1 of this Agreement.

“FMV” as defined in Section 4.11 of this Agreement.

“General Plan Amendment” as defined in Recital D of this Agreement.

“Grocery Performance Milestone” as defined in Section 1.2a(i)(A) of this Agreement.

“Grocery Store” as defined in Section 4.16 of this Agreement.

“Grocery Store Marketing Period” as defined in Section 4.16 of this Agreement.

“gsf” as defined in Recital E of this Agreement.

“Indemnified Parties” as defined in Section 15.8 of this Agreement.

“Local Rules” as defined in Section 3.4 of this Agreement.

“Maintenance Period” as defined in Section 4.7b of this Agreement.

“Minor Change” as defined in Section 11.2b of this Agreement.

“Mitigations” as defined in Section 4.5 of this Agreement.

“MMRP” as defined in Recital L of this Agreement.

“Mortgage” as defined in Section 12.1 of this Agreement.

“Mortgagees” as defined in Section 12.1 of this Agreement.

“Operating Memoranda” as defined in Section 22.1 of this Agreement.

“Other Regulations” as defined in Section 2.4d of this Agreement.

“Parties” as defined on page 1 (first paragraph) of this Agreement.

“PD” as defined in Recital D of this Agreement.

“POSP” as defined in Recital D of this Agreement.

“Processing Fees” as defined in Section 4.2 of this Agreement.

“Project” as defined in Recital E of this Agreement.

“Project Approvals” as defined in Recital D of this Agreement.

“Property” as defined in Recital C of this Agreement.

“Public Art Funding” as defined in Section 4.8 of this Agreement.

“Public Arts/Cultural Features” as defined in Section 4.8 of this Agreement.

“Rezoning” as defined in Recital D of this Agreement.

“R&D” as defined in Recital E of this Agreement.

“Relocation Cost” as defined in Section 4.11 of this Agreement.

“Relocation Work” as defined in Section 4.11 of this Agreement.

“ROW Appraisal” as defined in Section 4.11 of this Agreement.

“SCCC” as defined in Recital B of this Agreement.

“SOC” as defined in Recital L of this Agreement.

“Street Easement Vacation” as defined in Section 4.11 of this Agreement.

“Subsequent Project Approval” as defined in Section 2.3 of this Agreement.

“SVP” as defined in Recital E of this Agreement.

“Target Maximum Maintenance Cost” as defined in Section 4.7a of this Agreement.

“TDMP” as defined in Recital D of this Agreement.

“Term” as defined in Section 1.1 of this Agreement.

“Transfer” as defined in Section 13.1 of this Agreement.

“Vested Elements” as defined in Section 2.4 of this Agreement.

“VTM” as defined in Recital D of this Agreement.

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING
THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO
APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE
CITY OF SANTA CLARA AND KYLLI, INC. FOR THE
PROPERTY LOCATED AT 4995 PATRICK HENRY DRIVE AND
3005 DEMOCRACY WAY, SANTA CLARA**

SCH#2018072068
PLN2017-12924 (General Plan Amendment)
PLN2018-13400 (Rezoning)
PLN22-00635 (Vesting Tentative Subdivision Map)
PLN21-15387 (Development Agreement)

WHEREAS, California Government Code Sections 65864 through 65869.51 ("Development Agreement Act") authorize cities to enter into binding development agreements with owners of real property and these agreements govern the development of the property; and

WHEREAS, Kylli, Inc., through its wholly-owned subsidiary Innovation Commons Owner, LLC ("Owner") has requested that the City of Santa Clara ("City") enter into the type of agreement contemplated by the Development Agreement Act; and

WEHERAS, City staff have negotiated and recommended for approval a Development Agreement subject to specific conditions of approval, all attached as Exhibit "Development Agreement for Mission Point – Revised Project", with Owner in connection with the proposed development of up to 4,913,000 gross square feet of new development, including up to 2,600 units (up to 1,800 units in Area D, approximately 1.8 million square feet of residential uses, and up to 800 units in Area C with corresponding reduction in office/research-and-development ("R&D") uses in Area C), up to three million square feet of office/R&D, approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; public right-of-way improvements, and site infrastructure and utilities ("Revised Project") at 4995 Patrick Henry Drive and 3005 Democracy Way, Santa Clara ("Project Site");

WHEREAS, the Revised Project approvals will include the Environmental Impact Report ("EIR")

for the Mission Point Project; General Plan Amendment from High-Intensity Office/Research and Development (maximum FAR 2.0), to the new Urban Center Mission Point (minimum FAR 1.5) land use designation for Areas “A” and “B” and to the new Urban Center Mixed Use (60 - 250 dwelling units per acre) land use designation for Areas “C” and “D”; Rezoning from High-Intensity Office/Research and Development (“HO-RD”) to Planned Development (“PD”); Vesting Tentative Subdivision Map; and the adoption of a Development Agreement Ordinance (collectively, the “Approvals”);

WHEREAS, Santa Clara City Code Section 17.10.120 requires the Planning Commission to hold a public hearing before making a recommendation on the approval of a Development Agreement;

WHEREAS, before considering the Development Agreement, the Planning Commission reviewed and considered the information contained in the DEIR, Final EIR (“FEIR”) (including Attachment 3 to the FEIR analyzing the Revised Project) and Appendix to the FEIR, that combined constitute the EIR for the Project (SCH#2018072068);

WHEREAS, notice of the October 9, 2024 public hearing on the proposed Development Agreement was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, notices of the October 9, 2024 public hearing on the Development Agreement were mailed to all property owners within a quarter mile of the property, according to the most recent assessor’s roll, on September 26, 2024, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing to consider the Development Agreement, and then immediately voted to continue the hearing to the meeting scheduled for October 23, 2024; and

WHEREAS, on October 23, 2024 the Planning Commission conducted a duly-noticed public hearing to consider a Development Agreement in connection with the proposed development of

up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to three million square feet of office/research-and-development (“R&D”), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; public right-of-way improvements, and site infrastructure and utilities, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Revised Project;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the Development Agreement for the Revised Project and related applications, at which time all interested persons were given an opportunity to give testimony and present evidence, both in favor of and in opposition to the proposed Development Agreement.

WHEREAS, the Planning Commission has reviewed the Development Agreement for the Revised Project, and has considered all available facts related to the Development Agreement for the Revised Project;

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

1. The Planning Commission hereby finds and determines that the forgoing recitals are true and correct and by reference makes them a part hereof.
2. That the Planning Commission hereby recommends that the City Council approve the Development Agreement between the City of Santa Clara and Kylli, Inc. for the property located at 4995 Patrick Henry Drive and 3005 Democracy Way (APNs: 104-04-150, 104-04-142, 104-

04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), incorporated by this reference, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof.

3. Pursuant to Government Code Sections 65867 and 65867.5, the Planning Commission hereby finds that the provisions of the Development Agreement are consistent with the General Plan, in that the proposed project creates a mixed-use development of the scale and character that complements and is supportive of the surrounding uses and existing and planned transit facilities; creates a mixed-use development that maximizes density with accessibility to alternative transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

4. The Planning Commission hereby finds and determines that the Development Agreement complies with all requirements of Government Code Section 65865.2, in that the Development Agreement specifies the duration of the Agreement (10 years, with three 5 year extension options), lists the permitted uses of the property (residential, commercial, office/research & development, and mixed use), sets the density and intensity of the proposed uses (60 to 250 dwelling units per acre with up to 3.1 Million square feet of nonresidential development), sets the maximum height and size of the proposed buildings (192 feet, as depicted on the Exhibit "PD Development Plans - Revised Project" to Resolution No. ____), and includes provisions for the dedication of land for public purposes (up to 7.6 acres).

5. The Planning Commission hereby recommends that the City Council approve and adopt the Development Agreement with Owner.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER, 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAINED: COMMISSIONERS:

ATTEST: _____
REENA BRILLIOT
ACTING DIRECTOR COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Exhibit "Development Agreement for Mission Point – Revised Project"

From: Savita Nataraj [REDACTED]
Sent: Sunday, October 20, 2024 6:53 PM
To: Lesley Xavier <LXavier@santaclaraca.gov>
Subject: Support Family-Friendly homes being built

PMM
PC Meeting 10/23/24
RTC 24-122
Item 2

Planning Staff Lesley Xavier,

I hear of more and more young people who are choosing to go child free or wait even longer to have children. But this type of family-friendly community & housing space project would definitely help build an environment more encouraging for children and all families.

And so, I support Kylli's Mission Point project in Santa Clara.

It is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

Environmental Sustainability: With underground parking and enhanced connectivity to the Patrick Henry Specific Plan area and existing bike trails, Mission Point prioritizes pedestrian and cycling infrastructure over vehicle use. The project also aims for LEED certifications,

reflecting high environmental standards. Moreover, the project will be landscaped with drought resistant plants and greenery to promote environmental and mental wellness.

Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Sincerely,
Savita N.

Savita Nataraj

[REDACTED]

5055 Dent Avenue, 18
San Jose, California 95118

RE: 24-122 Mission Point

To the Santa Clara City Planning Commission:

South Bay YIMBY is a group of neighbors committed to plentiful, inclusive, and affordable housing in Santa Clara County. We advocate for a South Bay that leads the country in building new homes and lives up to California values, one where residents are able to walk, bike, and take transit to work and enjoy the dignity of stable housing.

We are proud to support the Mission Point development proposed at 3005 Democracy Way. The development would bring 1,800 much-needed sustainable new homes to Santa Clara that are well connected to existing transit, bike, and pedestrian networks, redeveloping the underutilized lot to better serve our community.

Mission Point seeks to replace aging parking lots with a vibrant community that places homes near jobs and jobs near homes. Its walkable, sustainable urban design, which incorporates 100,000 sf of community retail and 10,000 sf of childcare facilities, will also provide valuable amenities. Connections to the Patrick Henry Drive Specific Plan and existing bike and trail networks will allow for safe access to outdoor activities and promote physical wellness.

The project is near the San Tomas Aquino Creek Trail, which connects to many of the city's major employers. In addition to placing more homes near existing transit connections and its walkable design, the development will promote biking and walkability, reducing car dependency and increasing access to local services.

This proposal also includes 7 acres of neighborhood parks and open space, turning the existing paved lot into a vibrant green space for not just the new homes, but the whole of Santa Clara. With drought resistant plants and landscaping, the project will further promote environmental sustainability. Connections with Patrick Henry Drive Specific Plan open spaces will mean these new homes will be well served by a healthy and green community.

South Bay YIMBY supports the Mission Point proposal to add new homes to combat our housing crisis and to renew underutilized areas of our community with sustainable, affordable, and well connected new development.

Sincerely,

Jason Morrow
On behalf of South Bay YIMBY





Ahmad Thomas, CEO
Silicon Valley Leadership Group

Jed York, Chair
San Francisco 49ers

Eric S. Yuan, Vice Chair
Zoom Video Communications

James Gutierrez, Vice Chair
Luva

Aart de Geus
Synopsis

Vintage Foster
AMF Media Group

Paul A. King
Stanford Children's Health

Alan Lowe
Lumentum

Dr. Rao Mulpuri
View

Kim Polese
CrowdSmart

Sharon Ryan
Bay Area News Group

Tom Werner
Mainspring Energy

City of Santa Clara
Planning Commission
1500 Warburton Avenue
Santa Clara, CA 95050

October 22nd, 2024

Dear Chair Saleme, Vice Chair Bouza, Secretary Crutchlow, and Commissioners Biagini, Cherukuru, Huang, and Bhatnagar,

On behalf of the Silicon Valley Leadership Group, I am pleased to recommend the Planning Commission's approval of Mission Point by Kylli.

As you may know, the Silicon Valley Leadership Group was founded in 1977 by one of Silicon Valley's pioneers, David Packard. Today, SVLG serves as the nation's most effective and dynamic business association representing the innovation economy and its ecosystem. SVLG represents hundreds of companies across the broader Silicon Valley region, many of which call Santa Clara home.

The Silicon Valley Leadership Group has endorsed Mission Point by Kylli through our rigorous project review process. It is a vast improvement compared to both current site conditions as well as the previously approved entitlement under a former owner. The site is currently 100% impervious surfaces with a sea of surface parking and four outdated commercial buildings. The previously approved plan included 3 million square feet of office space, but nothing for the citizens of Santa Clara. We endorsed Mission Point because it focuses on community first by adding housing, community-facing retail and publicly accessible open space.

Because Kylli took on the added expense of building underground parking, Mission Point will be able to deliver more than seven acres of contiguous, public open green space. The public multi-use trail that runs through Mission point will complete the planned trail system in the neighborhood, linking the Tasman Drive corridor to the future trail network. The park space also connects to the park space planned in the Patrick Henry Drive specific plan. This park space will be a celebrated amenity for Santa Clara residents in this part of the city.

The Silicon Valley Leadership Group respectfully requests your support of Mission Point.

Sincerely,



2460 N. First Street, Suite 260
San Jose, California 95131



(408) 501-7864



svlg.org



Ahmad Thomas, CEO
Silicon Valley Leadership Group

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San Francisco 49ers

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Kristen Brown
Vice President, Government Relations
Silicon Valley Leadership Group



2460 N. First Street, Suite 260
San Jose, California 95131



(408) 501-7864



svlg.org

Steve Kelly
DRE #01100262



RE: Agenda Item #24-122

Dear Planning Commissioners,

I want to thank you for your dedication to serving our great City of Santa Clara. I support the Kyli mixed-use project. Their plan will provide the area with critically needed housing & affordable housing, shopping, dining, and a site for a childcare center. Furthermore, I am happy to see a beautiful city park is part of the plan.

We need to add more housing in this part of Santa Clara since there are so many major employers in this area. This will reduce the vehicle miles traveled, and number of trips residents must make by car. Additionally, Mission Point has many alternate transportation options other than by car. The light-rail, Cal-train, and a Bus connection all are close to the site.

Finally, I urge you to support the Mission Point project since it will revitalize the area with outdoor gathering spots and community events.

Thank You!

Steve Kelly
3093 Forbes Ave
Santa Clara, CA 95051



From: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>

Sent: Wednesday, October 23, 2024 11:56 AM

To: Alisha C. Pember <apember@adamsbroadwell.com>; Planning Public Comment <PlanningPublicComment@santaclaraca.gov>; Rebecca Bustos <RBustos@SantaClaraCA.gov>; Lesley Xavier <LXavier@santaclaraca.gov>

Cc: Richard M. Franco <rfranco@adamsbroadwell.com>; Alexander Abbe <AAbbe@SantaClaraCA.gov>; Eric Crutchlow <ecrutchlow@santaclaraca.gov>; Lance Saleme <LSaleme@SantaClaraCA.gov>; Mario Bouza <mbouza@Santaclaraca.gov>; Nancy Biagini <NBiagini@SantaClaraCA.gov>; Priya Cherukuru <PCherukuru@SantaClaraCA.gov>; Qian Huang <QHuang@Santaclaraca.gov>; Yashraj Bhatnagar <YBhatnagar@Santaclaraca.gov>

Subject: RE: Santa Clara Planning Commission October 23, 2024 Agenda Item No. 2 --Mission Point Project (PLN2017-12924, PLN2018-13400, PLN21-15386, PLN21-15387, PLN22-00635, and CEQ2018-01054; SCH No. 2018072068)

Thank you, your email has been received in the Planning Division and will be part of the public record on this item.

Regards,

Elizabeth Elliott
Planning Division

From: Alisha C. Pember <apember@adamsbroadwell.com>

Sent: Wednesday, October 23, 2024 10:33 AM

To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>; Andrew Crabtree <ACrabtree@SantaClaraCA.gov>; Rebecca Bustos <RBustos@SantaClaraCA.gov>

Cc: Richard M. Franco <rfranco@adamsbroadwell.com>

Subject: Santa Clara Planning Commission October 23, 2024 Agenda Item No. 2 --Mission Point Project (PLN2017-12924, PLN2018-13400, PLN21-15386, PLN21-15387, PLN22-00635, and CEQ2018-01054; SCH No. 2018072068)

Some people who received this message don't often get email from apember@adamsbroadwell.com. [Learn why this is important](#)

Good morning,

Please find attached Comments re **Santa Clara Planning Commission October 23, 2024 Agenda Item No. 2 --Mission Point Project (PLN2017-12924, PLN2018-13400, PLN21-15386, PLN21-15387,**

PLN22-00635, and CEQ2018-01054; SCH No. 2018072068).

We are also providing a Dropbox link containing supporting references:

<https://www.dropbox.com/scl/fo/sx6kwcm4jc02enpxk4am3/AC8KjOMuxHJxLtRicknMlc?rlkey=l6pmlkdh85b5sah535ua0h0s9&st=lzqpufub&dl=0>

A hard copy of our Comments will go out today via overnight delivery.

If you have any questions, please contact Richard Franco.

Thank you.

Alisha Pember

Alisha C. Pember
Adams Broadwell Joseph & Cardozo
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DANIEL L. CARDOZO

October 23, 2024

Via Email and Overnight Mail

City of Santa Clara Planning
Commission

1500 Warburton Avenue
Santa Clara, CA 95050

Email:

PlanningPublicComment@santaclaraca.gov

Andrew Crabtree

Director of Community Development

City of Santa Clara

1500 Warburton Avenue

Santa Clara, CA 95050

Email: acrabtree@santaclaraca.gov

Via Email Only

Rebecca Bustos, Senior Planner

Email: rbustos@santaclaraca.gov

**Re: Santa Clara Planning Commission October 23, 2024 Agenda
Item No. 2 --Mission Point Project (PLN2017-12924, PLN2018-
13400, PLN21-15386, PLN21-15387, PLN22-00635, and CEQ2018-
01054; SCH No. 2018072068)**

Dear Planning Commission, Mr. Crabtree and Ms. Bustos:

We are writing on behalf of Silicon Valley Residents for Responsible Development ("Silicon Valley Residents") to provide comments on the City of Santa Clara ("City") Planning Commission Agenda Item No. 2 regarding the Mission Point Project (PLN2017-12924, PLN2018-13400, PLN21-15386, PLN21-15387, PLN22-00635, CEQ2018-01054, SCH No. 2018072068) ("Project") proposed by Kylli Inc ("Applicant"). The Planning Commission ("Commission") will consider the Project's Final Environmental Impact Report ("FEIR") and entitlements including a General Plan Amendment, Planned Development Rezone, Vesting Tentative Tract Map and Development Agreement. We reserve the right to supplement these comments at later hearings and proceedings on the Project.¹

¹ Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

The Project proposes construction of up to 4.9 million gross square feet (“gsf”) of new development consisting of up to 1,800 residential units, three million gsf of office/R&D space and 100,000 gsf of neighborhood retail.² The Project also calls for 10,000 gsf of childcare facilities and 3,000 gsf of community space.³ An electrical substation of approximately 18,000 gsf would be constructed to support the Project.⁴ The Project site is located at 3005 Democracy Way in Santa Clara.

The City, as lead agency under the California Environmental Quality Act⁵ (“CEQA”), prepared the Draft Environmental Impact Report (“DEIR”) and FEIR for the Project. Silicon Valley Residents’ comments on the DEIR⁶ explained how the DEIR failed to comply with CEQA’s requirement to act as an informational document that adequately analyzes and discloses the Project’s significant impacts, and fails to include feasible and enforceable mitigation measures in several impact areas, as required by CEQA. Those comments further explained how the DEIR lacks substantial evidence supporting the City’s conclusions regarding those impacts.

The City’s FEIR includes responses to Silicon Valley Residents’ comments and purports to address the issues raised. As discussed below, however, the FEIR fails to adequately resolve these issues or to mitigate all of the Project’s potentially significant impacts. The City may not approve the Project until it revises the DEIR to adequately analyze and mitigate the Project’s significant impacts and incorporate all feasible mitigation measures to avoid or minimize these impacts to the greatest extent feasible.

I. STATEMENT OF INTEREST

Silicon Valley Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential environmental impacts associated with Project development. Silicon Valley Residents includes Santa Clara residents Adrian Frometa and Todd Mellott, the International Brotherhood of Electrical Workers Local 332, Plumbers & Steamfitters Local 393,

² DEIR, pg. 2-1.

³ *Id.*

⁴ *Id.*

⁵ Pub. Resources Code §§ 21000 et seq.; 14 Cal. Code Regs (“CEQA Guidelines”) §§ 15000 et seq. (“CEQA Guidelines”).

⁶ January 2, 2024 letter from Richard M. Franco and Ariana Abedifard to City of Santa Clara re Comments on Draft Environmental Impact Report for the Mission Point Project (PLN2017-12924, PLN2018-13400, PLN21-15386, PLN21-15387, PLN22-00635, and CEQ2018-01054; SCH No. 2018072068) (“Silicon Valley Residents DEIR Comments”).

Sheet Metal Workers Local 104, and Sprinkler Fitters Local 483, along with their members and their families, and other individuals that live and/or work in the City of Santa Clara and Santa Clara County.

Individual members of Silicon Valley Residents and its member organizations live, work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, Silicon Valley Residents has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

II. THE CITY MAY NOT APPROVE THE PROJECT BECAUSE THE FEIR FAILS TO ADEQUATELY ADDRESS THE PROJECT'S SIGNIFICANT IMPACTS

CEQA requires that a lead agency evaluate and provide a written response to DEIR comments raising significant environmental issues.⁷ Such comments must be addressed in detail and include good faith reasoned analysis; conclusory statements unsupported by facts do not suffice.⁸ A lead agency's failure to adequately respond to comments raising significant environmental issues before approving a project frustrates CEQA's informational purposes and renders the EIR legally inadequate.⁹ Here, as discussed below, many of the FEIR's responses to Silicon Valley Residents' DEIR comments lack any reasoned analysis and include wholly conclusory statements unsupported by any facts. The FEIR is therefore legally inadequate under CEQA and the Commission may not recommend certification of the FEIR or approval of the Project entitlements at this time.

⁷ 14 CCR § 15088(a).

⁸ 14 CCR § 15088(c).

⁹ *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615-17; *Rural Landowners Ass'n v. City Council* (1883) 143 Cal.App.3d 1013, 1020.

While courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.’”¹⁰ As the courts have explained, a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.”¹¹ “The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail ‘to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’”¹²

III. THE EIR LACKS AN ACCURATE, COMPLETE AND STABLE PROJECT DESCRIPTION

As explained in Silicon Valley Residents’ DEIR Comments, the DEIR does not comply with CEQA because it fails to include an accurate, complete and stable description of the Project, rendering the DEIR’s impact analysis inadequate.¹³ The FEIR’s response to comments fails to resolve these issues.

It is axiomatic that an EIR must “identify and focus on the significant effects of the proposed project on the environment.”¹⁴ An accurate, stable and finite project description is essential to an informative and legally sufficient EIR.¹⁵ CEQA requires that a project be described with enough particularity that its impacts can be

¹⁰ *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).

¹¹ *Berkeley Jets*, 91 Cal.App.4th at p. 1355; see also *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).

¹² *Sierra Club*, 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).

¹³ See Silicon Valley Residents’ DEIR Comments, pgs. 7-9.

¹⁴ 14 CCR § 15126.2(a).

¹⁵ *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* (“*CBE v. City of Richmond*”) (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

assessed.¹⁶ The project description is therefore the foundation for the evaluation of a project's environmental impacts.

Here, though, the City fails to comply with these basic CEQA principles by failing to base its analysis on the Project's characteristics set forth in the DEIR's project description. As discussed at length in Silicon Valley Residents' DEIR Comments, certain of the City's CEQA analyses use an artificially low estimate of the number of jobs the Project is expected to generate.¹⁷ While the DEIR's project description estimates that at full buildout the Project will employ 12,564 people, for purposes of assessing the Project's impacts on the City's jobs/housing balance and impacts arising from Project-induced population, housing and employment changes, the DEIR assumes that the Project will only employ 6,667 people. The latter figure is derived from the employee generation rate used in the City's General Plan, which was adopted in 2010. In other words, the City states in the DEIR for this Project that it expects the proposed Project will generate nearly double the number of employees than previously estimated for the Project site using the employee generation rate set forth in the General Plan. Rather than using the actual number of employees the Project is expected to add, the City uses the much lower number to analyze Project impacts, which leads to an unrealistic assessment of the Project's reasonably foreseeable significant impacts.

Rather than correct the errors pointed out in Silicon Valley Residents' DEIR Comments, the FEIR's responses to comments attempt to justify the City's approach. As discussed below, these responses lack merit and the EIR continues to violate CEQA.

In the FEIR, the City disagrees that the Draft EIR did not clearly or consistently describe the number of employees on the Project site at full build-out or that the approach the City selected and described in the Draft EIR rendered the Project description unstable.¹⁸ The City claims that using a different employment generation rate than is set forth in the DEIR is permitted by CEQA because (1) CEQA does not direct any specific methodology for employment assumptions, and (2) the DEIR clearly identifies and explains the use and employment generation

¹⁶ CEQA Guidelines § 15124; see *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 192–193; see also *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597 (“An accurate and complete project description is necessary to fully evaluate the project's potential environmental effects.”)

¹⁷ Silicon Valley Residents' DEIR Comments, pgs. 7-14.

¹⁸ FEIR, pg. 3-195.

assumptions in the EIR as well as the purpose of such assumptions.¹⁹ According to the FEIR, “the basic components of the Project remained accurate, stable, and finite, and the methodology used to assess the impacts of the Project in the Draft EIR was clearly explained throughout for the public.”²⁰

The City’s response is not only factually incorrect, but its reasoning completely subverts the EIR’s purpose, which is to serve as a vehicle for intelligent public participation in the decision-making process.²¹ The City’s responses simply ignore the underlying defect: the EIR fails to evaluate the Project’s impacts using the number of employees the Project is actually expected to generate. If the City’s view was correct then a project description would be virtually meaningless as long as it explains why it disregarded the project description. Explaining why the City used a clearly misleading methodology does not cure the defect and appears to be an attempt to categorize the issue as a dispute about methodology in order to seek favorable case law with the courts. And while it is true that CEQA does not provide any specific methodology for employment assumptions, it does require the EIR to “examine the changes to existing environmental conditions that would occur in the affected area if the proposed project were implemented.”²² Using an employee generation rate that does not reflect the actual change in employment expected to result from the Project impermissibly skews the analysis in violation of CEQA.

In addition, the City attempts to justify its use of the significantly lower employee generation rate by stating that “the Project requires a General Plan amendment to the existing High-Intensity Office/R&D land use designation...to consolidate the already-allowed office/commercial on a smaller portion of the Project site.”²³ Because of this, “an analysis of consistency with General Plan policies, an overstatement of impacts and/or confusion about consistency (or inconsistency) with the General Plan policies could occur if the City were to use a different employee generation rate than that used by the General Plan itself in the development and analysis of those policies.”²⁴ This entirely misses the point. The City is required to assess whether *actual expected Project impacts* are consistent with General Plan policies, not whether the General Plan’s prior assumptions about the Project site are consistent with the General Plan policies. The City’s responses are nonsensical.

¹⁹ FEIR, pg. 3-195.

²⁰ FEIR, pg. 3-197.

²¹ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.3d 185, 197.

²² CEQA Guidelines § 15126.2(a); *San Joaquin Raptor Rescue Ctr. V. County of Merced* (2007) 149 CA4th 645.

²³ FEIR, pg. p. 3-198.

²⁴ FEIR, pg. p. 3-198.

Indeed, the City's approach artificially manufactures Project consistency with the City's General Plan; rather than comparing employment projections for the Project with the General Plan's estimates, the EIR compares the General Plan's employment estimates with itself, and of course finds consistency. This directly conflicts with the requirements of CEQA, which requires "[t]he defined project and not some different project [to] be the EIR's bona fide subject."²⁵

The City cites to *Citizens for a Sustainable Treasure Island v. City & County of San Francisco*, *San Joaquin Raptor Rescue Center v. County of Merced*, and *City of Santee v. County of San Diego* to support its claim that an explanation of its methodology will cure an otherwise defective Project description.²⁶ However, none of these cases stand for the proposition that explaining an inconsistency will cure an otherwise defective Project description. In *Citizens for a Sustainable Treasure Island*, the Court upheld the Project description because even though it lacked certain design elements, those elements existed in other documents that would guide future development of the Project.²⁷ Here, the claim is not that the EIR lacks relevant information regarding employment generation, it is that the EIR provided such information and then the City ignored it in its CEQA analyses.

In *San Joaquin Raptor Rescue Center*, the Court held that the Project description was inconsistent when it portrayed the Project as having "no increase" in mine production while at the same time allowing for substantial increases above recent historical averages if the Project were approved.²⁸ The Court held that this violated CEQA because it failed to adequately apprise all interested parties of the true scope and magnitude of the Project.²⁹ Similarly, in *City of Santee*, the Court held that the EIR did not contain an accurate, stable and finite Project description when it evaluated a prison Project using variable figures to determine the duration of the temporary facility (i.e., from three years to seven years to an indefinite length).³⁰ The Court reasoned that this could not "adequately apprise all interested parties of the true scope of the Project for intelligent weighing of the environmental consequences."³¹

²⁵ *Western Placer Citizens for an Agriculture & Rural Environment v County of Placer* (2006) 144 Cal.App.4th 890, 898.

²⁶ FEIR, pg. 3-197.

²⁷ *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014), 227 Cal.App.4th 1036, 1053.

²⁸ *San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.4th 645, 657.

²⁹ *San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.4th 645, 657.

³⁰ *City of Santee* (1989), 214 Cal.App.3d 1438, 1451.

³¹ *City of Santee* (1989), 214 Cal.App.3d 1438, 1455.

Like the holdings in *San Joaquin Raptor Rescue Center* and *City of Santee*, the EIR here violates CEQA by using a higher employee generation rate in the Project description and in its analysis of some environmental impacts but uses a lower employee generation rate in its analysis of the Project's consistency with Santa Clara's General Plan and impacts on population and housing. This fails to properly apprise the public of the true scope of the Project by ignoring *actual expected employment growth* which minimizes the Project's true effects.

The City also attempts to distinguish several cases relied upon in Silicon Valley Residents' DEIR comments.³² However, those attempts fail because this EIR suffers from similar deficiencies as in the cited decisions. Specifically, this EIR's use of an employee generation rate different from the one in the Project description fails to clearly articulate the future housing needs and employment growth at the site,³³ fails to consistently describe the projected employment growth upon project build out,³⁴ and fails to discuss the future cumulative effects of the Project's actual projected employment generation rate.³⁵

Accordingly, the City must revise and recirculate the DEIR with analysis properly based on the DEIR's project description.

IV. THE EIR'S CONCLUSIONS REGARDING THE PROJECT'S IMPACTS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

The DEIR's flaws relating to the project description have serious implications for the City's ability to adequately assess the Project's environmental impacts. Under CEQA, the City's analysis is required to include evaluations of whether the Project would cause significant environmental impacts due to conflicts with land use plans and policies adopted to avoid or mitigate environmental effects.³⁶ The City is similarly required to analyze and disclose the Project's impact on population and housing.³⁷ The DEIR expressly recognizes that the Project's impacts on the City's jobs/housing balance will affect a host of other environmental impacts,

³² FEIR at p. 3-196.

³³ *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. 4th 70, 82 (finding that the EIR failed to clearly articulate the anticipated future potential at the site).

³⁴ *County of Inyo v. City of Los Angeles* (1977), CA 3rd 185, 190 (finding that the EIR failed to consistently describe various elements of the Project).

³⁵ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988), 47 Cal. 3rd 376, 396 (finding that the EIR failed to discuss all potential cumulative effects of the whole Project).

³⁶ CEQA Guidelines, Appendix G, XI.b.

³⁷ *Id.*, XIV.

including VMT, air pollution, GHG emissions, and traffic congestion.³⁸ But because the DEIR relies on an artificially low employment generation rate in its analysis of the Project's land use impacts associated with the City's jobs/housing balance, the DEIR's conclusions that the Project will not have a significant impact with respect to land use and planning and population and housing is unsupported by substantial evidence.

As discussed above, the DEIR used different employee generation rates depending on the environmental impact being analyzed. This inconsistency has profound effects on the DEIR's analysis of the Project's impacts with respect to Land Use and Planning, and Population and Housing, and in particular the City's jobs/housing balance. The Project's impact on the City's jobs housing balance is calculated from the number of the Project's new housing units and the number of employees expected to be generated from the Project's office/commercial/ R&D uses. Obviously, using an unrealistically low number of expected new jobs from the Project will directly affect this ratio. As explained at length in Silicon Valley Residents' DEIR comments, the Project will worsen the City's jobs/housing balance when the actual number of expected new employees is considered.³⁹

In the FEIR, "the City acknowledges that the Draft EIR uses the General Plan employment assumptions to compare the Project for land use and planning purposes, including the City's policies related to the jobs/housing balance..."⁴⁰ In other words, the City concedes that in evaluating whether the Project would conflict with the General Plan's policies regarding jobs/housing balance, it did not consider the actual expected impacts of the Project, but rather "uses the General Plan employment assumptions" to compare the Project to the City's policies. The City essentially admits that it failed to provide an accurate analysis of the Project's true impacts, and instead relies on misinformation that undermines the ability to meaningfully assess the Project's impacts.

Similarly, in assessing the City's housing needs associated with the Project's generation of thousands of new employees, the DEIR's population and housing analysis improperly assumes that the Project will only generate a total of 6,667 office/R&D employees (based on the General Plan employee generation rate), rather than the 12,564 employees set forth in the project description. In assessing housing needs for new Project-generated employees, the DEIR assumes only 544 net new

³⁸ DEIR, pg. 3.1-5.

³⁹ Silicon Valley Residents' DEIR Comments, pgs. 9-12.

⁴⁰ FEIR, pg. 3-198.

employees (consisting of neighborhood retail, childcare and multifamily residential employees not accounted for in the General Plan projections). Using this misleading assumption, the City projects that “the Project’s total demand for housing units to support employment would amount to approximately 349 units.”⁴¹ This is calculated based on 544 employees/1.56 workers per household.⁴²

The City’s analysis ignores the fact that the Project is actually expected to generate 12,564 employees, which is 5,897 employees over what was assumed in the General Plan. The Project’s housing demand to support the additional 5,897 employees anticipated from the Project actually amounts to 3,780 units (5,897 employees/1.56 workers per household). This is more than double the 1,800 units the Project is expected to provide at build-out.

Despite detailed comments on the DEIR explaining these errors, the FEIR fails to directly address them or correct the errors. The City simply asserts that, notwithstanding the obvious flaws, its conclusions are supported by substantial evidence.⁴³ It points to the definition of ‘substantial evidence’ in CEQA Guidelines Section 15384(a), to argue that there is substantial evidence to support the use of the General Plan employee assumption in the comparison of the Project’s consistency with the General Plan land use policies.⁴⁴ The City also relies on *Laurel Heights Improvement Assn. v. Regents of University of California*, which states that “a court may not set aside an agency’s approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable.”⁴⁵

The City misconstrues the ‘substantial evidence’ standard as a mechanism to excuse the use of incorrect facts in EIR impact analyses. The substantial evidence standard requires “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion.”⁴⁶ Providing incorrect information and expecting the public to draw inferences about the Project’s actual impacts, is directly contradictory to one of CEQA’s primary purposes of “identification of a project’s significant environmental effects.”⁴⁷

⁴¹ DEIR, pg. 3.12-10.

⁴² *Id.*, fn. 32.

⁴³ FEIR, pg. 3-198 and 3-200.

⁴⁴ FEIR, pg. 3-198.

⁴⁵ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988), 47 Cal.3d 376, 393.

⁴⁶ CEQA Guidelines § 15384.

⁴⁷ CEQA § 13.2.11.

The City similarly misapplies *Laurel Heights* in an attempt to justify its use of misleading information about the Project's impacts. The passage quoted by the City relates to weighing conflicting evidence regarding the significance of a project's impacts. The issue here is not whether there is conflicting evidence regarding the Project's impacts. Rather, it is whether the City may use assumptions that do not reflect the described characteristics of the Project when analyzing the Project's impacts, and CEQA is clear that it may not.

For the foregoing reasons, and the reasons set forth in Silicon Valley Residents' DEIR Comments, the EIR for the Project is wholly inadequate and the City must prepare and circulate a revised DEIR that accurately analyzes and discloses the Project's expected impacts relating to employment assumptions.

V. THE EIR FAILS TO ADEQUATELY ANALYZE THE PROJECT'S ENVIRONMENTAL IMPACTS FROM THE DISPLACEMENT OF LEVI'S STADIUM PARKING

As explained in detail in Silicon Valley Residents' DEIR Comments, the Project site currently provides 3,300 parking spaces for events at nearby Levi's Stadium, which represents approximately 16% of the 21,000 parking spaces "located within a short walking distances of Levi's Stadium."⁴⁸ The DEIR concedes that the Project may eliminate some indeterminate number of stadium parking spaces but includes no analysis of the potentially significant impacts associated with the displacement of stadium parking.⁴⁹ California courts have recognized that a project's impact on vehicle parking is a physical impact that may constitute a significant effect on the environment;⁵⁰ at a minimum, the "secondary effects of scarce parking on traffic and air quality" is an environmental impact that requires analysis under CEQA.⁵¹ Indeed, in the FEIR's response to Silicon Valley Residents' DEIR comments, the City concedes that "secondary impacts from the potential for cars to circle in a neighborhood looking for parking can be CEQA impacts and necessary to analyze."⁵² Despite this concession, the FEIR includes no analysis of

⁴⁸ DEIR, pg. 3.2-3; see also, <https://www.santaclaraca.gov/our-city/santa-clara-stadium-authority/experience-levi-s-stadium/levi-s-stadium-information>, last accessed on December 26, 2023.

⁴⁹ DEIR, pg. 3.2-3.

⁵⁰ *Taxpayers for Accountable Sch. Bond Spending v. San Diego Unified Sch. Dist.*, 215 Cal. App. 4th 1013, 1051 (2013) ["*Taxpayers*"].

⁵¹ *San Franciscans Upholding the Downtown Plan v. City & Cnty. of San Francisco*, 102 Cal. App. 4th 656, 697 (2002) ["*SFUDP*"]; *Covina Residents for Responsible Dev. v. City of Covina*, 21 Cal. App. 5th 712, 728 (2018) ["*Covina*"]; *Taxpayers*, 215 Cal. App. 4th at 1052.

⁵² FEIR, pg. 3-204.

these issues. The EIR remains defective because the City has failed to evaluate and disclose any of the impacts associated with the Project's displacement of Levi Stadium parking, in violation of CEQA.

The DEIR's treatment of parking issues as inconsequential, and the FEIR's failure to remedy this flaw, ignores the environmental harms that could arise from a reduction in parking availability for stadium patrons. As discussed in Silicon Valley Residents' DEIR Comments, courts have consistently underscored the importance of considering parking deficits' environmental impacts under CEQA.⁵³ A loss of stadium parking due to Project construction and operations is likely to exacerbate traffic congestion and public safety, increase vehicle emissions, affect air quality, and contribute to noise pollution. Indeed, stadium events already routinely cause major traffic jams and road closures affecting areas surrounding the stadium.⁵⁴ Despite the FEIR's express recognition that such secondary impacts from parking scarcity may require CEQA analysis, the City declines to even consider, analyze or disclose such impacts. The DEIR must be revised to include an analysis of the potentially significant environmental impacts resulting from the expected reduction of Levi's Stadium parking.

VI. THE PLANNING COMMISSION CANNOT MAKE THE REQUISITE FINDINGS TO RECOMMEND APPROVAL OF THE PROJECT'S ENTITLEMENTS

The Project requires the City to issue several discretionary approvals, including a general plan amendment ("GPA"), a tentative subdivision map, and a development agreement.⁵⁵ As an initial matter, each of these entitlements require that the Planning Commission (and ultimately the City Council) find that the Project is consistent with the City's General Plan.⁵⁶ As discussed above, the City's failure to properly analyze the Project's employment-related impacts precludes a finding that the Project is consistent with the City's General Plan. Additionally, for the reasons discussed below, the Commission may not make the required findings

⁵³ See *SFUDP*, 102 Cal. App. 4th at 697; *Covina*, 21 Cal. App. 5th at 728; *Taxpayers*, 215 Cal. App. 4th at 1052.

⁵⁴ See e.g., <https://www.sfgate.com/49ers/article/49ers-cowboys-game-traffic-jam-17734652.php>; <https://www.cbsnews.com/sanfrancisco/news/santa-clara-wednesday-rolling-stones-concert-traffic-advisory-levis-stadium/>.

⁵⁵ DEIR, pgs. 2-37-2-38.

⁵⁶ See City of Santa Clara Agenda Report for October 23, 2024 Planning Commission meeting, Proposed Resolution Approving General Plan Amendment ("Staff Report"), pg. 3 of 5; Santa Clara City Code §17.05.300(h) (Vesting Tentative Tract Map findings); Santa Clara City Code § 17.10.180 (Development Agreement findings).

that the Project is consistent with the General Plan and therefore may not recommend Project approval to the City Council.

A project, like this one, that includes a GPA requires that the City make the following findings in order to approve the Project:

- A. The proposed amendment is deemed to be in the public interest;
- B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected;
- C. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act. (CEQA); and
- D. The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.⁵⁷

The City cannot make these findings because, as discussed above, the DEIR fails to adequately analyze and address the Project's significant impacts, and the FEIR fails to remedy these defects. These failures create inconsistencies with General Plan policies, which also precludes the city from finding that there will be no detrimental effects to public health, safety, and welfare.

Finding B, above, requires that the City determine that the proposed amendment to the General Plan would be consistent and compatible with the rest of the General Plan. Here, the proposed GPA seeks to change the current Project site designation from High-Intensity Office/R&D to Urban Center Mixed Use.⁵⁸ As discussed above, the FEIR fails to adequately analyze and address the Project's significant impacts arising from significant employment increases, leading to inconsistencies with the General Land Use and Air Quality policies in the City's General Plan.⁵⁹

For example, General Land Use policy 5.3.1-P18 requires the City to "[m]eter net new industrial and commercial development excluding 'Approved/Not Constructed and Pending Projects' [...] so as not to exceed 2.75 million square feet

⁵⁷ Staff Report, Proposed Resolution Approving General Plan Amendment, pgs. 2-4.

⁵⁸ DEIR, pg. 2-37.

⁵⁹ City of Santa Clara 2010-2035 General Plan, available at:
<https://www.santaclaraca.gov/home/showpublisheddocument/56139/636619791319700000>

in Phase I, 5.5 million square feet in Phase II and 5.5 million square feet in Phase III in order to maintain the city's jobs/housing balance and ensure adequate infrastructure and public services.”⁶⁰ This policy underscores the City's commitment to maintaining a balanced jobs/housing ratio.

The EIR undermines this goal by using the General Plan's lower employee generation rate (one employee per 450 square feet of office/R&D uses) rather than the rate used in the Project Description (one employee per 250 square feet of office/R&D uses). This fails to properly disclose the actual effect the Project would have on the City's jobs/housing ratio. As previously explained, the Project's actual job creation estimates would nearly double the number of expected employees on the Project site and lead to an increase in the jobs/housing ratio. The EIR also significantly underestimates the number of housing units required to support Project-related employment growth. The EIR greatly underestimates the Project's actual expected impacts on the City's needs for housing and expected job growth as compared to what was forecast in the General Plan, and therefore undermines the General Plan policy of maintaining a balanced jobs/housing ratio.

Similarly, General Plan Air Quality Policy 5.10.2-P2 requires the City to “[e]ncourage development patterns that reduce vehicle miles traveled and air pollution.”⁶¹ This illustrates the City's goal of lowering VMT and air pollution levels.

The DEIR's inadequate disclosure and analysis of the Project's actual impacts directly conflicts with this policy goal. The DEIR recognizes that the Project's impacts on the City's jobs/housing balance will affect a host of other environmental impacts, including VMT, air pollution, GHG emissions, and traffic.⁶² Despite this recognition, the DEIR fails to consistently use the expected employment figures projected for this Project, which minimizes the Project's true impacts.

Finding C, above, requires that the City determine that the proposed amendment to the General Plan would not be detrimental to the public health, safety, or welfare of the community.

The City cannot make this finding because it has not adequately addressed the project's significant impacts. As discussed above, the FEIR fails to adequately

⁶⁰ City of Santa Clara 2010-2035 General Plan, General Land Use Policy § 5.3.1-P18.

⁶¹ City of Santa Clara 2010-2035 General Plan, Air Quality Policy § 5.10.2-P2.

⁶² DEIR, pg. 3.1-12.

resolve these issues or to mitigate all of the Project's potentially significant impacts. Specifically, the EIR still lacks an accurate, complete, and stable project description; and the DEIR's conclusions regarding the Project's environmental impacts (e.g., land use and planning, housing and population, and impacts from displacement of stadium parking) are unsupported by substantial evidence. These unaddressed impacts may be detrimental to the public health, safety, or welfare of the community. As such, the City may not approve the GPA until it revises the DEIR to adequately analyze and mitigate the Project's significant impacts and incorporate all feasible mitigation measures to avoid or minimize these impacts to the greatest extent feasible.

Similarly, before approving the Project's proposed development agreement, tentative subdivision map and rezoning, the City must also find that the Project is consistent with the General Plan.⁶³ The City cannot make the findings required to approve the development agreement, tentative subdivision map or rezoning for the same reasons as stated above.

In short, the EIR's failure to address the Project's significant impacts preclude the Planning Commission from making the findings required to recommend approval of the Project. Therefore, the Planning Commission cannot recommend certification of the FEIR or approval of the Project entitlements without a revised and recirculated DEIR that accurately analyzes and discloses the Project's significant environmental effects.

VII. CONCLUSION

For the reasons discussed above, the EIR for the Project is wholly inadequate under CEQA. It must be revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions

⁶³ Santa Clara City Code § 17.10.180 ("Before the City Council may approve a development agreement with or without modifications, it must find that its provisions are consistent with the general plan and any applicable specific plans and relevant City policies and guidelines for development."); Santa Clara City Code § 17.05.300(h)(5); Santa Clara Zoning Ordinance Chapter 18.02.050 ("the Council intends that this Zoning Code be consistent with the General Plan and any applicable specific plan, and that any development, land use, or subdivision approved in compliance with this Zoning Code shall also be consistent with the General Plan and any applicable specific plan."); Cal. Gov. Code § 65860 ("County or city zoning ordinances shall be consistent with the general plan...A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met: (1) the city or county has officially adopted a plan, (2) the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.").

October 23, 2024

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will necessarily require that the DEIR be recirculated for additional public review and comment. Until the DEIR has been revised and recirculated, the City may not lawfully approve the Project. The City also cannot make the required findings under the City Code.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Sincerely,



Richard Franco

RMF:acp

From: [Planning Public Comment](#)
To: [Ali Sapirman](#); [Planning Public Comment](#); [Lesley Xavier](#)
Cc: [Lesley Xavier](#); [Corey Smith](#); [Alexander Abbe](#)
Subject: RE: Mission Point Letter of Support
Date: Wednesday, October 23, 2024 4:01:14 PM
Attachments: [Mission Point letter of support -4.pdf](#)
[image001.png](#)
[image003.png](#)

Hello,

Your email has been received in the Planning Division and will be part of the public record on this item.

Thank you,

ELIZABETH ELLIOTT | Staff Aide II
Community Development Department | Planning Division
1500 Warburton Avenue | Santa Clara, CA 95050
O : 408.615.2450 Direct : 408.615.2474

From: Ali Sapirman <ali@housingactioncoalition.org>
Sent: Wednesday, October 23, 2024 1:18 PM
To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>
Cc: Lesley Xavier <LXavier@santaclaraca.gov>; Corey Smith <corey@housingactioncoalition.org>
Subject: Mission Point Letter of Support

You don't often get email from ali@housingactioncoalition.org. [Learn why this is important](#)

Please see the attached letter of support on behalf of the Housing Action Coalition.

--

Ali Sapirman | Pronouns: They/Them
Advocacy & Policy Manager | Housing Action Coalition
555 Montgomery St, San Francisco, CA 94111
Cell: (407) 739-8818 | Email: ali@housingactioncoalition.org



To opt out of all HAC emails, respond to this email with "unsubscribe all".



555 Montgomery Street
Suite 720
San Francisco, CA 94111
info@housingactioncoalition.org
housingactioncoalition.org

October 23, 2024

Dear Members of the Planning Commission,

The Housing Action Coalition is a member-supported nonprofit that advocates for creating more housing for residents of all income levels to help alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

We write in support of the Mission Point project by Kylli, which we proudly endorsed. Today, the site is made up of four small, outdated office buildings and acres of underutilized surface parking. The site was also previously entitled for 3 million square feet of tech office space. Neither of these are public facing, nor do they contain parks or significant open green space. However, Kylli designed Mission Point to become a destination for residents of the City of Santa Clara and the region by proposing a mixed-use development with much-needed housing, desirable ground-floor retail, and more than seven acres of publicly accessible park space.

Mission Point will create parks and open space that is currently lacking in this part of Santa Clara. The Kylli team designed the project to make open space the focal point, and moved the parking underground. It has also been designed not to be contained, but connected to the Patrick Henry Specific Plan area, as well as the existing bike trail network. The open space will contain walk/bike trails throughout and provide a valuable link between the Tasman Drive corridor and the future trail network. This is a vast improvement from the site today, which contains almost 100% impervious surfaces.

We respectfully ask that you recommend the approval of Mission Point without any delays.

A handwritten signature in black ink, appearing to read "Corey Smith", is displayed within a light gray rectangular box.

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)

Ali Sapirman

Ali Sapirman, Advocacy & Policy Manager
Housing Action Coalition (HAC)

From: [Planning Public Comment](#)
To: [Allie Hughes](#); [Planning Public Comment](#); [Lesley Xavier](#)
Cc: [Jennifer Johnson](#); [Seher Awan](#); [Cade Story-Yetto](#); [Marie Keith](#); [Candice Brooks](#); [Alexander Abbe](#)
Subject: RE: Letter of Support for Item 2 24-122 on the 10/23/24 Planning Commission Agenda
Date: Wednesday, October 23, 2024 3:59:56 PM
Attachments: [image001.png](#)
[Mission Point Letter of Support - Mission College.pdf](#)
[image002.png](#)

Thank you for your email, it has been received in the Planning Division and will be part of the public record on this item.

ELIZABETH ELLIOTT | Staff Aide II

Community Development Department | Planning Division

1500 Warburton Avenue | Santa Clara, CA 95050

O : 408.615.2450 Direct : 408.615.2474



From: Allie Hughes <alliehughes@canyonsnow.com>
Sent: Wednesday, October 23, 2024 12:50 PM
To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>
Cc: Jennifer Johnson <jenniferjohnson@canyonsnow.com>; Seher Awan <Seher.Awan@missioncollege.edu>; Cade Story-Yetto <Cade.Story-Yetto@wvm.edu>; Marie Keith <Marie.Keith@missioncollege.edu>; Candice Brooks <candice.brooks@missioncollege.edu>
Subject: Letter of Support for Item 2 24-122 on the 10/23/24 Planning Commission Agenda

You don't often get email from alliehughes@canyonsnow.com. [Learn why this is important](#)

On behalf of Dr. Awan at Mission College, please see the letter of support for Kylli's Mission Point project (item 2 24-122) attached below.

All my best,

Allie

--

Allie Hughes, MPA

Government Affairs Manager

Canyon Snow Consulting, LLC

[408-375-0142](tel:408-375-0142)

alliehughes@canyonsnow.com

www.canyonsnow.com





PRESIDENT'S OFFICE

October 22, 2024

RE: MISSION POINT PROJECT – MISSION COLLEGE LETTER OF SUPPORT

To the Santa Clara Planning Commission,

On behalf of Mission College, I would like to encourage your approval of the Mission Point project before you this evening. This project represents the kind of growth that makes sense for our city – it brings 1,800 much-needed new residences, as well as new community gathering spaces and services to Santa Clara.

Our mission at Mission College is to support the students and employees of Mission College, while creating opportunities for educational attainment, workforce development, career enhancement, and engaging events for our Santa Clara community. With the immediate proximity to amenities for Mission College students and employees, the new residential opportunities, as well as the parks and trails that this brings to the city; Mission Point directly aligns with and will contribute to our mission.

We are hopeful that you will support this project and look forward to the positive impacts of this project on not just our students and campus community, but the Santa Clara Community as a whole. We thank you for your dedication and service. Mission College supports this proposal without reservation, and I am available to provide any additional information via email at seher.awan@missioncollege.edu or phone (323) 362-3477. Thank you for your time and consideration.

Sincerely,

Seher Awan, Ed.D., MBA, MPA
President, Mission College

Lesley Xavier

From: Calum Brydon <[REDACTED]>
Sent: Thursday, September 19, 2024 12:29 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

You don't often get email from [REDACTED]. [Learn why this is important](#)

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

Environmental Sustainability: With underground parking and enhanced connectivity to the Patrick Henry Specific Plan area and existing bike trails, Mission Point prioritizes pedestrian and cycling infrastructure over vehicle use. The project also aims for LEED certifications, reflecting high environmental standards. Moreover, the project will be landscaped with drought resistant plants and greenery to promote environmental and mental wellness.

Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Calum Brydon
[REDACTED]

Lesley Xavier

From: Joe Macias [REDACTED] >
Sent: Thursday, September 19, 2024 12:32 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

You don't often get email from [REDACTED] [Learn why this is important](#)

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

Joe Macias
[REDACTED]

Lesley Xavier

From: Andrew Siegler <[REDACTED]>
Sent: Thursday, September 19, 2024 12:32 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

You don't often get email from [REDACTED] [Learn why this is important](#)

Planning Staff Lesley Xavier,

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Please move this project forward without delay!

Andrew Siegler
[REDACTED]

Lesley Xavier

From: Ilya Gurin <[REDACTED]>
Sent: Monday, September 16, 2024 8:25 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [REDACTED] [Learn why this is important](#)

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

Lesley Xavier

From: Alexa Kaskowitz <[REDACTED]>
Sent: Thursday, September 19, 2024 12:41 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

You don't often get email from [REDACTED]. [Learn why this is important](#)

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Please move this project forward without delay!

Alexa Kaskowitz
[REDACTED]

Lesley Xavier

From: Flora Moreno de Thompson [REDACTED] >
Sent: Thursday, September 19, 2024 12:49 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Flora Moreno de Thompson
[REDACTED]
350 North 4th Street
San Jose, California 95112

Lesley Xavier

From: Carla Yonan [REDACTED] >
Sent: Thursday, September 19, 2024 1:34 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Carla Yonan
[REDACTED]

Sunnyvale, California 94089

Lesley Xavier

From: Kendra Hershey [REDACTED] >
Sent: Thursday, September 19, 2024 1:26 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

Environmental Sustainability: With underground parking and enhanced connectivity to the Patrick Henry Specific Plan area and existing bike trails, Mission Point prioritizes pedestrian and cycling infrastructure over vehicle use. The project also aims for LEED certifications, reflecting high environmental standards. Moreover, the project will be landscaped with drought resistant plants and greenery to promote environmental and mental wellness.

Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay! The housing shortage directly causes housing unaffordability, and increasing the housing supply is critical.

Kendra Hershey
[REDACTED]

Lesley Xavier

From: Seth Barberee [REDACTED]
Sent: Thursday, September 19, 2024 1:25 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Please move this project forward without delay!

Seth Barberee
[REDACTED]

481 Northlake Drive
San Jose, California 95117

Lesley Xavier

From: Zach Hilton [REDACTED]
Sent: Thursday, September 19, 2024 1:24 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Zach Hilton

[REDACTED]

981 3rd St

Gilroy, California 95020

Lesley Xavier

From: Mary Beth Train [REDACTED] >
Sent: Thursday, September 19, 2024 3:07 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

This looks like a worthwhile project. It's surrounded by office buildings; some of which in the future could be repurposed into mixed use structures. It's close to the Tasman light rail and free exits. Great America will go out of business in a few years. This is a changing neighborhood and more 24/7 use could be healthy for Santa Clara city as a whole.

I know that you know the details below, and they bear repeating

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

Environmental Sustainability: With underground parking and enhanced connectivity to the Patrick Henry Specific Plan area and existing bike trails, Mission Point prioritizes pedestrian and cycling infrastructure over vehicle use. The project also aims for LEED certifications, reflecting high environmental standards. Moreover, the project will be landscaped with drought resistant plants and greenery to promote environmental and mental wellness.

Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Lesley Xavier

From: Jose Medeiros <[REDACTED]>
Sent: Thursday, September 19, 2024 2:39 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Jose Medeiros
[REDACTED]

Campbell, California 95150

Lesley Xavier

From: Kathryn Hedges <[REDACTED]>
Sent: Thursday, September 19, 2024 2:55 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

Kathryn Hedges
[REDACTED]

158 E Saint John St, 516
San Jose, California 95112

Lesley Xavier

From: Kate Conley <[REDACTED]>
Sent: Thursday, September 19, 2024 3:24 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Kate Conley
[REDACTED]

Mountain View, California 94041

Lesley Xavier

From: Amie Ashton [REDACTED] >
Sent: Thursday, September 19, 2024 3:51 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

We need more of this kind of dense housing across the Bay Area if we are to meet our climate goals and house more of our workers locally. Provide an example to all of us and approve this amazing project without delay.

Amie Ashton

Amie Ashton
[REDACTED]

555 BRYANT ST # 231
PALO ALTO, California 94301

Lesley Xavier

From: Maria Hernandez [REDACTED]
Sent: Thursday, September 19, 2024 4:14 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Please move this project forward without delay!

Maria Hernandez
[REDACTED]

San Jose, California 95127

Lesley Xavier

From: Allan Campbell [REDACTED]
Sent: Sunday, September 22, 2024 5:33 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Please move this project forward without delay!

Allan Campbell

[REDACTED]

3162 Isadora Dr

San Jose, California 95132

Lesley Xavier

From: Joseph Chuang <[REDACTED]>
Sent: Sunday, September 22, 2024 12:10 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Joseph Chuang
[REDACTED]

460 Channing Ave Apt G,
Palo Alto, California 94301

Lesley Xavier

From: Leslie Brown [REDACTED] >
Sent: Friday, September 20, 2024 1:28 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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I worked for the City of Santa Clara for 17 years, and this type of development would be incredibly beneficial to the City and its residents while supporting the community values that I know are still strong throughout Santa Clara.

Please move this project forward without delay!

Lesley Xavier

From: Phuong-Anh Bui <[REDACTED]>
Sent: Friday, September 20, 2024 9:10 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

Phuong-Anh Bui
[REDACTED]

San Jose, California 95126

Lesley Xavier

From: Blair MacDonald <[REDACTED]>
Sent: Friday, September 20, 2024 9:05 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

Blair MacDonald
[REDACTED]

Mountain View, 94043

Lesley Xavier

From: Eileen Conner <[REDACTED]>
Sent: Thursday, September 19, 2024 8:29 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Eileen Conner
[REDACTED]

355 Velarde St
Mountain View, California 94041

Lesley Xavier

From: Aaron Green [REDACTED] >
Sent: Friday, September 20, 2024 8:35 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

Aaron Green
[REDACTED]

San Jose, California 95126

Lesley Xavier

From: Jamie Keith <[REDACTED]>
Sent: Friday, September 20, 2024 11:03 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

Jamie Keith
[REDACTED]

1275 FRUITDALE AVE
San Jose, California 95126

Lesley Xavier

From: jane Holt <[REDACTED]>
Sent: Friday, September 20, 2024 11:54 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

jane Holt
[REDACTED]

Churton Avenue, 1960 Churton Ave.
Los Altos, California 94024

Lesley Xavier

From: Michael Hazelton <[REDACTED]>
Sent: Friday, September 20, 2024 12:02 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Michael Hazelton
[REDACTED]

San Jose, California 95112

Lesley Xavier

From: Savita Nataraj <[REDACTED]>
Sent: Monday, September 23, 2024 4:05 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Savita Nataraj
[REDACTED]

5055 Dent Avenue, 18
San Jose, California 95118

Lesley Xavier

From: Elizabeth Conlan <[REDACTED]>
Sent: Tuesday, September 24, 2024 7:24 PM
To: Lesley Xavier
Subject: I Support New Homes at Mission Point

Planning Staff Lesley Xavier,

I urge your support of Kylli's Mission Point project in Santa Clara, a redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and parking areas, into a vibrant mixed-use community.

Our community urgently needs the 1,800 new homes that will be built as part of the project. This type of infill development should be prevalent throughout Santa Clara County; the project transforms underutilized parking lots into new homes near public transit, promoting increased walkability and reducing car dependency.

Additionally, Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather.

Please move this project forward without delay!

Elizabeth Conlan
[REDACTED]

San Jose, California 95118

Lesley Xavier

From: Dennise Jauregui [REDACTED]
Sent: Thursday, September 19, 2024 2:34 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

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<<https://aka.ms/LearnAboutSenderIdentification>>

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Dennise Jauregui
[REDACTED]

Santa Clara, California 95054

<<https://click.actionnetwork.org/ss/o/u001.ZbNyqOfLYPaP-d23SgKjnQ/49w/3nJ2592eSCyhSKGPJaQDXw/ho.gif>>

Lesley Xavier

From: Lee Mei <[REDACTED]>
Sent: Thursday, September 19, 2024 4:28 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

You don't often get email from [REDACTED] Learn why this is important
<<https://aka.ms/LearnAboutSenderIdentification>>

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Lee Mei

[REDACTED]
630 BUSH ST
Mountain View, California 94041

<<https://click.actionnetwork.org/ss/o/u001.ZbNyqOfLYPaP-d23SgKjnQ/49w/zlerYvICQDaz54iDLy1i4w/ho.gif>>

Lesley Xavier

From: [REDACTED]
Sent: Friday, September 20, 2024 5:20 PM
To: Lesley Xavier
Subject: I STRONGLY support new homes at Mission Point!

You don't often get email from [REDACTED] [Learn why this is important](#)
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Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara.

Our region URGENTLY needs more housing.

Please please PLEASE PLEASE PLEASE move this project forward absolutely ASAP with every possible speed.

[REDACTED]

,

<<https://click.actionnetwork.org/ss/o/u001.ZbNyqOfLYPaP-d23SgKjnQ/49y/1I87oiTHSqedCRuEQVtC5Q/ho.gif>>

Lesley Xavier

From: Manmohan Mahal [REDACTED]
Sent: Thursday, September 19, 2024 10:16 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

You don't often get email from [REDACTED] [Learn why this is important](#)
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Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

Environmental Sustainability: With underground parking and enhanced connectivity to the Patrick Henry Specific Plan area and existing bike trails, Mission Point prioritizes pedestrian and cycling infrastructure over vehicle use. The project also aims for LEED certifications, reflecting high environmental standards. Moreover, the project will be landscaped with drought resistant plants and greenery to promote environmental and mental wellness.

Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Manmohan Mahal
[REDACTED]

Palo Alto, California 94306

<<https://click.actionnetwork.org/ss/o/u001.ZbNyqOfLYPaP-d23SgKjnQ/49x/i5Ute4HGTPWzHY3yALY6TA/ho.gif>>

Lesley Xavier

From: [REDACTED]
Sent: Thursday, September 19, 2024 1:03 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

You don't often get email from [REDACTED]. Learn why this is important
<<https://aka.ms/LearnAboutSenderIdentification>>

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

[REDACTED]

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<https://click.actionnetwork.org/ss/o/u001.ZbNyqOfLYPaP-d235gKjnQ/49w/_CoIDWuSQ8yh7GwQgCkt3Q/ho.gif>

Lesley Xavier

From: Matt Savage <[REDACTED]>
Sent: Thursday, September 26, 2024 7:28 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Please move this project forward without delay!

Matt Savage
[REDACTED]

San Jose, California 95125

Lesley Xavier

From: Jason Morrow <[REDACTED]>
Sent: Wednesday, October 9, 2024 12:52 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support the Mission Point project in Santa Clara because it is a much needed redevelopment that will transform an underutilized site, currently occupied by outdated office buildings and excessive parking, into a vibrant mixed-use community.

The project embraces sustainable urban development, transforming underutilized parking lots into 1,800 desperately needed new homes near public transit options, promoting walkability, and reducing car dependency.

Additionally, the development will be a boon for environmental sustainability, placing housing next to the San Tomas Aquino Creek Trail, one of the best connections to workplaces without needing to drive. With enhanced connectivity to these existing trails and the Patrick Henry Specific Plan area, as well as underground parking, Mission Point prioritizes pedestrian and cycling infrastructure over increased vehicle use and traffic. The project also aims for LEED certifications and will be landscaped with drought resistant plants and green space.

Kylli's Mission Point will also benefit the greater community, proposing over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Jason Morrow
[REDACTED]

Saratoga, California 95051

Lesley Xavier

From: Dylan O'Connell <[REDACTED]>
Sent: Thursday, October 10, 2024 7:49 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I strongly support Kylli's Mission Point project in Santa Clara. This visionary plan will transform an underutilized area into a vibrant, sustainable, mixed-use community.

Key benefits include:

- Increased Housing and Reduced Traffic: 1,800 new homes near transit will decrease car dependency by 25%.
- Environmental Responsibility: LEED certification, underground parking, and pedestrian/cycling-focused design demonstrate a commitment to sustainability.
- Community Enhancement: Seven acres of public park space, a childcare facility, and improved trail connections will foster a healthy and connected community.

Santa Clara faces a critical housing shortage, and it is absolutely essential that we act to address it. Please approve this project without delay.

Dylan O'Connell
[REDACTED]

Mountain View, California 94040

Lesley Xavier

From: Rachel Wuerstlin [REDACTED]
Sent: Monday, October 14, 2024 5:24 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Enhanced Community benefits: Kylli's Mission Point proposes over seven acres of publicly accessible park space, turning a largely impervious site into a green, vibrant hub with opportunities for community to gather. Moreover, Mission Point will connect existing trails, promoting physical wellness and outdoor activities. The proposal also includes a child care facility with designated outdoor green space for the children to safely play outside.

Please move this project forward without delay!

Rachel Wuerstlin
[REDACTED]

San Jose, California 95126

Lesley Xavier

From: Jiufu Cai <[REDACTED]>
Sent: Sunday, October 13, 2024 4:20 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

Sustainable Urban design: The project transforms underutilized parking lots into 1,800 new homes near public transit options, promoting increased walkability and reducing car dependency by 25%

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Please move this project forward without delay!

Jiufu Cai
[REDACTED]

Palo Alto, California 94306

Lesley Xavier

From: John Lim <[REDACTED]>
Sent: Saturday, October 12, 2024 8:39 AM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

John Lim
[REDACTED]

Santa Clara, California 95054

Lesley Xavier

From: [REDACTED]
Sent: Friday, October 11, 2024 10:34 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

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Please move this project forward without delay!

[REDACTED]

Lesley Xavier

From: Andrew Siegler <[REDACTED]>
Sent: Tuesday, October 15, 2024 9:30 PM
To: Lesley Xavier
Subject: Support New Homes at Mission Point!

Planning Staff Lesley Xavier,

I support Kylli's Mission Point project in Santa Clara, because it is a visionary redevelopment plan that aims to transform an underutilized site, currently occupied by outdated office buildings and excessive parking areas, into a vibrant mixed-use community.

Specifically, the project includes:

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Please move this project forward without delay!

Andrew Siegler
[REDACTED]

San Jose, California 95112

From: [PlanningCommission](#)
To: [REDACTED] [Planning Public Comment](#); [PlanningCommission](#); [Lance Saleme](#); [Mario Bouza](#); [Eric Crutchlow](#); [Nancy Biagini](#); [Priya Cherukuru](#); [Qian Huang](#); [Yashraj Bhatnagar](#); [Reena Brilliot](#); [Lesley Xavier](#); [REDACTED]
[REDACTED]
Subject: RE: My Thoughts on Mission Point for the 10/23 Santa Clara Planning Commission Meeting
Date: Thursday, October 17, 2024 8:30:11 AM
Attachments: [image001.png](#)
[image003.png](#)

Good Morning,

This is to confirm your email has been received in the Planning Division and your correspondence will be part of the public record on this item.

Thank you.

ELIZABETH ELLIOTT | Staff Aide II
Community Development Department | Planning Division
1500 Warburton Avenue | Santa Clara, CA 95050
O : 408.615.2450 Direct : 408.615.2474



**City of
Santa Clara**
The Center of What's Possible

From: J'Carlin [REDACTED]
Sent: Thursday, October 17, 2024 1:23 AM
To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>; PlanningCommission <PLANNINGCOMMISSION@santaclaraca.gov>; Lance Saleme <LSaleme@SantaClaraCA.gov>; Mario Bouza <mbouza@Santaclaraca.gov>; Eric Crutchlow <ecrutchlow@santaclaraca.gov>; Nancy Biagini <NBiagini@SantaClaraCA.gov>; Priya Cherukuru <PCherukuru@SantaClaraCA.gov>; Qian Huang <QHuang@Santaclaraca.gov>; Yashraj Bhatnagar <YBhatnagar@Santaclaraca.gov>; Reena Brilliot <RBrilliot@SantaClaraCA.gov>; Lesley Xavier <LXavier@santaclaraca.gov>; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: My Thoughts on Mission Point for the 10/23 Santa Clara Planning Commission Meeting

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

My name is [NAME], and I am writing to support Kylli's Mission Point proposal. It is a model of sustainable development that combines housing, jobs, and parks all in one place. Mission Point will transform nearly 50 acres of underutilized parking lots and old office buildings into a new, vibrant, urban hub for Santa Clara by creating 1,800 new homes, new jobs, and new parks. I support the project, and I'd like to see the following improvements incorporated into the project as part of a motion from you: - A central, defining, signature park element such as an outdoor amphitheater or space for arts and cultural events - As a city, we face a staggering housing shortage and the pressing need to develop sustainable neighborhoods ready to tackle whatever the future has in store.

Mission Point does both by laying out a plan for a dense, mixed-use, transit-oriented community. This project creates more homes and more jobs. Mission Point is exactly what Santa Clara and Silicon Valley need. Please approve this project!

Carlin Black

Aka J'Carlin



Agenda Report

24-122

Agenda Date: 10/23/2024

REPORT TO PLANNING COMMISSION

SUBJECT

PUBLIC HEARING: Action on an Environmental Impact Report and Mitigation Monitoring and Reporting Program, General Plan Amendment, Planned Development Rezone, Vesting Tentative Subdivision Map, and Development Agreement for the Mission Point by Kylli Mixed-Use Project Located at 3005 Democracy Way to Allow the Development of up to 1,800 Multi-Family Residential Units; 3 million Square Feet of Office/Research-and-Development (R&D); up to 100,000 Square Feet of Commercial Retail; and Open Space

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

EXECUTIVE SUMMARY

The applicant, Kylli Inc., proposes to redevelop the existing 48.6-acre site with up to 4,913,000 gross square feet of new development, including:

- 1.8 million square feet of residential uses (up to 1,800 units)
- up to three million square feet of office/research-and-development (R&D)
- up to 100,000 square feet of commercial retail
- approximately 10,000 square feet of childcare facilities

An 18,000 square-foot electrical substation would also be constructed on-site.

The project includes a General Plan Amendment from High-Intensity Office/Research-and-Development (R&D) to newly created Urban Center Mission Point and Urban Center Mixed Use designations, a Rezoning from HO-RD High-Intensity Office/Research and Development to PD - Planned Development, a Vesting Tentative Subdivision Map, and a Development Agreement. Subsequent Architectural Review approvals would be required for the design of specific components of the project. These applications are submitted pursuant to Santa Clara City Code Chapters 18.142 (Amendments), 18.54 of the "Classic" Code (Regulations for PD and Combined Zoning Districts), 17.05 (Subdivisions) and 17.10 (Development Agreements).

A Final Environmental Impact Report (EIR) was prepared for the proposed project as required under the California Environmental Quality Act (CEQA). Except for two air quality and noise impacts that are significant and unavoidable even with mitigation, all of the significant and potentially significant impacts of the proposed project would be reduced to less than significant level with the incorporation of mitigation measures. A detailed discussion of the potential impacts and mitigation measures to be applied to the project are specified in the environmental document.

BACKGROUND

The project site is located on nine parcels totaling approximately 46 acres, as well as the Democracy Way right-of-way, a privately owned street that is subject to an existing public right-of-way easement that covers approximately 2.6 acres, for a combined total project area of 48.6 acres. The project site is bounded by Tasman Drive to the north, Old Ironsides Drive to the east, the right-of-way associated with the Hetch Hetchy aqueduct to the south, and Patrick Henry Drive to the west. The Patrick Henry Drive Specific Plan area is located directly to the south beyond the Hetch Hetchy right-of-way. The site is within walking distance of multiple Santa Clara Valley Transportation Authority (VTA) light rail stations as well as Great America station, which is served by Amtrak's Capital Corridor and Altamont Corridor Express.

The project site is currently occupied by four light industrial buildings on the northern portion of the site. The current primary use of the site is temporary parking for Levi's Stadium, providing 3,300 parking spaces for stadium events. The remaining parking spaces are used by Amazon as a drivers' training ground. Prior to use as a temporary parking lot, the site had six single-story office and industrial buildings. The previous owner demolished the buildings to prepare the site for redevelopment (former planned Yahoo! campus).

Project History

The subject General Plan Amendment (GPA) application was submitted on October 17, 2017. In accordance with the City Council's Early Consideration Policy for General Plan Amendment Applications in effect at that time, the City Council considered the potential General Plan Amendment at a public hearing on January 23, 2018. Following a public hearing, the City Council directed staff and the applicant to continue processing the GPA application, which contemplated building heights up to 600 feet and land uses including up to:

- 3.5 million square feet of office/R&D
- 400,000 square feet of office amenity/hotel
- 6.1 million square feet of residential uses (approximately 6,000 dwelling units)
- 600,000 square feet of residential amenity space and retail

The applicant submitted a Planned Development Rezoning Application in July 2018 and also started the environmental review process in accordance with CEQA. The City released the Environmental Impact Report (EIR) Notice of Preparation (NOP) in July 2018 and a revised version on October 1, 2018. The City of San Jose Airport Department subsequently provided NOP comments identifying inconsistencies with the proposed project heights and Federal Aviation Administration (FAA) regulations. In September 2019, Kylli submitted a letter to the Community Development Department indicating they were taking time to work with the FAA on the project and were likely to significantly reduce the height and overall density in a subsequent project resubmittal.

In March 2022, Kylli resubmitted the General Plan Amendment and Planned Development Rezoning applications with a reduced project scope, along with a Tentative Subdivision Map application. The scope of the March 2022 project resubmittal is substantially consistent with the current proposal presented for consideration.

Site Design

The project site is divided into four development areas with the following approximate acreages: Area A (13.3 acres), Area B (8.9 acres), Area C (12.7 acres), and Area D (13.7 acres). As shown in the Land Use Table (Attachment 1), areas would vary with respect to size, proposed development type, building area, floor area ratio (FAR), and maximum building height.

Approximately 7.6 acres of public parkland is included in the project. This includes a 1.1-acre Gateway Park adjacent to Tasman Drive, a 2.1-acre Central Park, and a 4.4-acre South Park Area on the southern border of the project site. The South Park Area includes a dedicated east-west trail alignment north of the Hetch Hetchy right-of-way to help connect the Calabazas Creek Trail and San Tomas Aquino Creek Trail.

Access, Circulation and Parking

The Project site would include several access points from existing roadways, realigned roadways, as well as a new network of sidewalks and bike lanes. Democracy Way, an existing public street easement, would be vacated. The street would be privatized and relocated south of the existing alignment, providing access to the site in an east-west direction. In the new alignment, the street would not connect Patrick Henry Drive and Old Ironsides Drive. The new access is referred to in the project plans as Kylli Drive East and Kylli Drive West.

Underground and aboveground parking is proposed, with a total of approximately 9,400 parking spaces. Vehicular travel between Areas A and D, as well as Areas B and C from Kylli Drive would be provided by ramps to the below-grade parking garage. Drivers could travel to different areas of the Project site using the interconnected, below-grade parking garage.

Planning Commission Actions

Pursuant to the Santa Clara City Code, the Planning Commission will conduct a public hearing to make recommendations to the City Council on five actions related to the Mission Point by Kylli Mixed-Use Project:

- 1) Certification of the Environmental Impact Report (EIR) prepared to analyze the potential environmental impacts for the project and an associated Mitigation Monitoring and Reporting Program
- 2) Adoption of 2 new General Plan Land Use Designations: Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and a Change of the Land Use Designation for the Project Site from High Intensity Office/Research & Development to the Two New Designations
- 3) Approval of a Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development
- 4) Approval of a Vesting Tentative Subdivision Map
- 5) Approval of a Development Agreement

DISCUSSION

The primary issues for the Planning Commission to consider in evaluating the proposed project are consistency with the General Plan and proposed design standards, development plan and development schedule associated with the Planned Development Zoning. The Planning Commission, and subsequently the City Council, can review these standards and development plan and identify areas where they may be enhanced, modified, or further developed to address City objectives and priorities.

General Plan Amendment

The project proposes two new land use designations (1) a high-density residential mixed-use designation called Urban Center Mixed-Use requiring a residential density range of 60 to 250 dwelling units per acre and (2) Urban Center Mission Point allowing office and R&D uses, light manufacturing, and neighborhood-supporting retail requiring a minimum FAR of 1.5. The following language, which is proposed to be incorporated into the General Plan, outlines the allowed uses for each new land use category:

Urban Center Mixed Use

The Urban Center Mixed Use designation is intended for pedestrian-oriented, high-intensity and very high-density mixed-use development in a transit-rich area. It permits high-rise commercial office and residential development (in either mixed-use or stand-alone buildings), subject to Federal Aviation Administration height restrictions; ground-level neighborhood-serving retail; and landscaped areas for employee and resident activities. Permitted uses include multi-family residential and co-living, office and R&D uses, light manufacturing, and neighborhood-supporting retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. Townhomes are only permitted as follows: (1) designed and integrated as a part of a multi-family building in which multi-family units are included above the townhome units (entire building must achieve a minimum 60 du/ac) or (2) integrated as part of a multi-family building without multi-family units above, not to exceed 25% of the buildable land area (must achieve a minimum aggregate residential density of 60 du/ac). Standalone townhomes without a multifamily component and single family detached units are prohibited. The residential density range is 60 - 250 dwelling units per acre.

Urban Center Mission Point

The Urban Center Mission Point designation is intended for pedestrian-oriented, high-intensity and very high-density mixed-use development in a transit-rich area. It permits high-rise commercial office development, subject to Federal Aviation Administration height restrictions; ground-level retail; and landscaped areas for employee and resident activities. Permitted uses include office and R&D uses, light manufacturing, and retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. The minimum FAR is 1.5.

On balance, the project is consistent with the following General Plan land use goals and policies:

- Policy 5.3.1-P13: Support high density and intensity development within a quarter mile of transit hubs and stations and along transit corridors.
- Goal 5.3.1-G3: Development that minimizes vehicle miles traveled, capitalizes on public investment in transit and infrastructure, and is compatible with surrounding uses.

The project qualifies as a transit supportive project because it meets the criteria established by the City related to proximity to transit, density, multimodal transportation networks, transit-oriented design elements, parking, and affordable housing. The site is within walking distance of multiple VTA light rail stations as well as Great America station, which is served by Amtrak's Capital Corridor and Altamont Corridor Express. The Project is largely consistent with surrounding uses, including Levi's Stadium, the Hilton Santa Clara Hotel, Convention Center, California's Great America Amusement Park, and the Patrick Henry Specific Plan adjacent to the site. Overall, given the adjacency of public transit and

compatibility with surrounding uses, the Project would be largely consistent with this policy and goal.

- Policy 5.3.1-P14: Encourage Transportation Demand Management strategies and the provision of bicycle and pedestrian amenities in all new development greater than 25 housing units or more than 10,000 non-residential square feet, and for City employees, in order to decrease use of the single-occupant automobile and reduce vehicle miles traveled consistent with the CAP.

Consistent with this policy, the project would implement parking and Transportation Demand Management (TDM) programs and strategies, which would help reduce the number of vehicle trips to/from the Project site and encourage alternatives to single-occupancy vehicle travel. In addition, bicycle and pedestrian connections and amenities would be constructed throughout the Project site to encourage alternate modes of transportation.

- Goal 5.3.4-G3: Mixed-use development that maximizes accessibility to alternate transportation modes and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

Consistent with this goal, the project is mixed-use and would emphasize accessibility to alternative transportation modes. Bicycle and pedestrian networks would be integrated into the site, including onsite bicycle lanes and sidewalks that would connect to offsite bicycle lanes and sidewalks. The Project would include retail, office/R&D, childcare, and community uses that would be concentrated around open spaces.

- Goal 5.9.1-G2: Parks, trails and open space located within a ten-minute walk to residential neighborhoods and employment centers.
- Goal 5.9.1-G3: New parks, open space and recreation provided with new development so that existing facilities are not overburdened.
- Policy 5.9.1-P3: Provide trails along creeks and other rights-of-way to link parks, open spaces, bicycle facilities, and transit services with residential neighborhoods and employment centers.

Consistent with these goals and policy, publicly accessible parkland and open space areas at the project site would cover up to 16 acres and provide a range of landscape types, including gathering spaces and recreational. In addition, the project would construct a multi-use trail along the southern edge of the site adjacent to the San Francisco Public Utilities Commission right-of-way.

The project's proposed pedestrian and bicycle circulation would facilitate connections to nearby parks, open spaces, bicycle facilities, transit services, neighborhoods, and employment centers.

Planned Development Rezoning

The PD Development Plan is broken up into eight chapters and includes the designated land uses, open space, street design, and design guidelines and parking. The plan also outlines the implementation process (development schedule) for the project.

Land Use

As discussed above, the project site is divided into four development areas with the following approximate acreages:

- Area A (13.3 acres): Primarily office and retail uses
- Area B (8.9 acres): Primarily office and retail uses
- Area C (12.7 acres): Primarily office and retail uses
- Area D (13.7 acres): Primarily residential with ancillary retail and childcare uses

Should a substation be required based on the phasing and timing of development, it is proposed to be located in Area C adjacent to Old Ironside Drive.

The PD Development Plan outlines a Development Transfer allowance, which would allow density transfers of floor area between Areas A, B, C, and D. The developer may elect to transfer up to five percent of the maximum allowed non-residential square footage of each of the individual Areas to one or more of the other Areas. As a result, the total amount of development in these Areas could increase or decrease proportionally, while not exceeding the maximum build-out for the entire project.

Table 02.3 ("Land Use Table") within the PD Development Plan identifies permitted, conditional, and disallowed uses within the project area. Multi-family residential is an allowed use, while single-family and duplex uses are disallowed. Although townhomes are allowed in Area D, they must be integrated into a larger multifamily building. Various retail and commercial uses are allowed by right, while bars and nightclubs would require Use Permits.

Parkland and Open Space

The project proposes three main publicly accessible park areas.

- Gateway Park Area (up to 1.1 acres): Located in the northern portion of the site, this park is intended to provide east-west connectivity. Public use programs may include a turfed play field, seating areas, and/or family gathering and picnic area.
- Central Green Area (up to 2.1 acres): Located at the center of the Project site, this park would include multiple activity lawns that could support a variety of uses, such as large- or small-scale events, performances, movie screenings, or ice skating.
- South Park Area and South Trail (up to 4.4 acres): This area is intended for recreation by those at the residential development as well as neighboring users and visitors. The trail alignment is directly north of the SFPUC right of way and is intended to connect Calabazas Creek and San Tomas Aquino Creek Trail.

In addition to public parkland, the project includes up to 6.6 acres of privately-owned publicly accessible open space, approximately 4.8 acres of residential private open space, and 6.1 acres of commercial private open space.

Street Design

The PD Development Plan identifies street typologies, including vehicular lane widths, bicycle lane classifications, on-street parking standards, and standards for the pedestrian realm. The intent is for the streets to be designed as complete streets serving as an extension of the surrounding street grid.

The project proposes a new street, shown as Kylli Drive East and Kylli Drive West on the plan set. Located on either side of the central park (the street does not bisect the park), each entry way includes three lanes of traffic, with additional areas for drop-off and short-term parking at the sides.

These lanes provide access to the parking garages within each area, public access ramps for underground parking for visitors and drop-off areas. The proposed curb to curb dimension allows for any emergency vehicle to access, turn, and drive through the project to access any podium level building footprint. The bike path and pedestrian walkway would continue past the end of Kylli Drive East and Kylli Drive West to connect Patrick Henry Drive and Old Ironsides Drive for pedestrians and bicyclists

Design Guidelines and Parking

Allowed heights differ between the four development areas. The maximum height proposed in the plan area is 192 feet in Area D.

- Area A: 33'-123'
- Area B: 47'-153'
- Area C: 33'-123'
- Area D: 22'-192'

Building setbacks (distance between a structure, parking area, or other development feature and the property line) are only required for standalone residential uses at 10 feet for the side, rear, and front.

In addition, the PD Development Plan provides guidance on ground floor heights for residential and non-residential uses, as well as required upper story building setbacks.

The project will provide up to 9,400 parking spaces, including approximately 3,000 spaces in underground parking structures. Due to AB 2097 (2022) and the site's proximity to transit, no parking spaces could be required in the absence of a Development Agreement. However, the Santa Clara City Code would typically have required approximately 11,900 parking spaces. Here, the developer has declined to commit to a specific number of parking spaces. At the Architectural Review application phase of the project, the applicant will specify their proposed parking. Typically, reductions in parking spaces can be achieved through the parking and TDM programs and strategies proposed, which will take advantage of the project site's mix of uses and bicycle and pedestrian circulation and services, transit rich location, reduced parking demand, and would encourage alternatives to single-occupancy vehicle travel.

Tentative Subdivision Map

The proposed Vesting Tentative Subdivision Map would subdivide the property into five lots and includes the vacation of Democracy Way. The proposed Vesting Tentative Subdivision Map was reviewed by the City's Subdivision Clearance Committee and determined to be complete on January 16, 2024. Staff confirmed that the proposed subdivision is consistent with the proposed General Plan designation, Planned Development Zoning, Building Code, and other applicable requirements.

Approval of the requested Subdivision Map will facilitate the development of a project consistent with the City Code and General Plan, thereby advancing the establishment of a new, transit-oriented residential neighborhood in proximity to jobs and in partial fulfillment of the City's goals for the production of new housing. Findings for approval are provided in Attachment 7. Conditions of Approval are provided as Attachment 8.

Development Agreement

The project proposal includes a Development Agreement (DA) between the City and the property owner, Kylli, Inc. The purpose of the DA is to establish the terms and obligations of development by both parties, as well as the order and timing of these obligations. The Development Agreement includes a term of up to 25 years to develop the Project. This includes an initial 10-year term with up to three five-year extensions. Each extension can be earned either through delivery of community benefits or through an extension payment option that is based on the remaining maximum allowed square feet of the Project. The extension payment option allows for the extension of the term of the agreement but does not change the developer's obligations to provide the community benefits required under the DA. As proposed, the DA contemplates the provision of several community benefits which includes a grocery store, childcare center, public park maintenance, park improvements, and arts and cultural programming. In addition, funding will be provided for a regional traffic fee for traffic intersection improvements and fire station equipment. Developer has committed to deliver 15% of the units at a maximum average AMI level of 80% rather than the required 100% as provided under the City's Affordable Housing Ordinance. The Developer will also ensure that all contractors and subcontractors establish a job-site sub-permit for sale and use tax collection from the Project.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and circulated for a 45-day public review between November 17, 2023 and January 2, 2024. A total of eight comments were received during the comment period. Seven were from local/regional agencies: Caltrans, California Department of Toxic Substances Control, Santa Clara Unified School District, Santa Clara Valley Water District, San Jose Mineta International Airport, San Francisco Public Utilities Commission, and Santa Clara Valley Transportation Authority. The eighth letter received was from a law firm representing Silicon Valley Residents for Responsible Development. None of the comment letters provided substantial evidence that the CEQA analysis is otherwise inadequate and recirculation of the EIR is therefore not required. Responses to the Draft EIR comments, as well as minor text changes and clarifications, in the form of a Final EIR, were made available to the public through the City's website on March 13, 2024 and have been forwarded on to any commenters on the Draft EIR. A website link to the Final EIR, Mitigation, Monitoring and Reporting Program (MMRP), CEQA Findings, and Response to Comments is provided in Attachment 2 to this report.

The EIR identified potential environmental impacts associated with project and identified traffic, greenhouse gas, energy, biology, geology and soils, cultural resources, tribal cultural resources, utilities, water quality, and hazards and hazardous materials as having impacts that with the incorporation of mitigation measures would be reduced to less than significant. The EIR also identified air quality and noise as having a significant unavoidable impact with mitigation incorporated. Attachment 3 includes a Statement of Overriding Considerations regarding impacts that cannot be mitigated.

A detailed discussion of the potential impacts and mitigation measures to be applied are specified in the EIR and would be implemented through project conditions of approval and the MMRP for the proposed project.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time and expense to prepare this report.

COORDINATION

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

PUBLIC CONTACT

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

On September 25, 2024 a notice of the public hearing scheduled for October 11, 2024 was published in *The Weekly*, a newspaper of general circulation, and on August 29, 2024, a notice of public hearing of this item was posted on the project site and in three locations within the City and was mailed to property owners within a quarter mile of the project site. The Planning Commission opened the public hearing on October 11 and voted to continue the hearing to the October 23, 2024 meeting.

The project applicant held a total of 11 community meetings and workshops between November 2017 and June 2023. Several of the meetings were specific to different neighborhood groups (Adobe Wells residents and Rivermark residents), while others focused on specific topics such as parkland and open space.

Most recently, a community meeting was held at Mission College on February 29, 2024 to show the plan to the community as it would be presented to the Planning Commission and City Council for their consideration. There were approximately 35 attendees. The audience asked questions about bicycle connectivity, affordable housing, stadium events, and project funding.

ALTERNATIVES

1. Adopt a resolution to recommend the City Council certify the Final EIR prepared for the Mission Point Project (SCH # 2018072068) and adopt a Mitigation Monitoring and Reporting Program, CEQA Findings, and a Statement of Overriding Considerations.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment to add 2 new land use designations, Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU and UCMP.
3. Adopt a resolution to recommend the City Council approve the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development.
4. Adopt a resolution to recommend the City Council approve a Vesting Tentative Subdivision Map.
5. Adopt a resolution to recommend the City Council adopt an ordinance approving the Development Agreement.
6. Recommend the City Council deny a General Plan Amendment to add 2 new land use

designations Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and decline to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU and UCMP.

7. Recommend the City Council deny the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development.
8. Recommend the City Council deny a Vesting Tentative Subdivision Map.
9. Recommend the City Council decline to adopt an ordinance approving the Development Agreement.

RECOMMENDATION

1. Adopt a resolution to recommend the City Council certify the Final EIR prepared for the Mission Point Project (SCH # 2018072068) and adopt a Mitigation Monitoring and Reporting Program, CEQA Findings, and a Statement of Overriding Considerations.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment to add 2 new land use designations, Urban Center Mixed-Use (UCMU) and Urban Center Mission Point (UCMP), and to change the land use designation for the project site from High Intensity Office/Research & Development (HI O/R&D) to UCMU and UCMP.
3. Adopt a resolution to recommend the City Council approve the Planned Development Rezoning from HO-RD - High-Intensity Office/Research and Development to PD - Planned Development.
4. Adopt a resolution to recommend the City Council approve a Vesting Tentative Subdivision Map.
5. Adopt a resolution to recommend the City Council adopt an ordinance to approving the Development Agreement.

Reviewed by: Lesley Xavier, Planning Manager

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Acting Director of Community Development

ATTACHMENTS

1. Land Use Table
2. Web Links to the PD Rezoning, Final Environmental Impact Report, Mitigation, Monitoring, and Reporting Program, CEQA Findings, Response to Comments
3. Final EIR Resolution
4. CEQA Findings and Statement of Overriding Considerations
5. General Plan Amendment Resolution
6. PD Rezoning Resolution
7. PD Rezoning Conditions of Approval
8. Tentative Subdivision Map Resolution
9. Tentative Subdivision Map Conditions of Approval
10. Development Agreement Resolution
11. Development Agreement
12. PMM - Memo from Assistant City Attorney



Agenda Report

24-967

Agenda Date: 11/6/2024

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on a Conditional Use Permit for a New Drive-through Restaurant (PLN22-00428) at 3575 Stevens Creek Boulevard (CEQA: Class 3 Categorical Exemption Section 15303).

REPORT IN BRIEF

Applicant: Frank Coda

Owner: PFLP, LLC

General Plan: Regional Commercial

Zoning: C-R Regional Commercial

Site Area: 0.55 Acres

Existing Site Conditions: Existing two-story vacant office building and surface parking lot.

Surrounding Land Uses

North: Office and daycare uses

South: Auto dealerships across Stevens Creek Boulevard in San Jose

East: Commercial uses

West: Commercial uses

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt a Resolution approving a Conditional Use Permit to allow a new drive-through restaurant located at 3575 Stevens Creek Boulevard.

BACKGROUND

On October 05, 2022, Frank Coda ("Applicant") filed an application (File No. PLN22-00428) to demolish an existing two-story 7,266 square foot commercial building and construct a new 2,300 square foot drive-through restaurant with outdoor seating and surface parking lot. The project proposes improved landscape on site and new streetscape along Stevens Creek Boulevard and Harold Avenue.

Pursuant to section 18.38.040(a) of the "Classic" Santa Clara City Code, which was still in effect when the application was deemed complete, drive-through facilities are allowable use subject to Planning Commission review and approval of a Conditional Use Permit. Architectural Review will be evaluated during a subsequent Development Review Hearing consistent with sections 18.120.020.D7 and 18.120.020.D.8 of the Updated Zoning Code.

DISCUSSION

Project Overview

The project site is located at the northeast corner Stevens Creek Boulevard and Harold Avenue. The

project proposes the demolition of an existing 7,266 square-foot commercial building to construct a new 2,300 square foot drive-through Starbucks restaurant with outdoor seating, onsite and offsite improvements, and surface parking lot. Proposed operating hours for the store and drive-through are 4 A.M. to 10 P.M., seven days a week. Trash collection is planned 1-2 times per week, Monday to Friday between 7 A.M. and 5 P.M.

Offsite improvements include new vehicle and pedestrian access, new 10-foot sidewalk and four-foot landscape strip with three new street trees along Stevens Creek Boulevard. Onsite improvements include new landscape, bicycle parking, features consistent with the Americans with Disabilities Act (ADA), stormwater treatment and trash enclosure. The applicant provided the project description in Attachment 5.

General Plan and Zoning Consistency

The subject property has a General Plan designation of Regional Commercial. This designation supports restaurant uses that serve Santa Clara residents, visitors, and the surrounding employment area. The proposal would create a new restaurant along the Stevens Creek Boulevard and add to the mixed of commercial uses along this major corridor. The proposed project provides a new street-front building, on-site and off-site improvements that further the vision of General Plan's goals and policies for this corridor. The project is on balance consistent with General Plan Policies as described in the following:

General Land Use Policies:

- 5.3.1-P2: Encourage advance notification and neighborhood meetings to provide an opportunity for early community review of new development proposals.

In that the applicant conducted public outreach through mailings and public meetings to involve neighboring property owners in the design of the project.

- 5.3.1-P10: Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on or off site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
- *In that the project proposes to increase the landscaping and trees on the site, including street trees to help increase the urban forest and minimize the heat island effect.*
- 5.3.1-P12: Encourage convenient pedestrian connections within new and existing developments.

In that the project proposes new public sidewalk and an on-site pathway to encourage convenient pedestrian connections within the new and existing development.

- 5.3.1-P19: Maximize opportunities for the use and development of publicly owned land to achieve the City's economic development objectives and to provide public services and amenities.

In that the project provides a separated sidewalk and improves the pedestrian crossing for ADA accessibility, thus maximizing the opportunities for the use and development of publicly-owned land to achieve the City's economic development objectives and provide public services and amenities.

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

In that the proposed design is compatible with the scale and style of commercial establishments along Stevens Creek Boulevard.

General Commercial Land Use Goals and Policies:

- 5.3.3-G4: New commercial uses that respect surrounding neighborhoods and are sited to reduce potential land use conflicts.

and

- 5.4.1-P6: Encourage lower profile development, in areas designated for Community Mixed Use in order to minimize land use conflicts with existing neighborhoods.

In that the project proposal was designed to reduce potential land use conflicts with the relocation of the trash enclosure, orientating the ordering menu speakers away from the residential uses, providing outdoor seating towards Stevens Creek Boulevard, and relocating the building away from the residences.

- 5.3.3-P1: Work with existing Santa Clara businesses to retain and expand employment opportunities and strengthen the existing tax base.

In that the proposed restaurant would provide a mix of commercial and retail uses to meet the needs of local customers and draw patrons from the greater region.

- 5.3.3-P13: Prohibit development on Heavy Industrial designated properties from exceeding the intensity or including uses beyond those defined in the land use classification.

In that the project provides an outdoor dining area that is accessible from the public sidewalk on Stevens Creek Boulevard.

Noise

As a response to the community feedback on noise, the applicant voluntarily hired Eilar Associates, Inc., an acoustical consultant, to prepare an assessment (Attachment 6) of permanent project-generated noise impacts to determine if the project design features are necessary and feasible to reduce project-related noise impacts to comply with applicable noise limits. The City requires that noise levels from project-generated sources, such as drive-through intercom equipment, rooftop HVAC equipment, and truck deliveries must be adequately controlled at surrounding receivers. According to Santa Clara City Code Section 9.10.040, during the most restrictive nighttime hours of

10 p.m. to 7 a.m., noise levels from on-site noise sources should not exceed 50 dBA at single-family residential properties and 60 dBA at commercial properties.

The report concluded that, as currently designed with the existing property line walls and fences in place, exterior noise levels from the proposed intercoms, rooftop equipment, and truck deliveries are expected to meet the applicable noise limits defined by the City at all surrounding receivers. Additionally, project-generated traffic noise is also expected to be less than significant. Therefore, no mitigation is necessary to reduce project-generated noise impacts.

Transportation & Parking

The proposal would remove all existing driveways and proposes a new entry-only (right-in) driveway on Stevens Creek Boulevard and a full access driveway on Harold Avenue. The drive-through is accessible from a single-car driveway access on Harold Avenue and upon entry onto the property splits into two ordering lanes. This access arrangement is dictated primarily due to safety concerns of having vehicles exiting onto Stevens Creek Boulevard.

The surface parking lot on site will provide 16 standard vehicle parking spaces and three accessible parking spaces for a total of 19 onsite spaces. This exceeds the City minimum parking requirement of 12 spaces at a ratio of 1:200 square feet of retail use.

Vehicle Miles Traveled

Vehicle Miles Traveled (VMT) measures the amount and distance a proposed development project might cause people to drive. The City's Vehicle Miles Traveled Transportation Analysis Policy requires all projects to evaluate and disclose transportation environmental impacts by measuring VMT per the California Environmental Quality Act (CEQA). Level of Service (LOS) is also evaluated as an operational measure of intersection efficiency, which is not defined as a transportation environmental impact per CEQA. The VMT policy establishes certain projects that are presumed to have a less than significant impact per the State's guidance and will not require a VMT analysis. Since this is a retail project of only 2,300 square feet, it falls under the "Local Serving Retail" category. According to the City of Santa Clara's SB 743 (2013) VMT guidelines, local serving retail (retail uses under 50,000 square feet) do not require a VMT analysis.

As a response to the community feedback regarding potential traffic impacts, the applicant voluntarily conducted a transportation study (Attachment 5) prepared by TJKM. The study assessed trip generation, LOS, and queuing. In terms of traffic operation, the study finds that the proposed project is expected to account for a minimal increase (fewer than 100 net new daily trips) in trips generated by the site during a typical weekday and during the morning (a.m.) and afternoon (p.m.) commuter peak hours, relative to the existing retail building by-right. The study also finds that the project is not expected to substantially increase LOS or 95th-percentile vehicular queues to conditions above jurisdictional thresholds (all LOS levels remain the same as "no project conditions" and queues (which occur 1/20th of the time during the peak hours) increase by at most 143 feet and by-average of all lane groups by only nine feet) and is not expected to create any new major deficiencies with respect to all primary modes of transportation.

Traffic Calming

In addition, the transportation report also addressed the community's feedback on cut-through traffic, speeding, need for stop sign at Forest Avenue and Harold Avenue, and conditions regarding nearby preschool. For these concerns, TJKM recommends that the applicant coordinate with City's

Department of Public Works to install traffic calming devices along Harold Avenue to reduce cut-through traffic and speeding. As part of this effort, the applicant is making a voluntary contribution towards traffic calming measures on Harold Avenue. Specific measures for Harold Avenue have not been determined yet. The City will design and implement traffic calming measures through the City's Neighborhood Traffic Calming Program.

Conclusion

The proposal is, on balance, consistent with General Plan policies and is consistent with zoning ordinance requirements, including on-site parking, landscape, site improvement, and development standards. The proposed use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working within the neighborhood near the proposed use, in that a drive-through restaurant is similar to auto-oriented commercial uses that currently exist along Stevens Creek Boulevard. The design of the drive-through will create an active pedestrian frontage with new sidewalk, landscape, outdoor seating, and pedestrian access. Finally, the proposed use would provide convenience to restaurant guests, meeting the needs of local customers and draws patrons from the local area.

ENVIRONMENTAL REVIEW

The action being considered is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3 New Construction or Conversion of Small Structures, in that the proposed use consists of construction of a new 2,300 square feet structure.

FISCAL IMPACT

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

COORDINATION

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

PUBLIC CONTACT

On November, 13 2023 and April, 2 2024, the applicant held virtual community meetings for public feedback. Meeting material and recorded video are available on the City's project website <<https://www.santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/497/2495?npage=3>> (Link). There were over 40 participants at each of the virtual meetings. The following are the common concerns raised at the meetings:

- Opposition to drive-through component, including the two drive-through lanes.
- Noise and air quality impacts.
- Vehicle accidents proximity to the project site.
- Cut-through traffic by-passing San Tomas Parkway via Harold Avenue;
- Speeding along Harold Avenue;
- The need for a stop sign at the intersection of Forest Avenue & Harold Avenue; and
- Conditions considering the Nishiyamato Academy Preschool.

The applicant made minor changes to single-lane drive-through access from Harold, but the site layout remains the same. The applicant prepared two noise and traffic studies to assess noise impacts, traffic trips, intersection delays, and queuing impacts. Findings were noted above, and the

studies are attached to this report.

On October 25, 2024, a notice of public hearing on this item was mailed to property owners within 500 feet of the project site. At the time of this staff report, Planning staff has not received public comments in support or opposition to the proposed project.

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

RECOMMENDATION

1. Determine that the project is categorically exempt from formal environmental review per Section 15303(c), New Construction or Conversion of Small Structures; and
2. Adopt a Resolution approving the Conditional Use Permit to allow a new drive-through restaurant at 3575 Stevens Creek Boulevard, subject to findings and conditions.

Prepared by: Steve Le, Senior Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Reviewed by Sheldon S. Ah Sing, Development Review Officer

Approved by Lesley Xavier, Planning Manager

ATTACHMENTS

1. Resolution to Approve the Conditional Use Permit
2. Conditions of Approval
3. Vicinity Map
4. Project Data & Compliance Table
5. Project Description
6. Traffic Assessment
7. Noise Report
8. Public Correspondence
9. Development Plans

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE
PERMIT TO DEVELOP A NEW DRIVE-THROUGH
RESTAURANT LOCATED AT 3575 STEVENS CREEK
BOULEVARD, SANTA CLARA, CALIFORNIA**

PLN22-00428 (Use Permit)

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

WHEREAS, on October 5, 2022, Frank Coda (“Applicant”) submitted an application, on behalf of PFLP, LLC (“Property Owner”), for a Use Permit to demolish an existing two-story commercial building and construct a new 2,200 square feet drive-through restaurant with outdoor seating and surface parking lot. (“Project”) on the property located at 3575 Stevens Creek Boulevard (“Project Site”);

WHEREAS, the Project Site is currently zoned C-R – Commercial Regional and has the General Plan land use designation of Regional Commercial;

WHEREAS, the Project is Categorically Exempt from formal environmental review per Section 15303(c) (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, which exempts restaurants not utilizing hazardous substances that do not exceed 2500 square feet in floor area, and the proposed restaurant would be 2200 square feet and not utilize hazardous materials;

WHEREAS, on October 24, 2024 the notice of public hearing for the November 6, 2024 Planning Commission meeting for this item was mailed to property owners within a 500-foot radius of the project boundaries;

WHEREAS, on October 24, 2024, the notice of public hearing for the November 6, 2024 Planning Commission meeting for this item was posted at City Hall, the Central Park Library, the Mission Branch Library, and the Northside Branch Library; and

WHEREAS, on November 6, 2024, the Planning Commission conducted a duly noticed public hearing to consider the Project and all pertinent information in the record during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby approves the Use Permit to demolish an existing two-story commercial building and construct a new 2,200 square feet drive-through restaurant with outdoor seating and surface parking lot located at 3575 Stevens Creek Boulevard, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

3. That the Planning Commission hereby finds as follows:

A. The establishment or operation of the use of building applied for, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare, in that the proposed use would provide convenience to restaurant guests, further enhance a quality commercial use, meet the needs of local customers, and draw patrons from the local area.

B. Said use will not be detrimental to any of the following:

1. The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the drive-through is designed with a single-car driveway entrance for the drive-through to minimize impacts to the pedestrian path along Harold Avenue; the project will construct a new eight feet wall abutting residential property to reduce potential noise impacts; the outdoor seating fronts Stevens Creek to reduce outdoor noise; the hours of operation for the drive-through restaurant are limited to 5:00 A.M. to 10:00 P.M. daily; and the project site provides sufficient parking to service the proposed use.

2. Property or improvements in the neighborhood of such property use, in that the project proposes on- and off-site improvements including landscape and ADA accessibilities.

3. The general welfare of the City, in that the proposed project will provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from local area.

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed in a manner to be consistent with adjacent commercial use with adequate parking and properly designed ingress and egress points. The design of the wall and ordering menu is sensitive to the residential neighbor to the northeast of the project site.

D. That said use is keeping with the purposes and intent of the Zoning Code, in that the drive-through facility may be conditionally permitted when such use would not be objectionable or detrimental to the adjacent properties and consistent with the General Plan land use of Regional Commercial.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6th DAY OF NOVEMBER, 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY DEVELOPMENT
DEPARMTENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval

**Conditions of Approval
Starbucks Drive-through
3575 Stevens Creek Boulevard
PLN22-00428**

CONDITIONS OF APPROVAL

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

GENERAL

- A. **Permit Expiration.** This Permit shall automatically be revoked and terminated if not used within two years of original grant or within the period of any authorized extension thereof. The date of granting this Permit is the date this Permit is approved by the Decision-making body and the appeal period has been exhausted. The permit expiration shall be two years from the Permit approval date.
- B. **Conformance with Plans.** Prior to the issuance of Building Permit, the development of the site and all associate improvements shall conform to the approved plans on file with the Community Development Department, Planning Division. No change to the plans will be made without prior review by the Planning Division through approval of a Minor Amendment or through an Architectural Review, at the discretion of the Director of Community Development or designee. Each change shall be identified and justified in writing.
- C. **Conditions on Plans.** All conditions of approval for this Permit shall be reprinted and included within the first three sheets of the building permit plan sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- D. **Necessary Relocation of Public Facility.** If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- E. **Indemnify and Hold Harmless.** The owner or designee agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorney's fees, injuries, costs, and liabilities from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of owner or designee's project.
- F. **Code Compliance.** The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis; proposed use and occupancy of all spaces (CBC Ch. 3), all building heights and areas (CBC Ch. 5), all proposed types of construction (CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (CBC Ch. 7), all proposed interior finishes fire resistance (CBC Ch. 8), all fire protection systems proposed (CBC Ch. 9), and all means of egress proposed (CBC Ch. 10). Noncombustable exterior wall, floor, and roof finishes are strongly encouraged.
 - a. During construction retaining a single company to install all fire related penetrations is highly recommended.
 - b. The grade level lobbies shall be minimum 1-hour rated all sides and above.
 - c. All stair shafts shall be minimum 1-hour rated.
 - d. All elevator shafts shall be minimum 1-hour rated.
 - e. All trash chute shafts shall be minimum 1-hour rated.
 - f. Recommendation: provide minimum two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
 - g. Any trash rooms shall be minimum 1-hour rated all sides and above.
- G. **Building Codes as Amended.** See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.
- H. **Reach Codes.** This project is subject to the provisions of the City of Santa Clara 2022 Reach Code, effective January 2022. See Ordinance No. 2034 and/or Title 15 of the Santa Clara City Code.

- a. Chapter 15.38 – Green Building Code for additional Electric Vehicle Charging requirements for new construction.

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

COMMUNITY DEVELOPMENT – PLANNING DIVISION

DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- P1. **Roof Mounted Mechanical Equipment.** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be five feet or greater to match the height of any proposed equipment.
- P2. **Tree Replacement (on-site).** Trees permitted by the City for removal shall be replaced on-site in accordance with SCC 12.35.090.
- P3. **Construction Management Plan.** The owner or designee shall submit a construction management plan addressing impacts to the public during construction activities including: showing work hours, noticing of affected businesses, construction signage, noise control, storm water pollution prevention, job trailer location, contractor parking, parking enforcement, truck hauling routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. The plan shall be submitted to the Director of Community Development or designee for approval prior to issuance of demolition and building permits.
- P4. Developer shall provide and maintain 12 outdoor seats adjacent to the proposed restaurant.
- P5. A minimum eight-foot-high solid decorative wall shall be constructed on each property line that adjoins a residentially zoned or used parcel. The design, location and the proposed construction materials shall be subject to the approval of the Development Review Officer at the Development Review Hearing.

DURING CONSTRUCTION -- PRIOR TO OCCUPANCY

- P6. **Construction Hours.** Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- P7. **Construction Trash/Debris.** During construction activities, the owner or designee is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P8. **Construction Parking.** Off street parking is required to be available from the time of issuance of building permits until the issuance of certificate of occupancy. ENTER NUMBER HERE parking spaces shall be made available. Off-street construction parking lots are required to be maintained mud-free and dustless. If the off-street construction parking lot is located on an unpaved surface, daily street sweeping of surrounding streets is required. (SCC 18.38.030)
- P9. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.

OPERATIONAL CONDITIONS

- P10. **Landscaping Installation & Maintenance.** The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.

- P11. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape of 2,500 square feet or more shall conform to the California Department of Water Efficient Landscape Ordinance.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- BD1. **Addressing.** Prior to overall construction permit application, submit to the Santa Clara Building Division, 2 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. Please note city staff policy that existing site addresses typically are retired. Provide digital pdf printed from design software, not scanned from printed paper sheet.
- a. Any building or structure that is demolished shall have its address retired and a new address/s shall be issued for the project.
- BD2. **Flood Zone.** The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: <https://msc.fema.gov/portal/home>. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code.
- a. FEMA Flood Zone map designations and requirements are based on the map in effect at date of Building Permit issuance.
- BD3. **Water Pollution Control.** The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program Low Impact Development (LID) practices http://www.scvurppp-w2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurppp-w2k.com/construction_bmp.shtml, and shall provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division shall include a city of Santa Clara "C3" data form, available on this web page:
- <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/stormwater-pollution-prevention> and will be routed to a contract consultant for review.
- BD4. **Submittal Requirements.** The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

- BD5. **Temporary Certificates of Occupancy.** Temporary Certificates of Occupancy (TCO) will not be routinely issued and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power,

and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO.'s.

COMMUNITY DEVELOPMENT - HOUSING DIVISION **DURING CONSTRUCTION – PRIOR TO OCCUPANCY**

H1. **Impact Fee.** In accordance with the Santa Clara City Code chapter 17.40, this project is subject to the requirements of the Affordable Housing Ordinance which may be met through payment of an impact fee of \$7.71 per square foot. The fee is determined by the net square footage of the existing building to be demolished minus the square footage of the proposed new construction building multiply by the \$7.71 per square foot. The net new square footage of the proposed project is less than that of the demolished building, no impact fee will be assessed. However, if the net new square footage exceeds than 5,000 square feet, a fee of \$7.71 per square foot will apply.

FIRE DEPARTMENT

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE

- F1. **Hazmat Clearance.** Prior to any Building Permit issuance, Hazardous Materials Closure (HMCP) is required as applicable: This is a permit is issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer's due diligence. The hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.
- F1. **Hazmat Clearance.** Prior to any Building Permit Issuance, a Phase II environmental assessment is required to be submitted to CRRD for review. If hazards are present that require site mitigation, cleanup, or management of chemical contaminants in soil, soil vapor, or groundwater a separate permit from one of the regulatory agencies below will be required. The type and extent of contamination on site(s) will govern which of the regulatory agencies noted below can supervise the cleanup: Department of Toxic Substances Control (DTSC); State Water Resources Control Board; or Santa Clara County, Department of Environmental Health.

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

For smaller projects that are not moving soil at all, a Phase I environmental assessment may be adequate. Please contact Assistant Fire Marshal Fred Chun at fchun@santaclaraca.gov for more information.

- F2. **Fire Flow Requirement.** Prior to Building Permit Issuance, provide documentation from the City of Santa Clara Water & Sewer Department that the minimum required fire-flow can be met. Fire Department fire-flow will be based on the current California Fire Code. The most restrictive departments requirement shall apply.
- F3. **Fire Hydrants.** Prior to Building Permit Issuance, building plans shall show the required number, location and distribution of fire hydrants for the buildings will be based on the current California Fire Code, Appendix C as amended. The required number of fire hydrants will be based on the fire-flow before the reduction for fire sprinklers. Both public and private fire hydrants may be required.

- F4. **Fire Department Access.** Prior to the issuance of the Building Permit, approval for fire department apparatus access roads is required. Roadways must be provided to comply with all the following requirements:
- Fire apparatus access roadways shall be provided so that the exterior walls of the first story of the buildings are located not more than 150 feet from fire apparatus access as measured by an approved route around the exterior of each building. In addition, aerial apparatus roadways must be located so aerial apparatus will have clear access to the “entire” face/sides of the building. The minimum number of sides is project-specific and depends on the building configuration, building design, occupancy, and construction type, etc. As part of Building Permit Issuance, an alternative materials, design, and methods of construction and equipment permit application will need to be submitted for review and approval incorporating applicable mitigation measures as determined by the fire department for the lack of compliance. Please note acceptable mitigation methods may have been discussed during the planning stage. Those mitigations are not guaranteed until a formal alternate means permit is submitted concurrently with the Building Plans. Conversely, an acceptable mitigation method may not have been discussed and will be evaluated under an alternate means permit at the building permit stage.
- F5. **Emergency Responder Radio Coverage System.** Prior to Building Permit Issuance, provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard.
- F6. **Alternative Means and Methods.** Prior to any Building Permit issuance, an alternate means or methods permits to mitigate any code deficiency must be submitted and approved. Please submit this permit concurrently with the building plans. Please note specific mitigations may have been discussed during the planning process. None of these discussions are binding and can only be formally approved through submitting an AMMR permit. The AMMR permit is formally documenting that and still needs to be submitted.
- F7. **Hazmat Information.** Prior to Building Permit Issuance, a Hazardous Materials Inventory Statement including refrigerants is required to be submitted and reviewed with the Building Permit if applicable.
- F8. **Fire Safety During Construction.** Prior to Building Permit Issuance, a permit for Construction Safety & Demolition shall be submitted to the fire department for review and approval in compliance with our Construction Safety & Demolition standard.

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

- F9. **Shared Fire Protection Features that Cross Property Lines.** Prior to Building Permit Final, any EVAEs or fire protection equipment (including but not limited to fire service undergrounds, sprinkler piping, fire alarm equipment, fire pumps, ERRCS) that cross property lines or is not located on the parcel of the building it serves shall have a CC&R legally recorded detailing who is responsible for maintenance and repair of the EVAE or fire protection equipment.
- F10. **Fire Protection Systems Before Occupancy.** Prior to any Certificate of Occupancy Issuance (temporary or permanent), fire-life safety systems installations must be fully installed, functional, and approved.

POLICE DEPARTMENT

DESIGN / PERFORMANCE – PRIOR TO BUILDING PERMIT ISSUANCE

- PD1. The developer shall provide a minimum average illumination of one-foot candle in parking areas, and in all common pedestrian and landscaped areas of the development, subject to adjustments by the Police chief in consultation with Silicon Valley Power and planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant (special attention should be paid to the far north-east corner of the parking lot where it is semi secluded. I suggest an additional light in that corner to deter criminal activity and transient encampments).
- PD2. Address number of the building shall be clearly visible from the street and shall be a minimum of twelve (12) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during hours of darkness. Individual address or suite numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material and visible from the front and rear of the businesses. Address numbers should be clearly visible from both vehicle access points.
- PD3. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Landscaping should be of a type and design that deters pedestrian shortcuts from the sidewalk across the drive-thru area. Similarly, landscape along the back fence lines should be of the type and design that they discourage transient encampments and/or loitering.
- PD4. All business or commercial establishments, of whatever nature, should have a comprehensive internal security plan, tailored to the specific use. This should include, but not limited to, employee security during working hours, after hours security, disaster preparation, etc. For retail uses, especially where there is cash on hand, robbery and cash security protocols should be established. Applicants are encouraged to contact the Santa Clara Police Crime Prevention Unit for assistance.
- PD5. All entrances to the parking lot should be posted with appropriate signage to discourage trespassing; unauthorized parking, etc. (see CA Vehicle Code section 22658(a) for guidance.
- PD6. If there is outdoor seating associated with a restaurant or similar business which is near vehicle parking stalls, the outdoor space will be designed to ensure the safety of the public from possible vehicular related incidents.
- PD7. The property line should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime.

PUBLIC WORKS DEPARTMENT - ENGINEERING

DESIGN—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. **Site Clearance.** Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.
- E2. **Easement.** Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction.

DURING CONSTRUCTION

- E3. **Encroachment Permit.** All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be submitted within a Single Encroachment Permit to be reviewed and issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E4. **Encroachment Permit.** Submit public improvement/encroachment permit plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements directly to the Public Works Department. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.

- E5. **Encroachment Permit.** All work within City of San Jose boundaries shall require a City of San Jose encroachment permit.
- E6. **Encroachment Permit.** Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E7. **Encroachment Permit.** Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E8. **Encroachment Permit.** Owner or designee shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E9. **Encroachment Permit.** Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the City Engineer.
- E10. **Encroachment Permit.** Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E11. **Encroachment Permit.** The driveway at Steven Creek Boulevard shall grade towards the street.
- E12. **Encroachment Permit.** Existing streetlights shall be clear of proposed sidewalk, developer shall relocate as necessary.
- E13. **Encroachment Permit.** Stevens Creek Boulevard along the project frontage has been paved (rubberized hot mix asphalt) by the City of San Jose. No pavement cuts are permitted per the City pavement moratorium (Ordinance No. 1998) until after December 31, 2028. Refer to <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/maintenance-operations/street-maintenance/pavement-preservation-ordinance> for more information.
- E14. **Encroachment Permit.** Harold Avenue has been paved (slurry seal). No pavement cuts are permitted per the City pavement moratorium (Ordinance No. 1998) until after December 31, 2025. Refer to <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/maintenance-operations/street-maintenance/pavement-preservation-ordinance> for more information.
- E15. **Easement.** Dedicate required on-site easements for any new public utilities, and/or emergency vehicle access by means of subdivision map or approved instrument at time of development.
- E16. **Easement.** Dedicate sidewalk easements along the project frontage where public sidewalks extend into private property. Sidewalk easements are to be 1' behind proposed back of walk where there is landscaping behind sidewalk. Sidewalk easement where hardscape is behind sidewalk is to be at back-of-walk. Cold joint is required between public sidewalk and private hardscape.
- E17. **Agreement.** If requested, owner or designee shall prepare and submit for City approval a maintenance plan for all sidewalk, curb and gutter, C.3 elements, landscaping and irrigation system improvements installed within the public right-of-way prior to encroachment permit issuance. Such plan shall include at a minimum, maintenance requirements for trees and shrubs, in acknowledgement of developer's/property owner's obligation under Chapter 12.30 and 17.15.

PUBLIC WORKS DEPARTMENT - STORMWATER

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE

- ST1. **Final Stormwater Management Plan.** Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, the Special Project Narratives and Worksheet (as appropriate), and an Erosion and Sediment Control Plan.
- ST2. **3rd Party Review of Final Stormwater Management Plan.** The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter (on design) shall be submitted

with the Plan. All items called out on 3rd party review of preliminary design dated October 3, 2024 must be addressed in 3rd party review of the final stormwater management plan.

- ST3. **Notice of Intent.** For project that disturbs a land area of one acre or more, the applicant shall provide a copy of the Notice of Intent (NOI) with WDID number for coverage under the State Construction General Permit. Active projects with NOI will be inspected by the City once per month during the wet season (October – April).
- ST4. **Best Management Practices.** The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans. Include the SCVURPPP Countywide Construction BMPs Plan Sheet with the plans. Applicant to add Source control measures with designations from C.3 stormwater handbook, Appendix H.
- ST5. **C.3 Treatment Facilities Construction Notes.** Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST6. **Decorative & Recreational Water Features.** Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST7. **Small Projects.** For single-family homes and other small projects that create and/or replace 2,500 – 10,000 square feet of impervious surface area, the applicant shall implement at least one of the following site design measures:
- a. Direction of roof runoff into cisterns or rain barrels
 - b. Direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas
 - c. Construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces

Plans shall specify which site design measures are selected for the project and show the direction of flow from impervious surfaces to the selected site design measures. All measures shall meet the design criteria in the 2016 C.3. Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects.

- ST8. **Interior Floor Drains.** Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST9. **Trash Enclosure Floor Drains.** Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. **Architectural Copper.** The use of architectural copper is prohibited.

DURING CONSTRUCTION OR OPERATION

- ST11. **Biotreatment Soil Media.** Applicant shall install biotreatment soil media that meets the minimum specifications as set forth in the SCVURPPP C.3 Stormwater Handbook. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix (the date of such document shall not be older than 3 months).
- ST12. **Stormwater Control Measure Inspection.** At critical construction phases, all stormwater control measures shall be inspected for conformance to approved plans by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants.
- ST13. **Inspections.** Permeable Pavement, Media Filter vaults, and Trash Full Capture Devices shall be inspected by a 3rd party reviewer and/or manufacturer representative for conformance with the details and specifications of the approved plans. All new pervious concrete and porous asphalt pavements should have a minimum surface infiltration rate of 100 in./hr. as described in the SCVURPPP C.3 Handbook. A map displaying the number, location and details of full trash capture devices shall be prepared as an attachment to the Operations and Maintenance (O&M) Agreement with the City.
- ST14. **Stormwater Treatment Facilities.** Stormwater treatment facilities must be designed, installed, and maintained to achieve the site design measures throughout their life in accordance to the SCVURPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C).
- ST15. **Amendments to Operation & Maintenance Agreement.** Any site design measures used to reduce the size of stormwater treatment measures shall not be installed for the project without the written approval from the City, installing the corresponding resizing of other stormwater treatment measures and an amendment of the property's O&M Agreement.

- ST16. **Stormwater Pollution Prevention Messaging.** Developer shall install an appropriate stormwater pollution prevention message such as “No Dumping – Flows to Bay” on any storm drains located on private property.
- ST17. **Outdoor Storage Areas.** All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.

PRIOR TO FINAL OF BUILDING PERMIT

- ST18. **As-Built Drawings.** As-Built drawing shall be submitted to the Public Works Department.
- ST19. **3rd Party Concurrence Letter.** 3rd Party concurrence letter on the C.3 facilities construction shall be submitted to the Public Works Department. The letter shall be prepared by a 3rd party consultant from the SCVURPPP List of Qualified Consultants. The City reserves the right to review the 3rd party inspection report on the C.3 stormwater facility installation.
- ST20. **Final C.3 Inspection.** Applicant shall schedule and City shall conduct a final C.3 inspection.
- ST21. **Operation & Maintenance Agreement.** The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures and full trash capture devices in perpetuity. Applicants should contact Public Works Dept. - Environmental Services at (408) 615-3080 or Street@SantaClaraCA.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>. Inspection of permeable pavement, media filter vaults and full trash capture devices is to be done annually by December 31 of each year.

PUBLIC WORKS DEPARTMENT - TRANSPORTATION

DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE DURING CONSTRUCTION

- TR1. **Encroachment Permit.** Traffic improvements must comply with the City of Santa Clara Standard Specifications for Public Works Construction.
- TR2. **Encroachment Permit.** Landscape improvements within 10 feet of a driveway must be less than 3 feet or greater than 10 feet per City Standard Detail TR-9.
- TR3. **Encroachment Permit.** All on-site structures must be clear of Driveway and Corner Visibility Clearance Areas per City Standard Detail TR-9.
- TR4. **Encroachment Permit.** Design and construct driveway in accordance with City Standard Detail ST-8.
- TR5. **Building Permit.** Bicycle parking shall be 1 Class I space and 3 Class II spaces per 2022 VTA Bicycle Technical Guidelines.
- TR6. **Building Permit.** Class I and Class II bicycle parking, as defined in SCMC 18.74.075, shall be conveniently accessible from the street, within 200 feet of a building entrance and/or highly visible areas.

STREETS DIVISION

Right of Way Landscape

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- L1. **Tree Preservations Specifications.** Include [City of Santa Clara Tree Preservation/City Arborist specifications](#) on all improvement plans.
- L2. **Mature Trees.** Identify existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- L3. **Tree Replacement.** 2:1 tree replacement ratio required for all trees removed from the right-of-way.

DURING CONSTRUCTION OR OPERATION

- L4. **No Public Root Cutting.** No cutting of any part of **public**, including roots, shall be done without securing prior approval of the City Arborist. Tree trimming/removal shall be done in accordance to the City of Santa Clara Tree Preservation/City Arborist specifications and with direct supervision of a certified arborist (Certification of International Society of Arboriculture).

PRIOR TO FINAL OF BUILDING PERMIT

- L5. **In Lieu Fee.** If 2:1 replacement ratio cannot be met for removal of right of way landscape trees, tree planting fee must be paid prior to building permit final.

Solid Waste

DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT

- SW1. **Post-Construction Solid Waste Generation Estimation and Collection Form.** The applicant shall complete and provide the Post-Construction Solid Waste Generation Estimation and Collection Form, which includes the estimation of trash and recycling materials generated from the project. Use the City's Solid Waste Guidelines for New and Redevelopment Projects as specified by the development type. Contact the Public Works Department at Environment@SantaClaraCA.gov or (408) 615-3080 for more information.
- SW2. **Site Plan.** The applicant shall provide a site plan showing all proposed locations of solid waste containers, chutes, compactors, trash enclosures and trash staging areas. The site plan shall show the route or access for trash and recycling collectors (trucks) including vertical clearance, turning radius and street/alley widths. All plans shall comply with the City's Solid Waste Guidelines. Solid metal roof, gates and a trench drain shall be installed within the trash enclosure and connected to the on-site sewer system.
- SW3. **Construction Waste Diversion.** For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.
- SW4. **Authorized Service Haulers.** This project is subject to the City's Accumulation, Transportation and Disposal of Solid Waste Ordinance (Chapter 8.25 of the Municipal Codes), which requires the handling and disposal of waste by authorized service haulers. Insert the General Notes for the Construction & Demolition (C&D) Waste Management into construction plans in accordance with the City's municipal codes prior to the issuance of a Building or Grading permit. Provide the Green Halo waste online tracking number to Building staff prior to the issuance of a demolition or building permit.
- SW5. **Exclusive Franchise Hauling Area.** Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant is required to use the City's exclusive franchise hauler and rate structure for any hired debris boxes. Prior to the issuance of a Public Works clearance, the project applicant shall complete and sign the Construction and Demolition (C&D) / Waste Management Rules and Regulations Form.

DURING CONSTRUCTION OR OPERATION

- SW6. **Waste Generation Tracking.** Applicant to track all waste generated and upload debris tags to GreenHalo for City staff review.

PRIOR TO FINAL OF BUILDING PERMIT

- SW7. **Weight Tickets.** Prior to obtaining a Temporary or Final Certificate of Occupancy, individual weight tickets for all materials generated for discard or reuse by the project during demolition and construction activities shall be uploaded to Green Halo and submitted for review and approval by Environmental Services. At a minimum two (2) weeks review time is required.

SILICON VALLEY POWER

GENERAL

- SVP1. **Applicant Design Process:** available to Applicants to expedite distribution electric substructure design.
- SVP2. **SVP Rules and Regulations:** Applicant shall comply with all applicable SVP rules, regulations, standards, guidelines, and requirements, as may be amended from time to time.
- SVP3. **SVP Equipment Clearances:**
- Access Doors:** Ten (10) foot minimum clearance in front of equipment access doors.
 - Pad Sides:** Five (5) foot minimum clearance from pad on sides without access doors.
 - Truck Access:** Eighteen (18) foot minimum width on one side of the equipment pad for truck access.
 - Barrier pipes:** (on sides accessible to vehicles)
 - Thirty (30) inches from equipment sides.
 - Forty-Eight (48) inches in front of access doors. (use removable bollards)
- SVP4. **SVP Conduit Clearances:**
- Longitudinal:** Five (5) foot minimum between new conduits/piping and existing/proposed SVP conduits.
 - Vertical:** Twelve (12) inch minimum between new conduit/pipes perpendicular to existing SVP conduits.
 - Poles/Posts:** Three (3) foot six (6) inches clearance required from poles (electroliner, guy stub, service clearance, self-supporting steel, and light poles), except for riser conduits. This is reduced to a three (3) foot minimum for posts (signposts, barrier pipes, bollards, fence posts, and other similar posts).
 - Structures:** Five (5) foot minimum is required from walls, footings, retaining walls, landscape planter, or similar permanent structures.
 - Subsurface Facilities:** Five (5) foot minimum from new splice boxes, pull boxes, manholes, vaults, or similar subsurface facilities.
 - Fire Hydrant:** Five (5) foot minimum from fire hydrant thrust block. (Extends 5 feet on either side of the hydrant in line with the radial water pipe connected to the hydrant).
- SVP5. **SVP Vault/Manhole Clearances:**
- Ten (10) foot minimum between adjacent Vaults or Manholes.
 - Three (3) foot minimum from face of curb. (bollards required for vaults).
- SVP6. **SVP Guy Anchor Clearances:** Five (5) foot minimum clearance is required between the center of anchor line and any excavation area.
- SVP7. **Tree Clearances:**
- Conduits:** Five (5) foot minimum to tree root barrier or other subsurface wall or structure.
 - Equipment:** Five (5) foot minimum to tree root barrier. The tree canopy drip line cannot be over the SVP equipment.
 - Subsurface Facilities:** Five (5) foot minimum to any electric department facilities. Any existing trees in conflict will have to be removed.
 - Easements:** No trees shall be planted in SVP's U.G.E.E or P.U.E's.
 - Transformer & Switch Placement:** these devices and pads may only be located outdoors. Clearances to buildings are defined in UG1225. All projects are to assume mineral oil fluid, unless otherwise approved by SVP.
- SVP8. **SVP Standards.** Applicant shall comply with the following SVP standards (as may be amended or supplemented).
- UG1000 - Installation of Underground Substructures by Developers

- b. UG1250 – Encroachment Permit Clearances from Electric Facilities
- c. UG0339 – Remote Switch Pad
- d. OH1230 – Tree Clearances from Overhead Electric Lines
- e. SD1235 – Tree Planting Requirements Near Underground Electric Facilities
- f. UG1225 – Pad mounted Equipment Clearances and Protection
- g. UG0250 – High Density Residential Metering Requirements
- h. FO-1901 – Fiber Optic Splicing and Testing Methods
- i. SVP Rules and Regulations – Latest Edition

SVP9. SVP Standards, Miscellaneous:

- a. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka “real dirt”) and cannot be supported on parking garage ceilings or placed on top of structures.
- b. No splice boxes are allowed between the SVP utility connection point and the applicants main switch board.
- c. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.

SVP10. Meter Locations:

- a. For condominium or apartment, all electric meters and service disconnects shall be grouped at one location, outside of the building or in a accessible utility room. If they are townhomes or single-family residences, then each unit shall have its own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- b. All interior meter rooms at ground level are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.

SVP11. Underground Service Entrance

- a. (277/480V Service or Lower) Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes to the SVP defined utility connection point.
- b. (12KV Service) SVP terminates cable on the applicant owned switchgear.
- c. No cross-parcel distribution is allowed. SVP service points must be within the parcels that they serve.

SVP12. Code Sections:

- a. The Applicant shall provide and install electric facilities per Santa Clara City Code chapter **17.15.210**.
- b. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter **17.15.050**.
- c. The applicant shall perform, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the Applicant will dedicate the improvement to the City subject to City’s acceptance the work. The applicant shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a applicant to the electrical supply

system of and by the City. After completion of the facilities installed by the Applicant, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system per Santa Clara City Code chapter **17.15.210 (2)**.

SVP13. Existing Facilities:

- a. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel in a separate document. It is the Applicants responsibility to maintain all clearances from equipment and easements. The Applicant may contact SVP outside of the PCC process for clear definitions of these clearance requirements. Applicant should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.
- b. Any relocation of existing electric facilities shall be at Applicants expense.

SVP14. Generators: Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be “Open-Transition-Mode”, unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.

DESIGN / PERFORMANCE – PRIOR TO ISSUANCE OF BUILDING PERMIT

SVP1. Initial Information: Applicant shall provide a site plan showing all existing utilities, structures, easements, and trees. The applicant shall also include a detailed panel schedule showing all current and proposed electric loads.

SVP2. SVP Developers Work Drawing: Applicant shall have a developers work drawing created for the site by either an SVP estimator or through the applicant design process. All SVP standards and clearance requirements as defined in the General Section of the COA's must be met, or variance approvals must be granted by SVP. The developers' work drawing shall include but is not limited to: SVP substructure for primary, low voltage, streetlight, and fiber facilities. SVP facilities may extend off-site to the nearest utility connection point to tie-in with existing infrastructure as deemed necessary by SVP.

SVP3. Encroachment Permit: Prior to issuance of Building Permits, the applicant shall submit an encroachment permit application with an **approved** SVP Developers Work Drawing for construction of electric utilities that comply with the latest edition of SVP Standards and Rules and Regulations, Electric Notes, and Electric Standard Details and Specifications.

SVP4. Applicants Switchgear: All applicant main switchgear with SVP meters must meet EUSERC standards and be approved by SVP's meter shop prior to ordering. Switchgear for 12KV gear must have batteries sized for 4 hours of operation, no capacitive tripping, and 2 sets of relays, CTs, & PTs for each main. All double ended switchgear with a tie breaker, must include a kirk-key interlock scheme and an SVP provided warning label for the operation of the main tiebreaker.

SVP5. AMI/Fiber Building Requirements: All projects implementing high rise metering and multi-floor infrastructure requirements shall meet the requirements outlined in UG 0250 & FO1901.

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

SVP6. Easements: Prior to the City's issuance of Building or Grading Permits, the applicant shall provide a dedicated underground electric utility easement (U.G.E.E) around the electric onsite facilities (Not a P.U.E). The electric utility easement shall be a minimum of 10 feet wide around conduit and 5' minimum around equipment and vault/manhole pads. Additionally, the applicant shall submit plans defining existing easements so Electric Division can verify if there are any conflicts with new proposed easements or improvements. The Applicant shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the Applicant and for the installation of utilities (Santa Clara City Code chapter 17.15.110).

- SVP7. **Coordination Study:** For any services taken at 12KV, a coordination study will need to be conducted by the applicant prior to energizing the service.
- SVP8. **Applicants Switchgear:** Applicants' switchgear will be inspected on site by SVP to ensure compliance with approved switchgear drawings. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- SVP9. **Electric Facilities:** Prior to the City's issuance of Occupancy, the applicant shall construct all electric utilities per the approved SVP Developers Work Drawing. SVP will inspect all electric utility installations and all other improvements encroaching on electric facilities.
- SVP10. **Municipal Fees:** Prior to electric service energization, all applicable fees per the City of Santa Clara's Municipal Fee Schedule shall be paid by the applicant.
- SVP11. **Costs & Expenses:** Unless expressly stated otherwise or covered by a fee to be paid by the applicant, applicant shall be responsible for all costs and expenses associated with fulfilling these conditions of approval.

OPERATIONAL CONDITIONS – AFTER OCCUPANCY

- SVP12. **Access:** SVP will require 24-hour unobstructed access to all SVP equipment which includes: manholes, transformers, vaults, switches, meters, indoor electrical rooms with SVP owned equipment etc.

WATER & SEWER DEPARTMENT

DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

- W1. **Recycled Water Ready.** All onsite plumbing for non-domestic water uses (e.g. irrigation) shall be designed for recycled water use and shall comply with all Recycled Water regulations.
- W2. **Encroachment Permit.** Prior to issuance of Building Permits, the applicant shall submit an encroachment permit application and design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition, prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.
- W3. **Utility Design Plans.** Utility Design Plans shall indicate the pipe material and the size of existing water, recycled water and sewer main(s). The plans shall show the nearest existing fire hydrant and the two nearest existing water main line gate valves near the project area. The plans shall show meter and backflow configurations to scale and per City of Santa Clara Water & Sewer Utilities Standard Details. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present; two feet behind face of curb if no sidewalk is present, per City Std Detail 18. The plans shall provide the profile section details for utilities crossing water, sewer, or recycled water mains to ensure a 12" minimum vertical clearance is maintained.
- W4. **Utility Separations.** Applicant shall adhere to and provide a note indicating that all horizontal and vertical clearances comply with State and local regulations. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas and electric utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities). No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer, potable water and/or recycled water utilities and easements.
- W5. **Separate Services.** Applicant shall submit plans showing proposed water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water and recycled water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on

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

- W6. **City Standard Meters and Backflows.** All proposed meters and backflows for all water services shall meet the current City of Santa Clara Water & Sewer Utilities Standard Details. Plans shall show meter and backflow configurations to scale.
- W7. **Existing Services.** The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project. The applicant shall bear the cost of any relocation or abandonment of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.
- W8. **On-Site Storm Drain Treatment.** Prior to issuance of Building Permit, the applicant shall submit plans showing any onsite storm water treatment system. The plan shall include a section detail of the treatment system. No water, sewer, or recycled water facilities shall be located within 5-feet of any storm water treatment system.
- W9. **Water Usage.** Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned, and new separate dedicated water services shall be provided for each use (domestic and irrigation).
- W10. **Landscaping.** All the landscaping for the project shall comply with the California Water Conservation in Landscaping Act, Government Code Section 65591 et. seq. All plants shall be either California native or non-invasive, low water-using or moderate water-using plants. High water-using plants and nonfunctional turf are prohibited.
- W11. **Water Features.** Prior to issuance of Building Permits, the applicant shall submit plan details for all water features (including but not limited to fountains and ponds) designed to include provisions for operating the system without City potable water supply and capable of being physically disconnected from source of potable water supply during City declared water conservation periods, to the satisfaction of the Director of the Water & Sewer Utilities. Decorative water features may be permanently connected to the City's recycled water supply.
- W12. **Easements.** Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.
- W13. **Underground Fire Permit.** Prior to issuance of Building Permits, applicant shall submit an underground fire permit unless otherwise waived by the Fire Department. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408)615-2000. A dedicated fire service line, with an approved backflow prevention device, shall be used for on-site fire hydrants. Fire service lines required for commercial and industrial use shall be sized appropriately per fire flow demand and code requirements.

DURING CONSTRUCTION

- W14. **City Standard Meters and Backflow Installation.** No meters or backflows shall be installed prior to establishment of water service account with the Municipal Services Division of the Finance Department. The applicant shall provide a copy of the account information to the Water and Sewer Utilities Department Inspector and Meter Shop prior to installation of any meter or backflow. All meters and backflows approved for installation shall be tested prior to use. Water service connections shall not be used prior to authorization by the Water and Sewer Utilities inspector.
- W15. **Construction Water.** This project shall use recycled water for all construction water needs for onsite and offsite construction.

W16. **Water Shortage Response Actions.** Pursuant to the City of Santa Clara's Urban Water Management Plan, during times of drought or water shortage, the City implements water shortage response actions in accordance with the level of water shortage declared. All construction activities and all new irrigation connections are subject to the Water Shortage Response Actions in effect at the time of construction and connection of the irrigation service.

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

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

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

PRIOR TO FINAL OF BUILDING PERMIT

W17. **Record Drawings.** Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities Department.

KEY:

G = General

P = Planning Division

BD = Building Division

H = Housing & Community Services Division

F = Fire Department

PR = Parks & Recreation Department

PD = Police Department

E = Engineering Division

Streets Division (Landscape, Solid Waste, and Stormwater)

L = Landscape

SW = Solid Waste

SVP = Silicon Valley Power

W = Water & Sewer Department

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature: _____

Printed Name: _____

Relationship to Property: _____

Date: _____

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

3575 Stevens Creek Boulevard Zoning Map



Legend

- Park
- Site Addresses**
 - Multiple
 - Place
 - Single
 - Transit
 - Utility
- Streets
- Air Parcels
- Land Parcels**
 - Land Parcels
 - Flood Control Easement
 - Right of Ways
 - Common Areas
- Zoning Codes**
 - <all other values>
 - Commercial Park
 - Single Family
 - Single Family - Larger Lot
 - Residential Duplex
 - Low-Density Multiple Dwelling
 - Moderate-Density Multiple Dwelling
 - Medium-Density Multiple Dwelling
 - High Density Residential
 - Historic Combining
 - Community Commercial
 - Downtown Commercial
 - Neighborhood Commercial
 - Commercial Park
 - Commercial Thoroughfare
 - Professional Office
 - General Office
 - Planned Industrial
 - Light Industrial
 - Medium Industrial
 - Heavy Industrial
 - Planned Development
 - Planned Development - Master Cor
 - Agricultural
 - Public or Quasi-Public
 - Unincorporated
 - Water
- City Operational Boundary
- Boundary

1: 2,000



Notes

PLN22-00428

0.1 0 0.03 0.1 Miles

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
© City of Santa Clara

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Attachment 2: Project Data/Compliance (Non-Residential)**Project Address: 3575 Stevens Creek Boulevard Project Number: PLN22-00428****Zoning: C-R – Commercial Regional**

Standard	Existing	Proposed	Requirement	Complies? (Y/N)
Lot Area (SF) (min):	(0.55 acre)	Same	1.0 acre for newly created parcel	Y
Building Square Footage (SF)				
Main Building:	7,266	2,300	--	--
Basement:	--	--	--	--
Total:	7,266	2,300	--	Y
Floor Area Ratio	0.29	0.09	1.0 max	Y
Building Coverage (%)				
Building Coverage (All):	15%	9.4%	--	--
Main Building Setbacks (FT)				
Front:	--	10	15 min	Y (pre-date current code)
Side (left):	--	15	10 min	Y
(right):	--			
Side Corner:	--	77	15 min	Y
Rear:	--	95	20 min	Y
Height (FT)				
Main building:	48	18	80 max	Y
Parking:				
Is the site AB 2097 eligible? N0				
Off-Street:	--	19	11	Y
Loading spaces:	0	0	0	Y
Landscaping				
Open Landscaped Area:	--	7,102 SF	--	--
Landscaped Buffer:	--	Setback areas	Setback areas	Y

Proposed Starbucks at Stevens Creek & Harold Project Description

The proposed project is located at 3575 Stevens Creek Blvd, Santa Clara, 95117 in the zoning district of CT – Thoroughfare Commercial. The site currently a closed $\pm 7,266$ square-foot multi-tenant building used for retail and office. This project proposes to demolish the existing structure to construct a new $\pm 2,300$ square-foot Starbucks Cafe with a drive-through facility. Associated site improvements include new driveways, trash enclosure, lighting, storm drainage, utility connections, landscaped areas, and a parking area with 19 spaces.

The design concept centers on creating a high-quality, functional space for a convenient, easily accessible Starbucks location that aligns with the brand's emphasis on quality coffee and service. The site access consists of a full access point (ingress and egress) on Harold Ave and an right-in only on Stevens Creek Boulevard. The drive-through entrance is directly from Harold Ave. Through strategic traffic management, the design aims to minimize traffic impacts while enhancing operational efficiency. The building is located on Stevens Creek and provides outdoor patio seating adjacent to the sidewalk of Stevens Creek. Landscaped buffers along Harold Avenue and Stevens Creek Boulevard provide visual framing and edge definition. The new building is proportioned to suit the site and harmonize aesthetically with neighboring structures. Its modern architecture, featuring decorative wall sconces and high-quality finishes, creates an inviting ambiance, while the building parapet screens all rooftop mechanical equipment from ground-level view.

Proposed operating hours for the store and drive-through are 4 A.M. to 10 P.M., seven days a week. Trash collection is planned 1–2 times per week, Monday to Friday between 7 A.M. and 5 P.M. The project is also anticipated to create 20 to 25 permanent jobs , with 4–6 employees per shift, supporting employment and providing compatible infill development.

As part of the project, Starbucks is proposing to provide funds for traffic calming measures for Harold Ave and the adjacent neighborhood. It has been observed by the Starbucks team that there is an issue with speeding cars from perhaps cut thru traffic. Traffic calming measures that have been discussed have been the installation of speed humps and signage. This would be done in conjunction with the City's engineering department.

In summary, the proposed Starbucks project aims to be a welcoming, accessible commercial destination that integrates well with the surrounding land uses and contributes positively to the community.



TECHNICAL MEMORANDUM

Date: July 12, 2024
To: Steve Chan
Steve Le
Ralph Garcia
CC: Frank Coda
From: Girish Basavaraj
Steven Matthew Dauterman, PE, TE, PTOE, RSP₁
***Subject:* Starbucks Stevens Creek – Traffic Study**

City of Santa Clara
City of Santa Clara
City of Santa Clara
Greenberg Farrow
TJKM
TJKM

This memorandum summarizes a traffic study for a proposed redevelopment of an existing ~7,266 square-foot (SF) commercial plaza to a ~2,300 SF drive-through Starbucks café/restaurant in the City of Santa Clara, California. The site is located immediately northeast of the intersection of Stevens Creek Boulevard and Harold Avenue. TJKM previously prepared a focused trip generation and vehicle miles traveled analysis in November of 2023. Although the project does not require a local transportation assessment (LTA), as discussed below, the project applicant volunteered to conduct a more detailed traffic operations study analyzing the project's level of service and queuing impacts on Harold Avenue and Stevens Creek Boulevard. The project vicinity is shown in **Figure 1**, and the site plan dated December 12, 2023, is shown in **Figure 2**. The site plan will be finalized in consultation with City staff.

Additionally, it should be noted that this study is a second iteration. Comments were received from City staff based on the March 2024 iteration of the study. Those comments were, as appropriate, incorporated herein. A comment-response matrix was prepared by TJKM to discuss changes to this study.

This memorandum includes:

- A summary of site access;
- A trip generation assessment;
- A vehicle miles traveled (VMT) assessment with respect to City policy;
- An intersection Level of Service (LOS) and queuing analysis for six existing intersections under existing conditions with and without the proposed project;
- A five-year review of historic safety trends;
- A traffic calming audit for Harold Street, including an all-way stop warrant assessment for the intersection of Harold Street and Forest Avenue;
- Assessments of potential circulation impacts on all primary modes of transportation (vehicular, pedestrian, bicycle, and transit); and
- Review of sight profiles at the intersection of Harold Avenue at Stevens Creek Boulevard.

Our findings indicate the following:

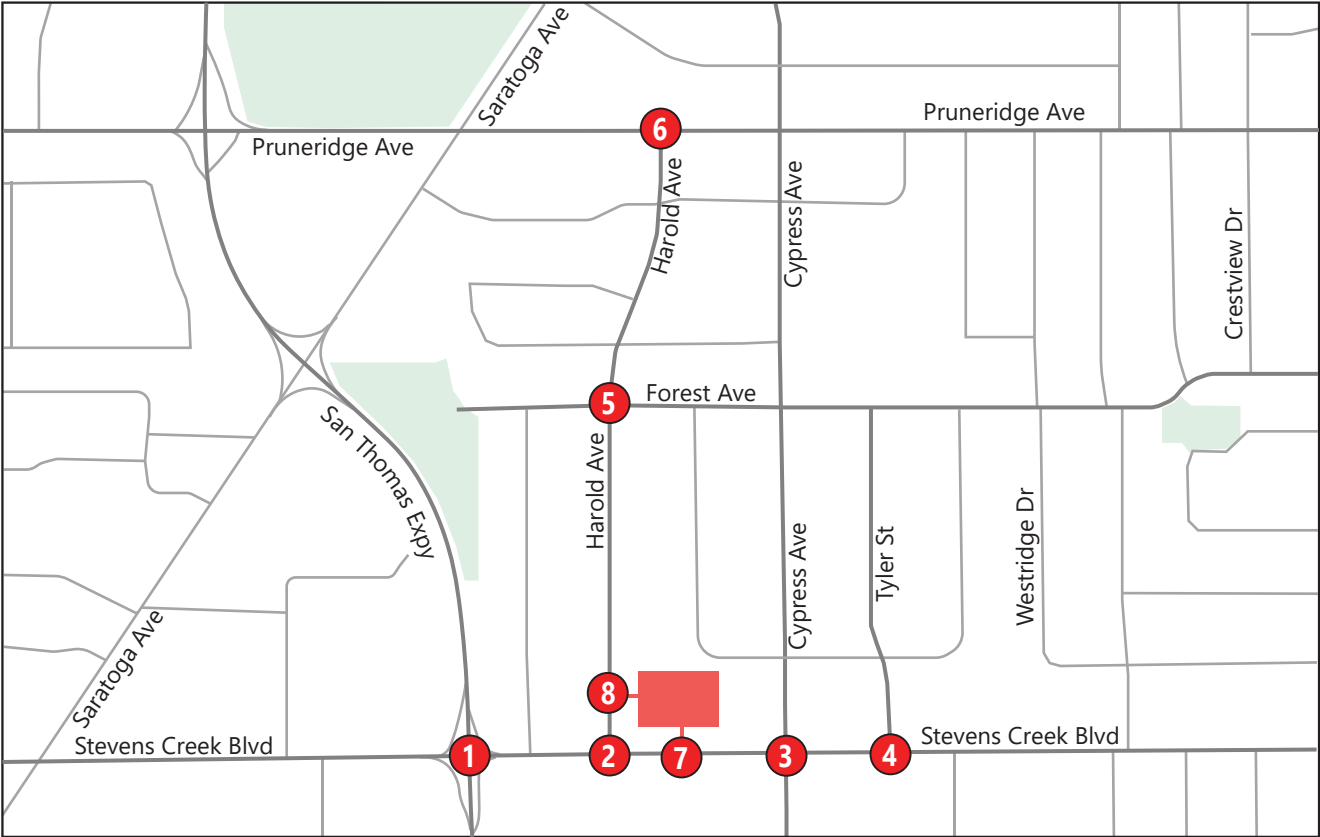
CALIFORNIA | FLORIDA | TEXAS

- Based on our findings, the proposed project's impacts would be considered **insignificant** in terms of VMT as it qualifies for a categorical exemption from the provision of the California Environmental Quality Act (CEQA) due to the development being locally serving commercial
 - Of note, as mentioned in the introduction of this report, to reiterate, this traffic study was conducted voluntarily and was intended to focus more on traffic operations as the site was already deemed exempt from a VMT assessment due to screening out; nonetheless at the request of the City, VMT components herein were expanded based on comments received.
- In terms of traffic operations, the proposed redevelopment is expected to account for a minimal increase in trips generated by the site during a typical weekday and during the morning (a.m.) and afternoon (p.m.) commuter peak hours, relative to the existing retail building by-right.
- The project is not expected to substantially increase LOS or 95th-percentile vehicular queues to conditions above jurisdictional thresholds (all LOS levels remain the same as "no project conditions" and queues (which occur 1/20th of the time during the peak hours) increase by at most 143 feet and by-average of all lane groups by only nine feet) and is not expected to create any new major deficiencies with respect to all primary modes of transportation.
 - It should be noted that the location of the primary site entrance on Harold Avenue is dictated by safety concerns related to having exiting vehicles on Stevens Creek Boulevard. Thus, a right-in only configuration was selected in consultation with City staff.
 - The added delay along Harold Avenue (41.4 seconds during the AM peak hour) was discussed with City staff and was determined to be likely acceptable conditions (as the results herein may be higher than anticipated due to limitations in the analysis software (does not account for the keep clear conditions or the two-stage crossing), observed "increased" delays would likely occur during the peak 15-minute interval of the peak hours, a signal is not warranted or justified at the intersection, and the geometric design should not be modified to prevent the restriction of left turns based on consultation with the City, and that the applicant is coordinating with the City to implement traffic calming initiatives that may lessen traffic along Harold Avenue).
- The proposed development will slightly improve sight distance conditions.

As part of the proposed redevelopment, TJKM recommends the following:

- Coordinate with the City of Santa Clara to install traffic calming devices along Harold Avenue to reduce incentives for cut-through traffic and reduce operating speeds. The City should be in responsible charge of the design and installation (consentient with the City's Neighborhood Traffic Calming Program). Starbucks should provide appropriate funding to install these traffic-calming devices.

Figure 1: Vicinity Map



LEGEND

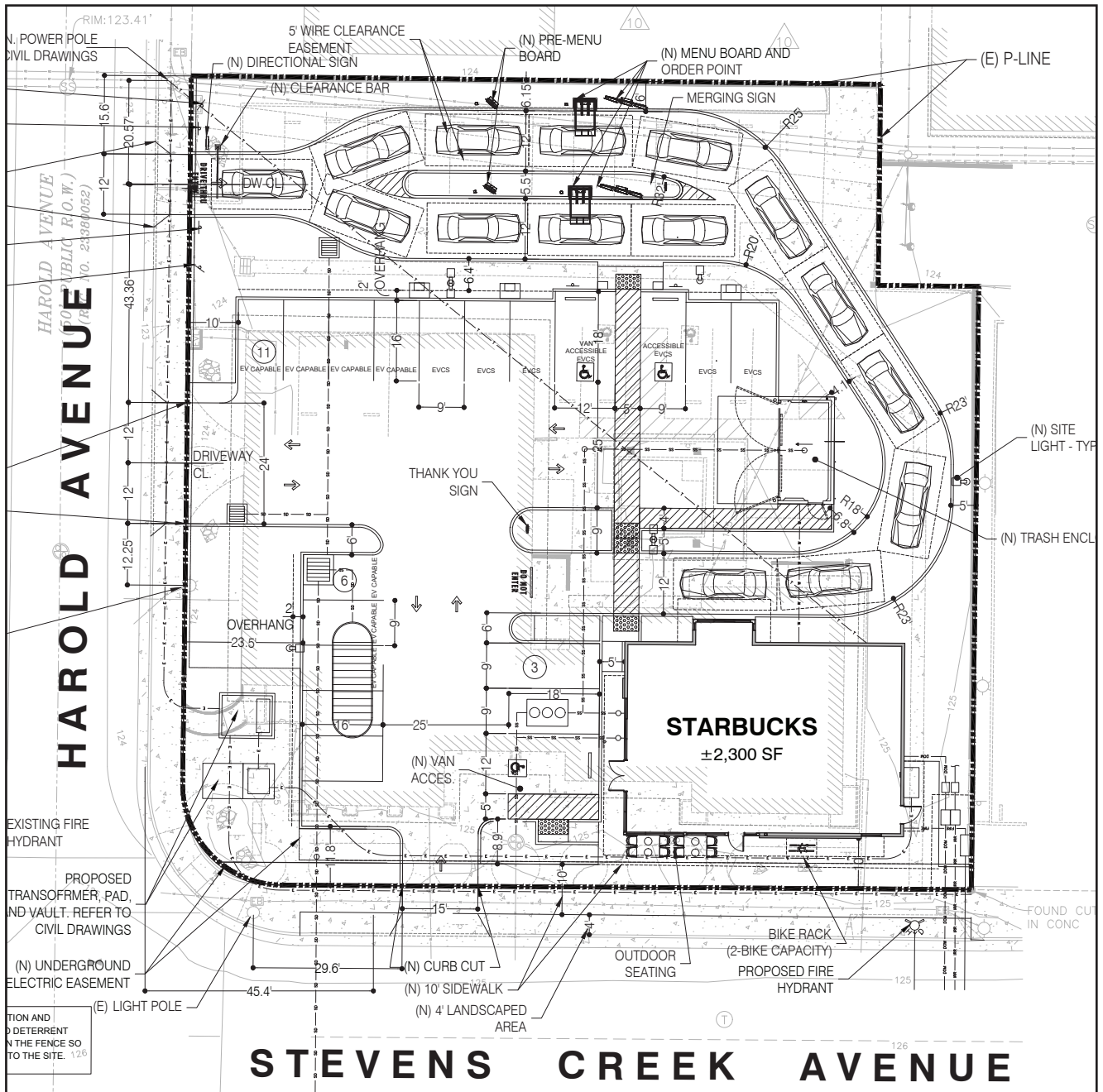
Project Site

Study Intersection

Project Driveway



Figure 2: Site Plan



Site Access

The proposed project would be accessed via an entry-only (right-in) driveway on Stevens Creek Boulevard and a full access driveway on Harold Avenue. As discussed with City of Santa Clara staff, it was confirmed that this access arrangement is dictated primarily due to safety concerns of having vehicles exiting onto Stevens Creek Boulevard.

Project Trip Generation Assessment

To estimate trips generated by the existing and proposed redevelopment of the site for the a.m. and p.m. peak hours as well as for weekday daily trips, TJKM utilized the published trip generation rates from the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition (TGM) and consistent with the methodology published in ITE's Trip Generation Handbook, 3rd Edition (TGH).

TJKM used published trip rates for the ITE Land Use Code (LUC) 822 (Strip Retail Plaza (Commercial less than 40,000 SF)) to estimate the existing traffic on the site and ITE LUC 937 (Coffee/Donut Shop with Drive-Through Window) to estimate traffic for the proposed use. In order to account for the influence of pass-by trips, the pass-by rates were estimated based on ITE LUC 934 (Fast-Food Restaurant with Drive-Through Window), as the closest comparable land use with pass-by rates available (of further note, ITE LUC 938 (Coffee/Donut Shop with Drive-Through Window and No Indoor Seating) is not comparable to the proposed project).

The trip generation and comparison between uses are portrayed in **Table 1**. With pass-by and existing trips taken into account, the proposed project is expected to generate approximately 47 more daily trips, 76 more a.m. peak hour trips, and 22 fewer p.m. peak hour trips. This is below the daily threshold of 100 net new daily trips for determining whether a local transportation analysis (LTA) is required.

Table 1: Project Trip Generation and Comparison (ITE TGM)

Land Use ¹	Size ²	Daily		AM Peak					PM Peak					
		Rate	Trips	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total	
Existing Use														
Strip Retail Plaza (<40k) (822) ³	7.27 ksf	73.77	536	3.17	60:40	14	9	23	6.59	50:50	31	31	62	
Proposed Use														
Coffee/Donut Shop with Drive-Through Window (937)	2.30 ksf	533.57	1,227	85.88	51:49	101	97	198	38.99	50:50	45	45	90	
Pass-by trip reduction ⁴		-52.5%	-644	-50%		-51	-48	-99	-55%		-25	-25	-50	
Net Trips w/ Reductions			583		50			49	99	20			20	40
Trip Delta			47		36			40	76	-11			-11	-22

Notes:

General: Multiple ITE land use codes (LUC) have fitted curve equations for various analysis periods in addition to rates. The methodology in the ITE's Trip Generation Handbook (3rd ed.) was utilized to determine which was used.

1. Trip Generation, 11th Edition, Institute of Transportation Engineers (ITE), 2021

2. ksf: thousand square feet

3. Fitted curve formulas used

4. Based on ITE code 934, Fast Food Restaurant with Drive-Through Window

Vehicle Miles Traveled – Consistency with City Policy

Vehicle Miles Traveled (VMT) is a measurement of how much driving a land use will generate. VMT is the total miles of travel by personal motorized vehicles, a project is expected to generate in a day. VMT is calculated using the origin-destination VMT method, which measures the full distance of personal motorized vehicle trips with one end within the project. Typically, development projects that are farther from other complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more VMT than development near complementary land uses with more robust transportation options. Therefore, developments located in a central business district with high density and a diversity of complementary land uses, and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low-densities of residential developments and no transit service in the project vicinity.

For VMT analysis, TJKM followed the SB 743 VMT Transportation Analysis Policy passed by the City of Santa Clara on June 2020. Since this is a retail project of only 2,300 square feet, it falls under the “Local Serving Retail” category. According to the City of Santa Clara’s SB 743 VMT guidelines, local serving retail (retail uses under 50,000 square feet) do not require a VMT analysis. Thus, TJKM finds the Starbucks Stevens Creek project to have an **insignificant** impact on VMT.

Intersections Operations Methodology

STUDY INTERSECTIONS AND SCENARIOS

TJKM identified and analyzed the traffic conditions at six existing study intersections during the typical weekday morning (a.m.) and afternoon (p.m.) peak hours. The study intersections are as follows:

1. Stevens Creek Boulevard & San Tomas Expressway (Signalized),
2. Stevens Creek Boulevard & Harold Avenue (One-Way Stop Control [OWSC] on the side street),
3. Stevens Creek Boulevard & Cypress Avenue (Signalized),
4. Stevens Creek Boulevard & Tyler Street (OWSC on the side street),
5. Forest Avenue & Harold Avenue (Two-Way Stop Control [TWSC] on Forest Avenue),
6. Pruneridge Avenue & Harold Avenue (OWSC on the side street).

The land use scenarios assumed for this study are as follows:

1. *Existing Conditions*: This scenario examines the study intersections based on typical peak hour volumes in the recent years. The turning movement counts were collected in November 2023, and newer counts along Harold Avenue were recollected in May 2024 (as per discussion with the City).

2. *Existing plus Project Conditions*: This scenario adds traffic generated by the proposed development to the Existing Conditions.

INTERSECTION LEVEL OF SERVICE METHODOLOGY

Level of Service (LOS) is a qualitative measure that describes operational conditions as they relate to the traffic stream and perceptions by motorists and passengers. The LOS generally describes these conditions in terms of such factors as speed and travel time, delays, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. The operational LOS are given letter designations from A to F, with A representing the free-flow operating conditions and F representing the severely congested flow with high delays. Typically, LOS C is considered as an ideal condition as it represents stable flow and efficient use of the transportation facility. Intersections generally are the capacity-controlling locations with respect to traffic operations on arterial and collector streets. The following subsections provide detailed study methodology based on the type of intersections.

Each of the study intersections was analyzed using *Vistro* software using methodology outlined in the Transportation Research Board's (TRB) Highway Capacity Manual, 6th Edition (HCM 6). The LOS assessment under all scenarios is based on current traffic controls unless otherwise noted.

SIGNALIZED INTERSECTIONS

The study intersections under traffic signal control are analyzed using the HCM 6 methodology described in Chapter 19. This methodology determines LOS based on average control delay per vehicle for the overall intersection and by approach and a combination of control delay per vehicle and volume-to-capacity (v/c) for lane groups during the peak hour operating conditions.

Delay quantifies the increase in travel time due to traffic signal control; it is also a surrogate measure of driver discomfort and fuel consumption. The v/c ratio quantifies the degree to which a phase's capacity is utilized by a lane group. A v/c ratio of 1.0 or more indicates cycle capacity is fully utilized and represents failure from a capacity perspective (just as delay in excess of 80 seconds per vehicle represents failure from a delay perspective).

Table 2 summarizes the relationship between the control delay and LOS for signalized intersections. The LOS assessments under all scenarios are based on current traffic controls and signal timings unless otherwise noted.

Table 2: Level of Service Definitions for Signalized Intersections

LOS	Definition	Control Delay Range (s/veh)	v/c Range
A	Very low control delay. This level is typically assigned when the v/c ratio is low and either progression is exceptionally favorable or the cycle length is short. Most vehicles arrive during the green phase. Many vehicles do not stop at all.	≤ 10	≤ 1.0
B	The v/c ratio is low. There is good progression, short cycle lengths, or both. More vehicles stop, causing higher levels of delay.	≤ 20	≤ 1.0
C	Higher delays occur in favorable progression or a due to a moderate cycle length, or both. Individual cycle failures (i.e., one or more queued vehicles are not able to depart as a result of insufficient capacity during a given cycle) may begin to appear. The number of vehicles stopping is still considered low-to-moderate, though many vehicles still pass through the intersection without stopping.	≤ 35	≤ 1.0
D	The influence of congestion becomes more apparent. Longer delays may result from some combination of a high v/c ratio, ineffective progression, long cycle length, or high volumes. Many vehicles stop, the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.	≤ 55	≤ 1.0
E	Typically considered the limit of acceptable delay. High delays usually indicate a very high v/c ratio, poor progression, long cycle lengths, and high volumes. Most cycles fail to clear the queue.	≤ 80	≤ 1.0
F	Delays are unacceptable to most drivers. Conditions are considered oversaturated. Arrival flow rates exceed the capacity of the intersection (v/c in excess of 1.0). Many individual cycle failures. Poor progression and long cycle lengths may also be contributing factors to higher delay.	> 80	> 1.0

Source: Transportation Research Board's (TRB) *Highway Capacity Manual, 6th Edition*

STOP-CONTROLLED INTERSECTIONS

The study intersections under one/two-way stop control (OWSC / TWSC) and all-way stop control (AWSC) are analyzed using the HCM 6 methodology described in Chapters 20 and 21, respectively. LOS ratings for stop-sign controlled intersections are based on the average control delay expressed in seconds per vehicle. At one- or two-way stop-controlled intersections, the control delay is calculated for each movement, not for the intersection as a whole. For approaches composed of a single lane, the control delay is computed as the average of all movements in that lane. The weighted average delay for the entire intersection is presented for all-way stop controlled intersections.

Table 3 summarizes the relationship between delay and LOS for stop-controlled intersections. The delay ranges for stop-controlled intersections are lower than for signalized intersections, as drivers expect less delay at stop-controlled intersections.

Table 3: Level of Service Definitions for Stop-Controlled Intersections

LOS	Definition	Control Delay Range (s/veh)	v/c Range
A	Usually no conflicting traffic. Drivers can easily find gaps in traffic to maneuver. v/c is low.	≤ 10	≤ 1.0
B	Occasionally some delay due to conflicting traffic. Drivers can find gaps in traffic. v/c is low.	≤ 15	≤ 1.0
C	There is some noticeable delay due to conflicting traffic. Drivers are still able to find gaps in traffic.	≤ 25	≤ 1.0
D	Drivers experience delay due to less gaps in traffic to maneuver. Lane group v/c creeps closer to 1.0.	≤ 35	≤ 1.0
E	Delay approaches driver tolerance levels. Drivers will occasionally find gaps in traffic to maneuver. Lane group v/c approaches 1.0.	≤ 50	≤ 1.0
F	Delay exceed driver tolerance levels or v/c exceeds 1.0 or both.	> 50	> 1.0

Source: Transportation Research Board's (TRB) Highway Capacity Manual, 6th Edition

INTERSECTION LEVEL OF SERVICE STANDARDS

Although level of service is no longer used for identifying impacts under CEQA, level of service analysis is still used for determining consistency with adopted agency plans and standards. As part of the City's adoption of VMT to superseded LOS under CEQA, the City's adoption resolution (No. 20-8861) notes:

"To evaluate LOS, the City will continue to relying upon the standards set by the City's General Plan. The General Plan Mobility and Transportation Diagram references the LOS "D" standard for local City streets for the Phase 1 of the plan (2010-2015). For Phase II (2015-2023) and Phase III (2023-2035), the plan allows for exemptions and modification to the LOS standard based on the context, location and circumstance. The plan also establishes a LOS "E" on regional roadway facilities."

For the purposes of this assessment, LOS D or better was considered to be "within applicable standards" for all study intersections with the exception of Stevens Creek Boulevard and San Tomas Expressway (Study Intersection 1), where LOS E was considered acceptable. Study Intersection 1, which is located on a regional facility, has previously been designated as a "Congestion Management Program (CMP) Intersection" by the Santa Clara Valley Transportation Authority (VTA).

Additionally for the purpose of this assessment, if an intersection was already operating above LOS D or E without the project, as applicable, then the conditions with the project would still be considered "within applicable standards" if the LOS did not deteriorate further (ex., LOS E to LOS F). Furthermore, in the case of unsignalized intersections, a change from an approach LOS D or E, as applicable, without the project (as applicable) to approach LOS E or F with the project, respectively, would also be considered "within applicable standards" if the change in traffic volumes did not warrant the need for a traffic signal per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

Intersection Operations Assessment

EXISTING CONDITIONS – INTERSECTION LEVEL OF SERVICE

Existing intersection lane configuration and turning movement volume are used to calculate the level of service for the study intersections during the peak hour. **Figure 3** shows the existing lane configurations and traffic controls in the study area. Peak hour turning movement volumes for Existing Conditions are shown in **Figure 4**. The turning movement counts (TMCs) are provided in **Appendix A**.

Of note, TMCs were originally collected in November 2023 (the week after Thanksgiving, which is still considered within the typical timeframe to collect data in the industry); however, given concerns by the community, new counts were collected in May 2024 and incorporated into this analysis. The observed difference in the counts was approximately 6% for the a.m. peak hour and 1% for the p.m. peak hour, which can in-part or fully be attributed to seasonal variations, daily variations, and hourly variations.

The results of the level of service analysis using the *Vistro* software program for Existing Conditions are summarized in **Table 4**. LOS reports are provided in **Appendix B**.

Under existing conditions, the following intersections experience LOS that are unacceptable with City of Santa Clara standards:

- Stevens Creek Boulevard & San Tomas Expressway (Study Intersection 1) – a.m. peak hour
- Stevens Creek Boulevard & Harold Avenue (Study Intersection 2) – a.m. peak hour and p.m. peak hour.
- Stevens Creek Boulevard & Tyler Street (Study Intersection 4) – a.m. peak hour
- Pruneridge Avenue & Harold Avenue (Study Intersection 6) – p.m. peak hour

Table 4: Existing Conditions – Intersection Level of Service Results

No.	Intersection	Control Type	Target LOS Threshold	Peak Hour	Existing Conditions	
					Delay (sec/veh)	Delay- Based LOS
1	Stevens Creek Boulevard & San Tomas Expressway	Signal	E	a.m. p.m.	120.4 70.5	F E
2	Stevens Creek Boulevard & Harold Avenue	One-Way Stop	D	a.m. p.m.	56.5 51.8	F F
3	Stevens Creek Boulevard & Cypress Avenue	Signal	D	a.m. p.m.	14.0 12.1	B B
4	Stevens Creek Boulevard & Tyler Street	One-Way Stop	D	a.m. p.m.	43.6 30.6	E D
5	Harold Avenue & Forest Avenue	Two-Way Stop	D	a.m. p.m.	10.1 10.1	B B
6	Pruneridge Avenue & Harold Avenue	One-Way Stop	D	a.m. p.m.	18.7 35.9	C E
7	Stevens Creek Boulevard & Project Driveway 1	N/A	D	a.m. p.m.	- -	- -
8	Harold Avenue & Project Driveway 2	One-Way Stop	D	a.m. p.m.	- -	- -

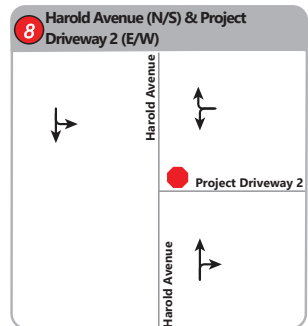
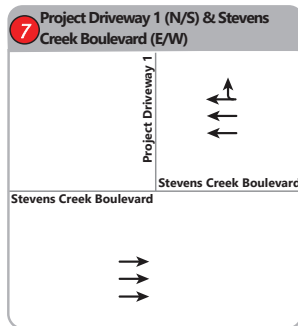
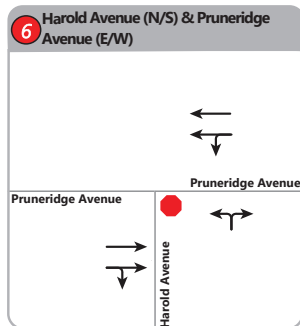
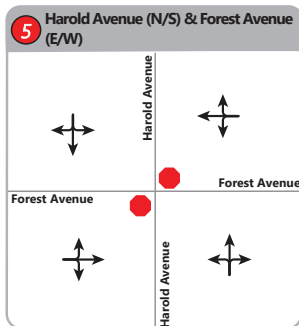
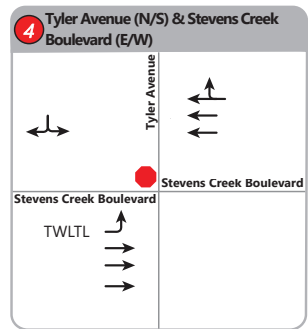
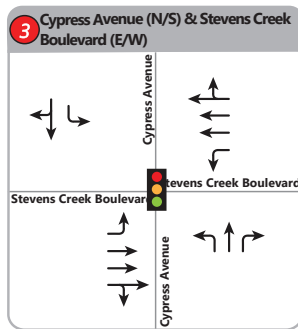
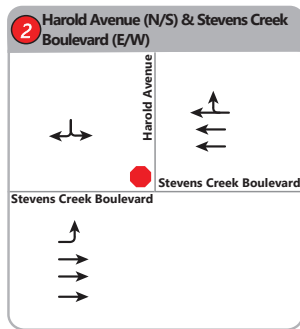
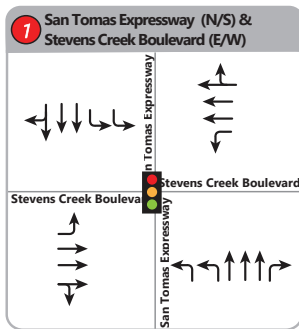
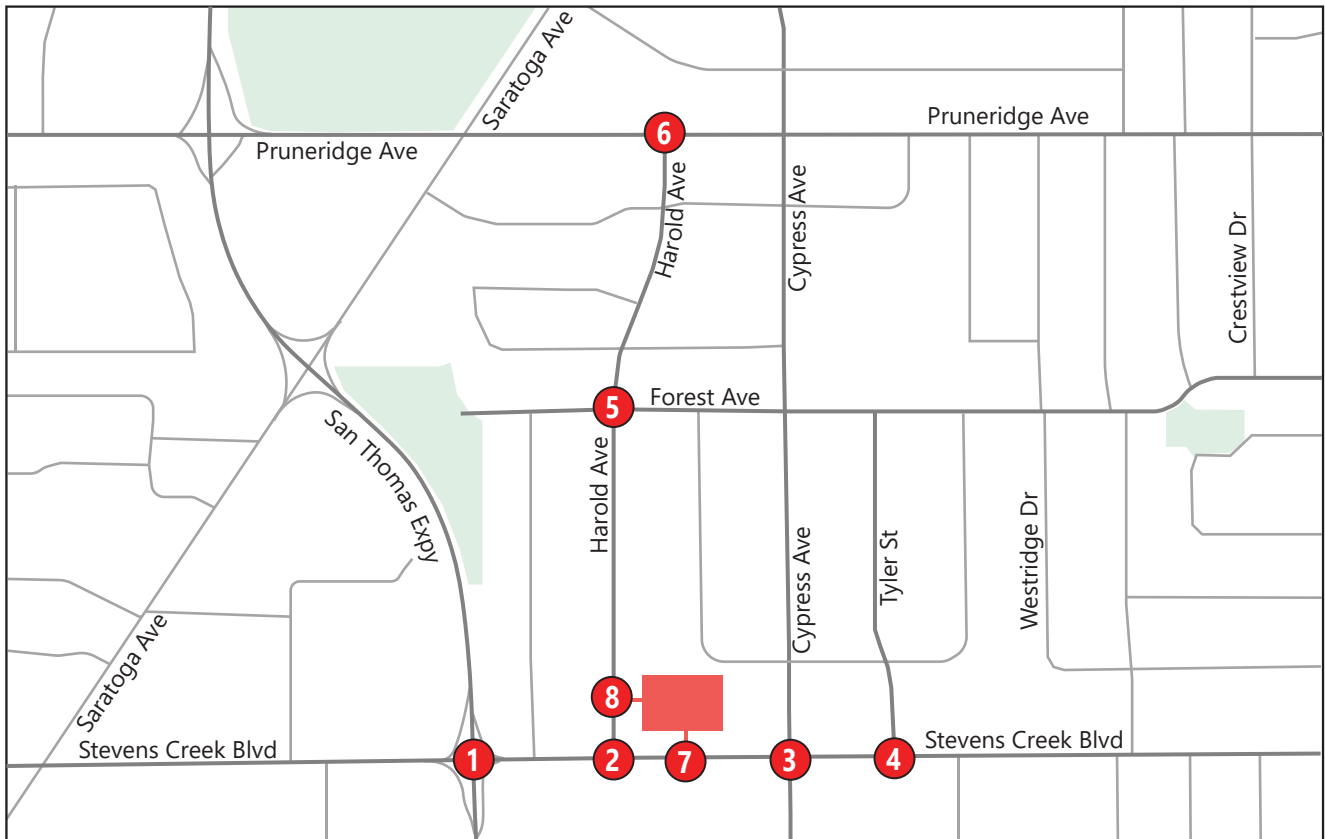
Note:

Delay = Average control delay in seconds per vehicle,

LOS = Level of Service.

Reported values are overall for signalized intersections.

Figure 3: Existing Lane Geometry and Traffic Controls



LEGEND

Project Site

Stop Sign

Study Intersection

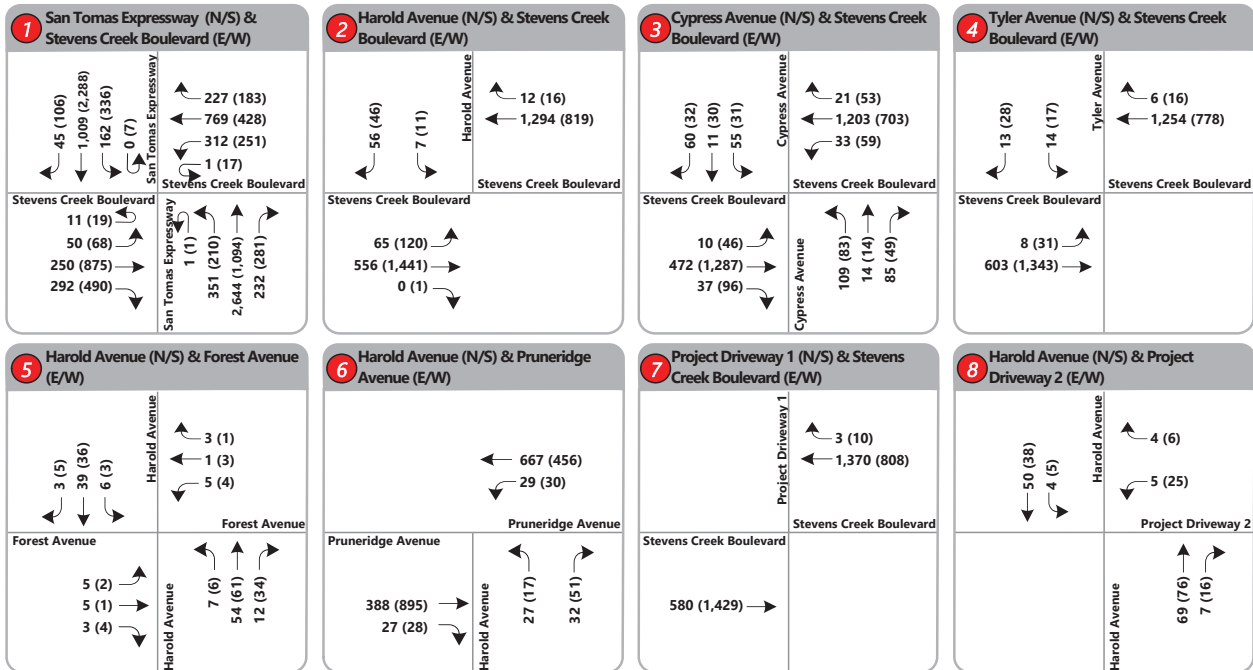
Traffic Signal

Project Driveway

TWLTL Two Way Left Turn Lane



Figure 4: Existing Conditions Peak Hour Turning Movement Volumes



LEGEND

■ Project Site

⊗ Study Intersection

— Project Driveway

(XX) PM Peak Hour Volumes

XX AM Peak Hour Volumes



PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

Trip distribution is a process of developing study assumptions that estimates the direction vehicular trips will arrive and depart the study site. Trip assignment estimates specific streets and turning movements at study intersections for project-related or site traffic.

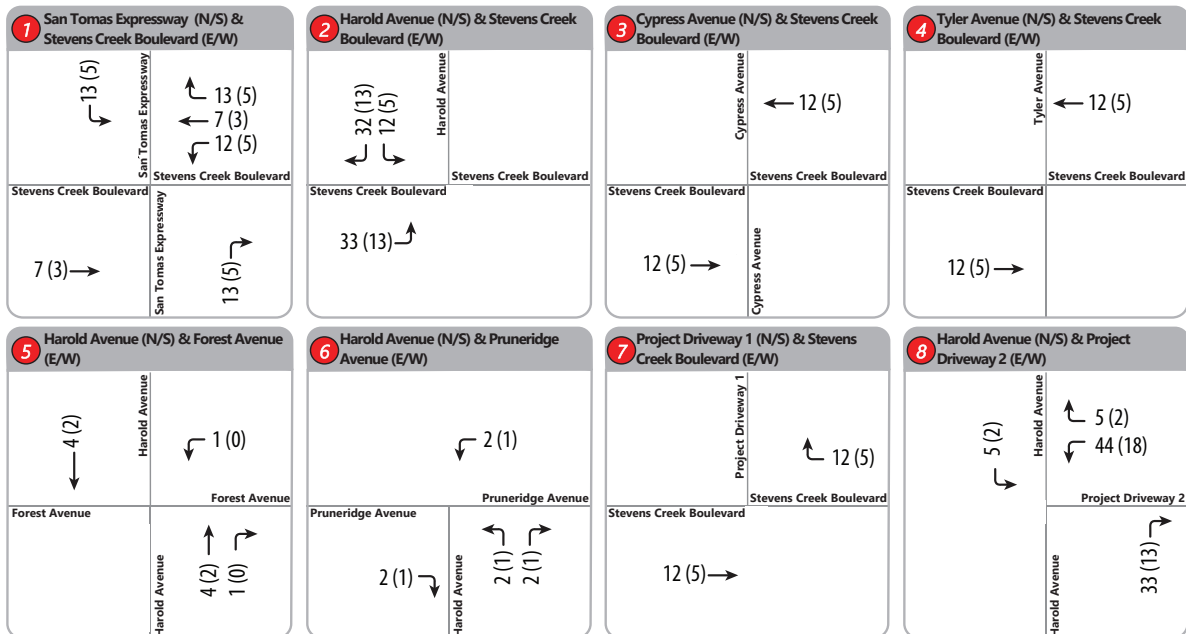
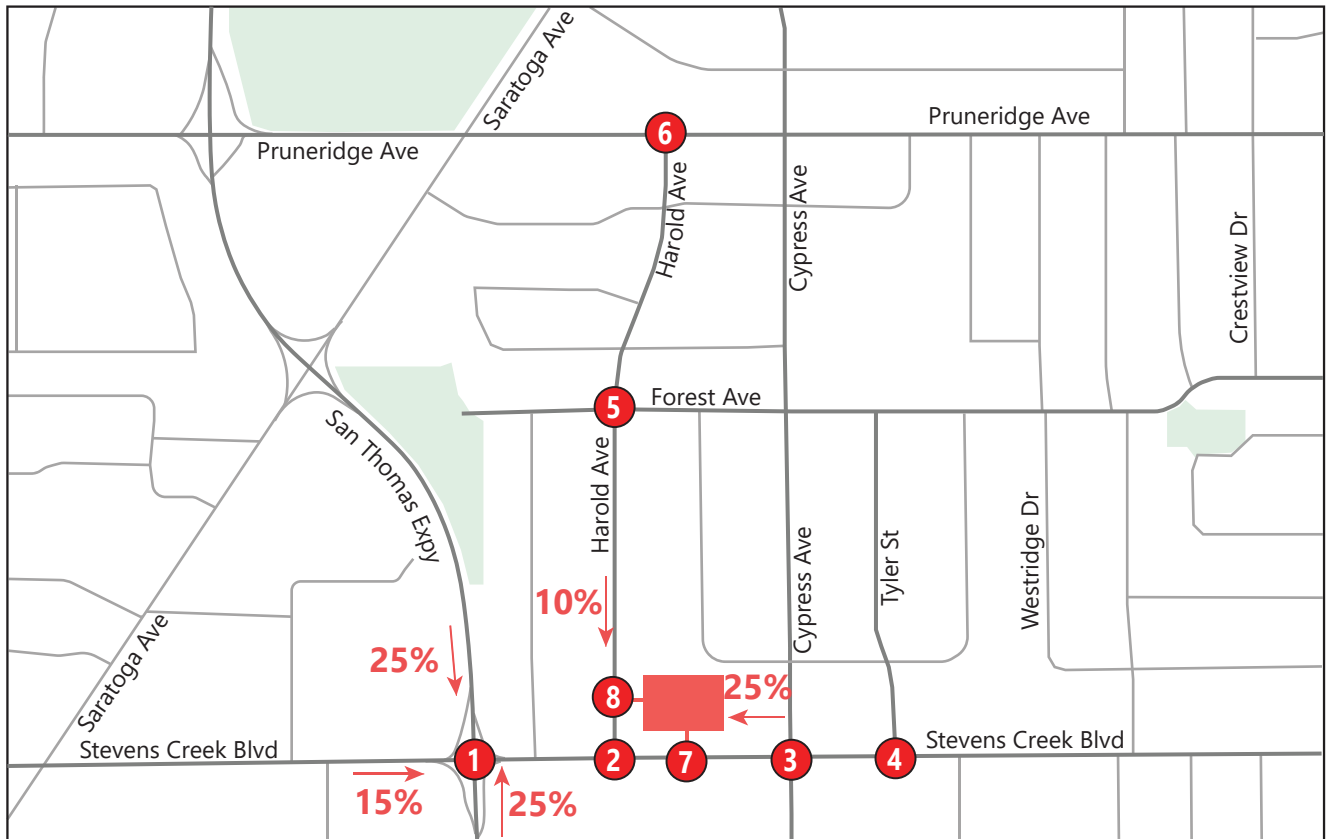
Trip distribution and assignment assumptions for the proposed project were developed based on existing travel patterns, knowledge of the study area, prior traffic studies of similar land uses in the vicinity, and engineering judgment.

The assumed trip distribution for primary trips is as follows:

- 25 percent to/from the north via San Tomas Expressway;
- 10 percent to/from the north via Harold Avenue;
- 25 percent to/from the east via Stevens Creek Boulevard;
- 25 percent to/from the south via San Tomas Expressway; and
- 15 percent to/from the west via Stevens Creek Boulevard.

Figure 5 shows the anticipated distribution of project trips and trip assignment at each study intersection. **Figure 6** shows the assignment of pass-by trips. **Figure 7** shows the resulting Existing plus Project traffic volumes, which combines the existing volumes with the project trip assignments.

Figure 5: Project Trip Distribution and Assignment



LEGEND

■ Project Site

⊗ Study Intersection

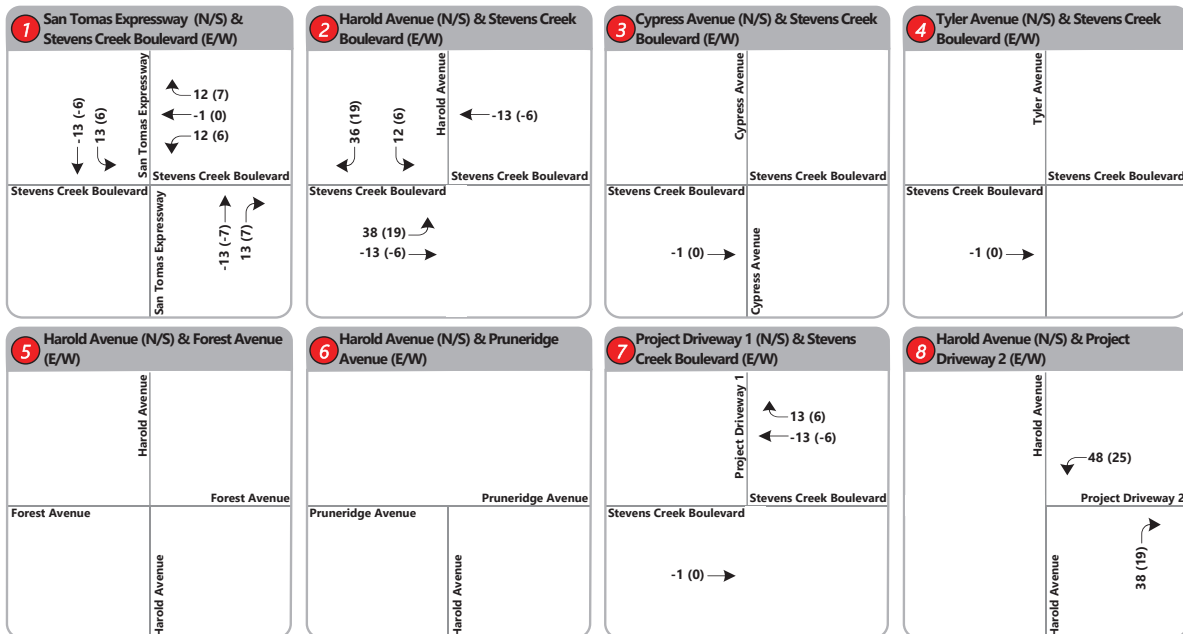
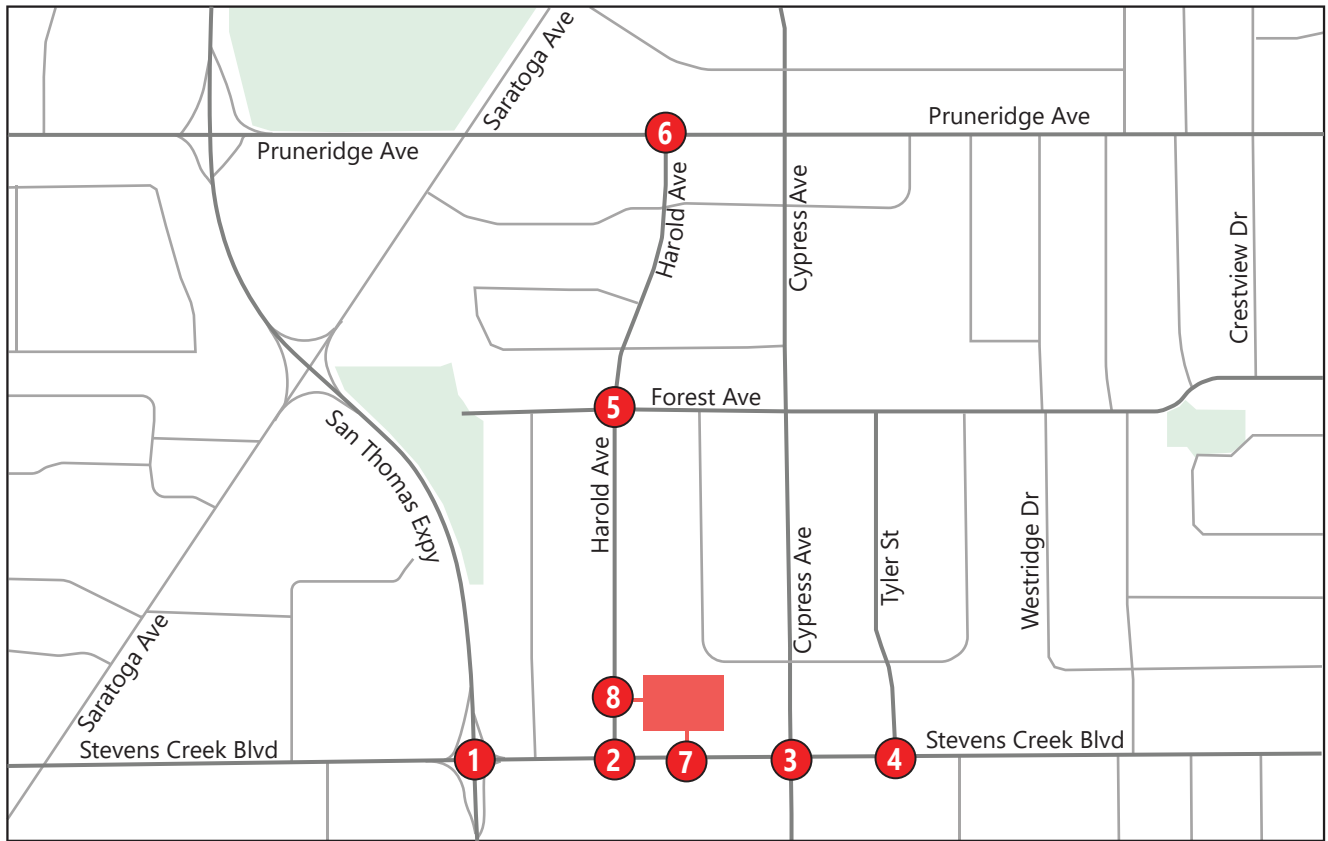
— Project Driveway

XX AM Trip Assignments

(XX) PM Trip Assignments



Figure 6: Pass-By Trip Assignment



LEGEND

■ Project Site

⊗ Study Intersection

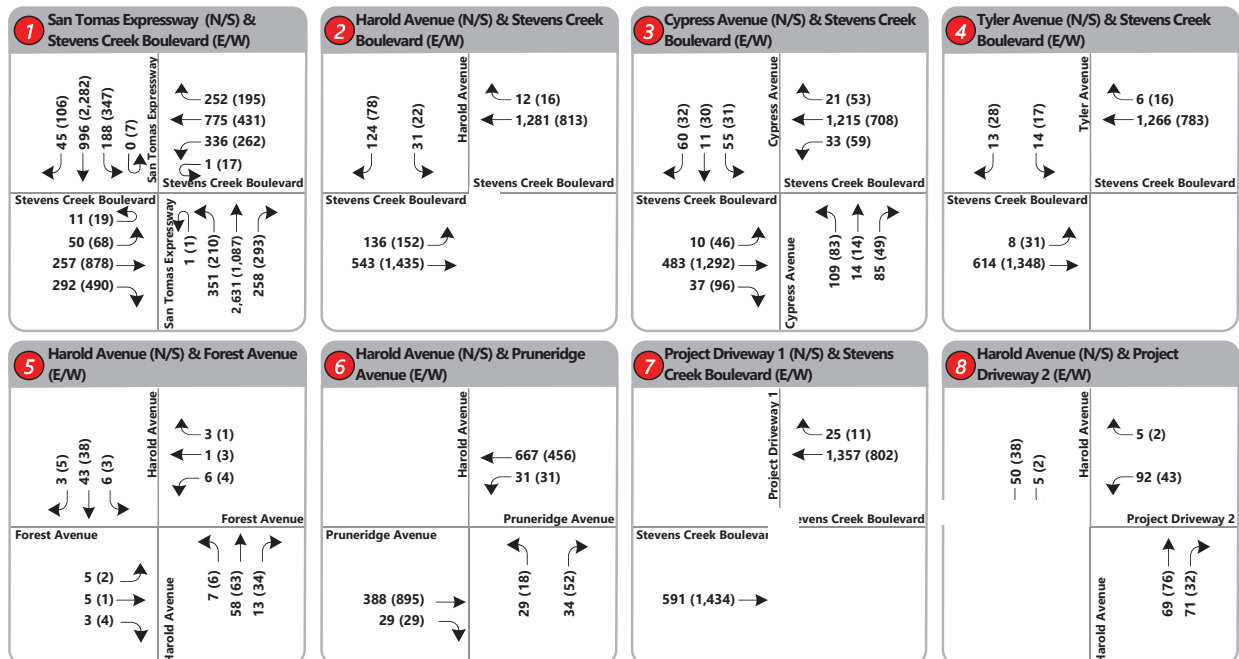
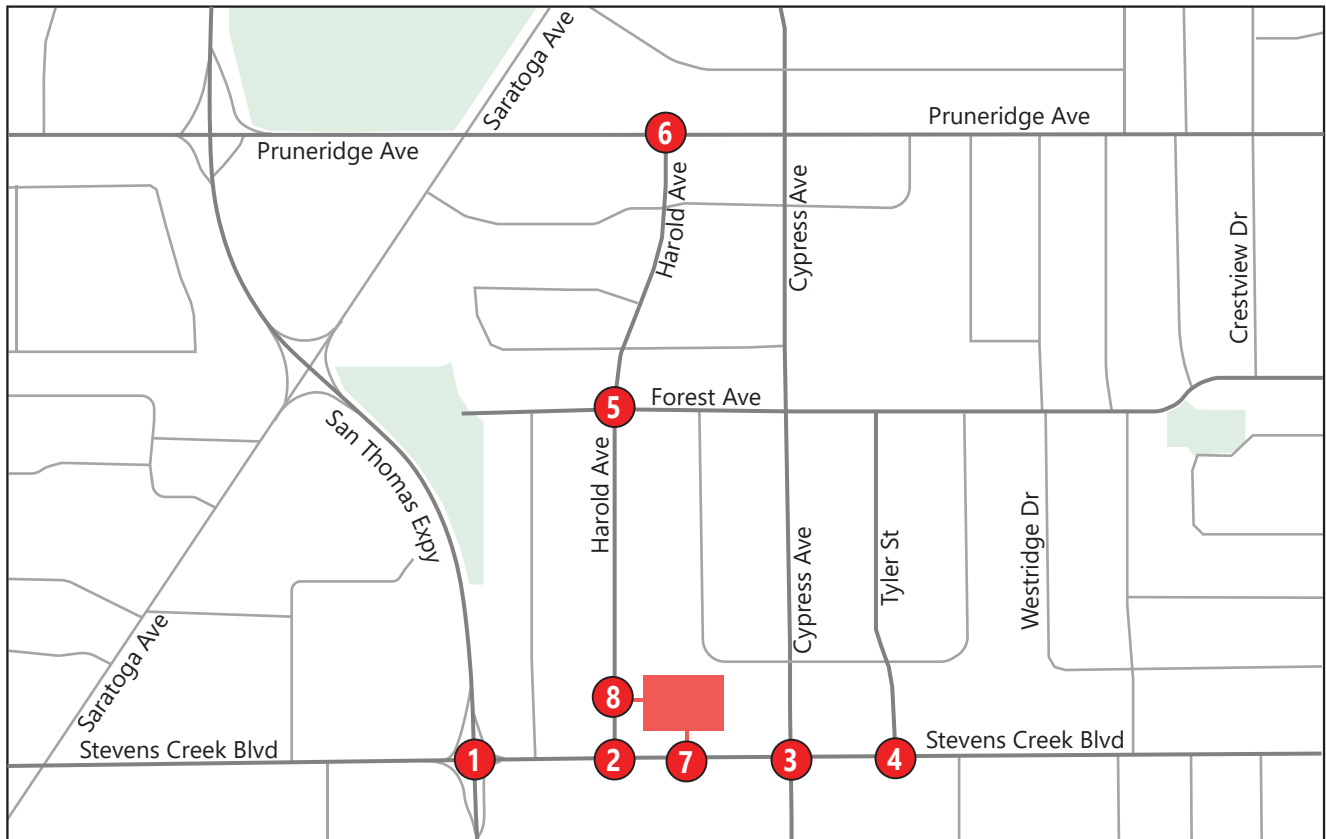
— Project Driveway

XX AM Pass-By Trips

(XX) PM Pass-By Trips



Figure 7: Existing Plus Project Conditions Peak Hour Turning Movement Volumes



LEGEND

■ Project Site

⊗ Study Intersection

— Project Driveway

(XX) PM Peak Hour Volumes

XX AM Peak Hour Volumes



EXISTING PLUS PROJECT CONDITIONS – INTERSECTION LEVEL OF SERVICE

This section describes the operational impacts of the proposed project on the roadway network. Existing plus Project Conditions consist of existing traffic volumes and roadway facilities plus new traffic generated by the proposed project.

Table 5 summarizes the results of the level of service analysis using the *Vistro* software program for Existing plus Project Conditions. The results for Existing Conditions are included for comparison purposes. Intersections that operated at unacceptable thresholds are shown in red, and intersections that degraded between “No Project” conditions to “Plus Project” conditions per the applicable thresholds are likewise shown in red. LOS reports are provided in **Appendix C**

As under Existing Conditions, the following intersections continue to operate at LOS that are unacceptable with City of Santa Clara standards under Existing plus Project Conditions:

- Stevens Creek Boulevard & San Tomas Expressway (Study Intersection 1) – a.m. peak hour
 - No change in LOS;
 - Increase in delay by up to 4.4 seconds.
- Stevens Creek Boulevard & Harold Avenue (Study Intersection 2) – a.m. peak hour and p.m. peak hour.
 - No change in LOS;
 - Increase in potential delay by up to 41.4 seconds (see below for additional information related to methodology limitations).
- Stevens Creek Boulevard & Tyler Street (Study Intersection 4) – a.m. peak hour
 - No change in LOS;
 - Increase in delay by up to 1.1 seconds.
- Pruneridge Avenue & Harold Avenue (Study Intersection 6) – p.m. peak hour
 - No change in LOS;
 - Increase in delay by up to 0.5 seconds.

It should be noted that the Stevens Creek Boulevard & Harold Avenue (Intersection 2) shows a net increase in delay by 41.4 seconds during the a.m. peak hour and 21.6 seconds during the p.m. peak hour. This net increase in delay is likely a combination of a few items and is expected to be lower than reported:

- The peak hour factor (PHF) reported at the intersection was between 0.83 and 0.90. Typically for mainline urban corridors, such as Stevens Creek, a PHF of between 0.90 and 0.99 is expected. This accounts for a net increase in analysis volumes during the peak 15-minute study interval used in the HCM6 methodology by upwards of 10%. Further, the additional of project trips would likely raise the peak hour factor above existing conditions, effectively spreading traffic out more over the peak hour.
- The *Vistro* analysis software does not fully capture the impacts of two-stage crossing that could occur due the presence of the two-way left-turn lane (TWLTL), nor does the analysis take into

account the “Keep Clear” area, which would help provide gaps when conditions are saturated on Stevens Creek Boulevard. Based on queues and video recordings of the TMCs, the queue for westbound Stevens Creek does at times extend past the keep clear. This effectively provide a gap in traffic for vehicles existing to enter the Stevens Creek and to wait in the TWLTL.

- The analysis does not consider any potential diversion of traffic (either onto Cypress Avenue or turning right and making a U-turn at San Tomas Expressway).
- The analysis does not consider any reduction in traffic along Harold Avenue that may come through traffic calming measures being currently coordinated with the City (see below for more information).
- Reported delays would only occur during the peak 15-minute peak interval, not during the full 2-hour peak period. Delays occurring outside the 15-minute peak interval would be less.

The following conditions were discussed with City staff, and it was determined that the realistic added delay would likely be less than reported in the analysis for all the reason mentioned above. Additionally (given the limitations that would prohibit geometric improvements, the directive of the City to restrict the entrance on Stevens Creek Boulevard to prevent left-in and left-outs, and given the fact that a signal is neither justified nor likely warranted at Harold Avenue per the CA MUTCD), the City recommended the Applicant coordinate with City staff and the neighborhood to pursue traffic calming initiatives to reduce speeding and cut-through traffic along Harold Avenue as an alternative improvement measure. Traffic calming is discussed further below.

Table 5: Existing plus Project Conditions – Intersection Level of Service Analysis Results

No.	Intersection	Control Type	Peak Hour	Existing Conditions		Existing plus Project Conditions		Change in Average Delay
				Delay (sec/veh)	Delay-Based LOS	Delay (sec/veh)	Delay-Based LOS	
1	Stevens Creek Boulevard & San Tomas Expressway	Signal	a.m.	120.4	F	124.8	F	+4.4
			p.m.	70.5	E	70.1	E	-0.4
2	Stevens Creek Boulevard & Harold Avenue	One-Way Stop	a.m.	56.5	F	97.9	F	+41.4
			p.m.	51.8	F	73.4	F	+21.6
3	Stevens Creek Boulevard & Cypress Avenue	Signal	a.m.	14.0	B	13.9	B	-0.1
			p.m.	12.1	B	12.1	B	0.0
4	Stevens Creek Boulevard & Tyler Street	One-Way Stop	a.m.	43.6	E	44.7	E	+1.1
			p.m.	30.6	D	30.9	D	+0.3
5	Harold Avenue & Forest Avenue	Two-Way Stop	a.m.	10.1	B	10.2	B	+0.1
			p.m.	10.1	B	10.2	B	+0.1
6	Pruneridge Avenue & Harold Avenue	One-Way Stop	a.m.	18.7	C	19.0	C	+0.3
			p.m.	35.9	E	36.4	E	+0.5
7	Stevens Creek Boulevard & Project Driveway 1	N/A	a.m.	-	-	0.0	A	-
			p.m.	-	-	0.0	A	-
8	Harold Avenue & Project Driveway 2	One-Way Stop	a.m.	-	-	9.9	A	-
			p.m.	-	-	9.4	A	-

Note:

Delay = Average control delay in seconds per vehicle,

LOS = Level of Service.

Reported values are overall for signalized intersections.

QUEUEING ASSESSMENT

This section describes the operational impacts of the proposed project on the vehicular queues of intersection approaches with storage bays. As the study area experiences saturated conditions around the intersection of Stevens Creek Boulevard & San Tomas Expressway, a SimTraffic analysis was conducted to identify expected 95th percentile queue lengths. Five one-hour simulation runs were conducted and the results averaged. **Table 6** shows the results of the queueing analysis for both Existing Conditions and Existing plus Project Conditions for a.m. and p.m. peak hours. Queueing impacts were identified as new queue spillback. Queueing is reported at both signalized intersections and at the key stop controlled intersection of Stevens Creek Boulevard & Harold Avenue.

It should be noted that 95th percentile queue lengths occur infrequently, representing the likely maximum queue experienced during a typical peak hour, and they are often much higher than average queue length. Lower peak hour factors contribute to high queue lengths, as traffic volumes are more concentrated within the peak 15 minutes of the peak hour. In addition, the taper extra space beyond the painted storage length as the roadway transitions into the turn bay, and this can potentially store additional vehicles.

The queueing assessment indicates that all analyzed study intersections experience spillbacks, without or with the project:

- Stevens Creek Boulevard & San Tomas Expressway
 - Increase in maximum queues by six vehicles or less with added trips from the project.
- Stevens Creek Boulevard & Harold Avenue
 - Increase in vehicles by two vehicles or less with added trips from the project.
- Stevens Creek Boulevard & Cypress Avenue – Only in “No Project” conditions
 - Increase in vehicles by four vehicles or less with added trips from the project.

Based on the above, the project is not expected to affect queues substantially at the study intersections, as the project does not create any new spillback conditions.

Table 6: Queuing Assessment Results

No.	Intersection Name	Lane Group	Storage Length (ft)	Existing Conditions (ft)		Existing plus Project Conditions (ft)		Change (ft)	
				a.m.	p.m.	a.m.	p.m.	a.m.	p.m.
1	Stevens Creek Boulevard & San Tomas Expressway	EBL	150	164	259	155	265	-9	+6
		EBT	-	179	557	214	571	+35	+14
		WBL	275	316	154	235	193	-81	+39
		WBT	-	361	246	499	231	+138	-15
		NBL	295	483	221	491	190	+8	-31
		NBT	-	987	464	877	395	-110	-69
		NBR	300	507	106	529	66	+22	-40
		SBL	280	176	421	111	564	-65	+143
		SBT	-	458	881	401	865	-57	-16
		SBR	260	0	352	0	495	-0	+143
2	Stevens Creek Boulevard & Harold Avenue	EBL	60	83	118	97	92	+14	-26
		SB	-	57	29	62	69	+5	+40
3	Stevens Creek Boulevard & Cypress Avenue	EBL	150	24	72	63	94	+39	+22
		EBT	-	94	157	146	264	+52	+107
		WBL	145	24	28	23	80	-1	+52
		WBT	-	169	127	161	126	-8	-1
		NBL	100	126	79	90	94	-36	+15
		NBT	-	26	26	25	56	-1	+30
		NBR	100	49	45	32	55	-17	+10
		SBL	85	73	26	47	41	-26	+15
		SBT	-	65	62	79	75	+14	+13

Note:

For multi-lane approaches, the maximum queue length is reported.

EBL = eastbound-left

EBT = eastbound-through/right

WBL = westbound-left

WBTR = westbound-through/right

NBL = northbound-left

NBT = northbound through

NBR = northbound-right

SBL = southbound-left

SBTR = southbound-through/right

SBR = southbound-right

Existing Roadway Safety Assessment

Historical crash data was obtained from the University of California Berkley's (UC Berkley) Safe Transportation Research and Education Center's (SafeTREC) Transportation Injury Mapping System (TIMS), which collects and organizes data produced by the California Highway Patrol's (CHP) Statewide Integrated Traffic Records System (SWITRS). The data, which comprises of reported injury and fatal collisions, was acquired for all six existing study intersection for a five-year period between January 2018 and December 2022 (note, 2022 data is still considered provisional by both TIMS and SWITRS; no data has been released for 2023 as yet).

During the study period, a total of 33 crashes were reported, as illustrated in **Table 7**. Of the 33 reported crashes, 21 crashes were classified as "complaint of pain" (COP), 11 crashes were classified as "visible injury" (VI), and one was classified as "severe injury" (SI). A majority of crashes (25 of 33 or approximately 75 percent) occurred at the intersection of Stevens Creek Boulevard and San Tomas Expressway (Study Intersection 1). No crashes were reported Forest Avenue and Harold Avenue (Study Intersection 5) or Pruneridge Avenue and Harold Avenue (Study Intersection 6) during the study period. No crashes were reported as being fatal.

Detailed crash summary tables are illustrated in **Table 8** and **Table 9** for Study Intersection 1 and 2, respectively, as these are the primary intersections that would be utilized by the proposed development. The complete detailed summaries of crash data by intersection is provided in **Appendix D**.

Table 7: Historical Crash Data Summary (January 2018 to December 2022)

Intersection	Complaint of Pain	Visible Injury	Severe Injury	Fatal	Total
1 Stevens Creek Blvd at San Tomas Expwy	14	10	1	0	25
2 Stevens Creek Blvd at Harold Ave	1	1	0	0	2
3 Stevens Creek Blvd at Cypress Ave	5	0	0	0	5
4 Stevens Creek Blvd at Tyler St	1	0	0	0	1
5 Forest Ave at Harold Ave	0	0	0	0	0
6 Pruneridge Ave at Harold Ave	0	0	0	0	0
Total Reported Crashes Analyzed	21	11	1	0	33
Percentages	63.6%	33.3%	3.0%	0.0%	100.0%

Table 8: TIMS Crash Data at Stevens Creek Blvd at San Tomas Expressway (Study Intersection 1)

Intersection Crash Analysis	Crash Data for the Intersection of Stevens Creek Blvd and San Tomas Expwy (2018 - 2022)							
	2018	2019	2020	2021	2022	Total	Frequency	Avg/Yr.
<u>Severity</u>								
Severe Injury	0	0	0	0	1	1	4.00%	0.2
Other Visible Injury	2	0	2	0	6	10	40.00%	2.0
Complaint of Pain	2	1	1	5	5	14	56.00%	2.8
Total:	4	1	3	5	12	25	100.00%	5.0
<u>Involvement</u>								
Pedestrian	0	0	1	0	0	1	4.00%	0.2
Bicycle	0	0	0	1	0	1	4.00%	0.2
<u>Crash Type</u>								
Head-On	2	0	1	0	4	7	28.00%	1.4
Sideswipe	1	0	0	1	1	3	12.00%	0.6
Rear End	0	0	0	0	0	0	0.00%	0.0
Broadside	0	1	0	2	6	9	36.00%	1.8
Hit Object	1	0	0	0	0	1	4.00%	0.2
Overturned	0	0	0	0	0	0	0.00%	0.0
Vehicle/Pedestrian	0	0	0	1	0	1	4.00%	0.2
Other	0	0	0	0	0	0	0.00%	0.0
Unknown / Not Stated	0	0	2	1	1	4	16.00%	0.8
<u>Primary Crash Factor</u>								
Unsafe Lane Change	1	0	0	0	0	1	4.00%	0.2
Improper Turning	1	0	0	0	0	1	4.00%	0.2
Automobile Right-of-Way	2	0	0	1	1	4	16.00%	0.8
Pedestrian Right-of-Way	0	0	0	1	0	1	4.00%	0.2
Pedestrian Violation	0	0	1	0	0	1	4.00%	0.2
Traffic Signal and Signs	0	1	1	3	9	14	56.00%	2.8
Unknown / Not Stated	0	0	1	0	2	3	12.00%	0.6
<u>Time of Day</u>								
12:00 to 3:00 AM	0	0	0	0	0	0	0.00%	0.0
3:00 to 6:00 AM	0	1	0	0	2	3	12.00%	0.6
6:00 to 9:00 AM	0	0	0	0	0	0	0.00%	0.0
9:00 AM to 12:00 PM	1	0	1	3	2	7	28.00%	1.4
12:00 to 3:00 PM	0	0	1	0	2	3	12.00%	0.6
3:00 to 6:00 PM	0	0	1	1	1	3	12.00%	0.6
6:00 to 9:00 PM	2	0	0	1	4	7	28.00%	1.4
9:00 PM to 12:00 AM	1	0	0	0	1	2	8.00%	0.4
<u>Weather</u>								
Clear	3	1	3	4	12	23	92.00%	4.6
Cloudy	1	0	0	1	0	2	8.00%	0.4
Raining	0	0	0	0	0	0	0.00%	0.0
Snowing	0	0	0	0	0	0	0.00%	0.0
Fog	0	0	0	0	0	0	0.00%	0.0
Other	0	0	0	0	0	0	0.00%	0.0
Wind	0	0	0	0	0	0	0.00%	0.0
Unknown / Not Stated	0	0	0	0	0	0	0.00%	0.0
<u>Road Surface</u>								
Dry	3	1	3	5	11	23	92.00%	4.6
Wet	1	0	0	0	0	1	4.00%	0.2
Snowy or Icy	0	0	0	0	0	0	0.00%	0.0
Slippery (Muddy, Oily, etc.)	0	0	0	0	0	0	0.00%	0.0
Unknown / Not Stated	0	0	0	0	1	1	4.00%	0.2

Table 9: TIMS Crash Data at Stevens Creek Blvd at Harold Avenue (Study Intersection 2)

Intersection Crash Analysis	Crash Data for the Intersection of Stevens Creek Blvd and Harold Ave (2018 - 2022)							
	2018	2019	2020	2021	2022	Total	Frequency	Avg/Yr.
<u>Severity</u>								
Other Visible Injury	1	0	0	0	0	1	50.00%	0.2
Complaint of Pain	0	0	0	0	1	1	50.00%	0.2
Total:	1	0	0	0	1	2	100.00%	0.4
<u>Involvement</u>								
Pedestrian	0	0	0	0	0	0	0.00%	0.0
Bicycle	0	0	0	0	0	0	0.00%	0.0
<u>Crash Type</u>								
Head-On	1	0	0	0	0	1	50.00%	0.2
Sideswipe	0	0	0	0	0	0	0.00%	0.0
Rear End	0	0	0	0	1	1	50.00%	0.2
<u>Primary Crash Factor</u>								
Unsafe Speed	0	0	0	0	1	1	50.00%	0.2
Improper Turning	0	0	0	0	0	0	0.00%	0.0
Automobile Right-of-Way	1	0	0	0	0	1	50.00%	0.2
Total:	1	0	0	0	1	2	100.00%	0.4
<u>Time of Day</u>								
12:00 to 3:00 AM	0	0	0	0	0	0	0.00%	0.0
3:00 to 6:00 AM	0	0	0	0	0	0	0.00%	0.0
6:00 to 9:00 AM	0	0	0	0	0	0	0.00%	0.0
9:00 AM to 12:00 PM	1	0	0	0	0	1	50.00%	0.2
12:00 to 3:00 PM	0	0	0	0	1	1	50.00%	0.2
3:00 to 6:00 PM	0	0	0	0	0	0	0.00%	0.0
6:00 to 9:00 PM	0	0	0	0	0	0	0.00%	0.0
9:00 PM to 12:00 AM	0	0	0	0	0	0	0.00%	0.0
<u>Weather</u>								
Clear	1	0	0	0	1	2	100.00%	0.4
<u>Road Surface</u>								
Dry	1	0	0	0	1	2	100.00%	0.4
Wet	0	0	0	0	0	0	0.00%	0.0
Snowy or Icy	0	0	0	0	0	0	0.00%	0.0
Slippery (Muddy, Oily, etc.)	0	0	0	0	0	0	0.00%	0.0
Unknown / Not Stated	0	0	0	0	0	0	0.00%	0.0

Harold Avenue Traffic Calming Assessment

During the outreach process for this application, the community noted concerns regarding the potential need for traffic calming within the neighborhood. Four primary concerns were brought up:

1. Cut-through traffic by-passing San Tomas Parkway via Harold Avenue;
2. Speeding along Harold Avenue;
3. The need for a stop sign at the intersection of Forest Avenue & Harold Avenue, and
4. Conditions considering the Nishiyamato Academy Preschool.

HAROLD AVENUE – CUT-THROUGH TRAFFIC CONCERNS

At the November 13, 2023, neighborhood meeting conducted to discuss the project, residents of the neighborhood surrounding Harold Avenue expressed concerns about cut-through traffic utilizing Harold Avenue. Cut-through traffic is traffic that travels on a neighborhood street without originating within the neighborhood. On Harold Avenue, such traffic would primarily consist of traffic avoiding San Tomas Expressway between Stevens Creek Boulevard and Pruneridge Avenue. Although residents expressed opinions regarding the specific origins and destinations of certain cut-through traffic, these origins and destinations cannot be directly substantiated, as there was no apparent spike in traffic volumes at Forest Avenue and at Pruneridge Drive.

It should be noted that it is the applicant’s intention to work with the City to implement traffic calming that may reduce cut-through traffic on Harold Avenue. This could also improve level of service at the Stevens Creek Boulevard & Harold Avenue intersection.

HAROLD AVENUE – SPEEDING CONCERNS

In order to assess operating speeds, speed data was collected along Harold Avenue between Stevens Creek Boulevard and Forest Avenue on May 1, 2024 using automated tube recorders (ATRs). A summary of recorded speeds is illustrated in **Table 10** below. In contrast, the posted speed limit along this segment of Harold Avenue is posted 25 miles per hour (mph). The speed data is provided in **Appendix A**.

Table 10: Harold Avenue Speed Data

Direction	50 th Percentile Speed (mph)	85 th Percentile speed (mph)	95 th Percentile speed (mph)	Pace Speed (mph)
Northbound	26	30	34	20-29
Southbound	25	30	34	20-29
Both Directions	26	30	34	20-29

According to the City of Santa Clara [Neighborhood Traffic Calming Program](#), traffic calming measures consist of three successive levels, with Level 1 including such measures as painting speed legends on the pavement and deploying a radar speed feedback trailer. Harold Avenue already features Level 1 traffic calming measures, in the form of pavement legends, speed limit signs, and radar speed feedback

signs. Level 2 and 3 traffic calming measures include geometric features such as speed humps. For Level 2 and 3 measures, the necessary thresholds for traffic calming initiatives on local streets posted at 25 mph due to speeding is a total traffic volume of greater than 1,000 vehicles-trips per day (vpd) and less than 3,500 vpd, and an 85th percentile speed of 33 mph or more. Additionally, designated emergency response routes are not eligible for Level 2 or 3 traffic calming.

Harold Avenue is designated as an emergency response route between Forest Avenue and Pruneridge Avenue, thus excluding Harold Avenue north of Forest Avenue from consideration. As shown in **Appendix A**, Harold Avenue south of Forest Avenue experienced a volume of 1,289 vehicles in 24 hours on May 1, 2024 (above the 1,000 ADT threshold). However, as Harold Avenue is designated as an emergency response route between Forest Avenue and Pruneridge Avenue, this section of Harold Avenue may be not considered eligible for Level 2 or 3 traffic calming initiatives through the City's program based on existing volumes (careful consideration will be required between the application and the City in order to provided traffic calming measures, if pursued). TJKM recommends that the applicant work with the City to provide any necessary traffic calming measures (consistent with the City's traffic calming program, the City should be in responsible charge for the selection, design, and implementation process of any traffic calming devices on Harold). The applicant should contribute appropriate funds for installation.

TJKM suggests either chokers (curb extensions to narrow the street cross-section), speed cushions (speed humps/bumps that account for the needs of emergency vehicles) at appropriate intervals, or a second dynamic feedback sign be installed. It should be noted that with respect to the first two measures, careful design must be considered as to not impact drainage or impact emergency response times. Additionally, identifying the specific locations of speed humps requires 100% approval from the adjacent property owners.

According to the Federal Highway Administration's (FHWA) Traffic Calming ePrimer, chokers can reduce 85th percentile speeds between one and four mph. Speed cushions/humps in series can reduce 85th percentile speeds in their functional area by 6.5 mph and reduce daily volumes by 370 vpd on average, according to the ITE's A Guide to Vertical Deflections Speed Reduction Techniques (December 2022).

FOREST AVENUE & HAROLD AVENUE – STOP SIGN WARRANT ASSESSMENT

To install an all-way stop sign at the intersection of Forest Avenue and Harold Avenue (Study Intersection 5), it must be warranted. All-way stop warrant applications were developed by the Federal Highway Administration (FHWA) and are described in Section 2B.07 of the California Manual on Uniform Traffic Control Devices (CA MUTCD). The CA MUTCD describes four criteria to evaluate the need for an all-way stop application. Additionally, the CA MUTCD discusses four optional criteria that may be considered on a case-by-case basis. Only one criteria needs to be satisfied in order to justify the implementation of an all-way stop.

- A. *Where traffic control signals are justified, the all-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal*
- B. *Five or more reported crashes in a 12-month period that are susceptible to correction by an all-way stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions*
- C. *Minimum Volumes:*
 - 1. *The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour (vph) for any eight hours of an average day; and*
 - 2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour (uph) for the same eight hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
 - 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values provided in Items 1 and 2.*
- D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

Other criteria that may be considered include:

- A. *The need to control left-turn conflicts:*
- B. *The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;*
- C. *Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and*
- D. *An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where all-way stop control would improve traffic operational characteristics of the intersection.*

Twelve hours of turning movement count data and five years of safety data were collected and analyzed for the subject intersection. The results of the warrant analysis are summarized in **Table 11**. As illustrated, an all-way stop application is not satisfied using the primary warrant criterion. It should be noted that additional project traffic on Harold Avenue (approximately 123 vehicles per day) would not be sufficient for the intersection to meet Criterion C.

Table 11: Forest Avenue & Harold Avenue – All-Way Stop Warrant Analysis Summary

Criterion	Results	Summary
A	Traffic signals are not justified, and no future traffic signal installation planned at this location.	Not Satisfied
B	No crashes were reported at the subject intersection within a 60-month analysis period (January 2018 to December 2022). Thus, there were no correctable crashes at the subject intersection that an all-way stop could mitigate.	Not Satisfied
C	During a 12-hour analysis window, the combination of the major-street experienced 118 vph or less (as compared to the 300 vph threshold) and the minor-street experienced 69 uph or less (as compared to the 200 uph threshold). Based on the speed limit and measured 85 th percentile speed, Criteria C3 is not applicable.	Not Satisfied
D	The Criteria B, C.1, and C.2 would continue to not be satisfied if the threshold were reduced to 80%.	Not Satisfied
Optional A	No crashes were reported at the subject intersection within a 60-month analysis period (January 2018 to December 2022). Thus, based on existing conditions, the need to control left-turn conflicts is not expected.	Not Satisfied
Optional B	During the highest single-hour, the intersection was used by 37 pedestrians (10-11 a.m.). This is typically not considered a high pedestrian volume. In contract, the CA MUTCD uses pedestrian thresholds between 75 and 133 pedestrians per hour for the installation of traffic signals.	Not Satisfied
Optional C	Based on existing topography and vegetation, the existing sight distance at the subject intersection does not appear to present a hazard.	Not Satisfied
Optional D	<p>Harold Avenue functions as a collector street that collects traffic on four roadways and distributes that traffic onto either Stevens Creek Boulevard or Pruneridge Avenue. The roadway primarily serves residential homes but also includes some non-residential developments to the south.</p> <p>Forest Avenue also generally functions as a collector street from its terminus (a cul-de-sac) to the west of Brookside Avenue to Winchester Boulevard. The roadway allows for the collection and distribution of traffic from residential homes to 11 other roadways.</p> <p>Based on the traffic volumes and given that Forest Avenue terminates to the west of the intersection, all-way stop control is not anticipated to greatly improve traffic operational characteristics of the intersection. Additionally to note, stop signs are considered traffic control devices and should not be considered for traffic calming.</p>	Not Satisfied

NISHIYAMATO ACADEMY PRESCHOOL CONDITIONS

At the November 13, 2023, neighborhood meeting conducted to discuss the project, residents of the neighborhood surrounding Harold Avenue described operations of the preschool during drop-off and pick-up periods. With the exception of a red zone near a fire hydrant, the curb in front of and near the preschool site is designated as two-hour parking. Parents typically park on the street for drop-off and pick-up. No negative operational impacts were reported by nearby residents.

As noted previously, the proposed Starbucks facility is expected to increase traffic along Harrold Road by in front of the Academy by approximate 123 trips during a typical weekday (of which, less than 10 trips (five vehicles) would occur during the a.m. peak hour).

SIGHT DISTANCE ANALYSIS

In conformance with the American Association of State Highway and Transportation Officials' (AASHTO) Geometric Design of Highways and Streets (7th Edition, 2018; commonly referred to as the "Green Book"), Chapter 9 Section 9.5.3.2, for a design speed of 35 mph (Stevens Creek Boulevard), the required minimum sight distance at a side-street stop-controlled intersections is 465 feet for left turns and 335 feet for right turns.

Based on an assessment of existing sight lines, the sight distance for the intersection of Harrold Avenue at Stevens Creek to turn left is adequate, however the right turn sight distance may at times become obstructed due to on-street parking, as illustrated in **Appendix F**.

With the proposed project, the Stevens Creek frontage area would be modified to account for the new driveway, as such on-street parking along the Stevens Creek frontage would be removed. Thus, TJKM expects that the proposed development will improve upon existing sight lines.

Alternative Modes of Transportation

The following section provides additional analysis of non-vehicular transportation components of the project, including pedestrian impacts, bicycle impacts, and transit impacts.

MULTIMODAL ASSESSMENT METHODOLOGY

Under CEQA, a significant impact occurs if the project conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The following are general guidance for determining impacts on alternative modes of transportation.

Pedestrian Facilities A project is defined to have a significant impact to the pedestrian facilities if implementation of the project would:

- Eliminate existing or planned pedestrian facilities.

- *Degrade existing or planned pedestrian facilities. Examples of degradation include, but are not limited to, reduction of sidewalk/path width to less than the standards shown in the City's standard plans, removal of a crosswalk, or removal of a landscape buffer.*
- *Create a highly circuitous pedestrian circulation pattern that would discourage walking to local destinations or transit facilities.*
- *Result in unsafe conditions for pedestrians, including unsafe bicycle/pedestrian or pedestrian/motor vehicle conflicts.*

Bicycle Facilities A project is defined to have a significant impact to the bicycle facilities if implementation of the project would:

- *Eliminate existing or planned bike paths, lanes, or routes.*
- *Result in an unsafe condition for bicycles, including but not limited to, unsafe bicycle/vehicle or bicycle/pedestrian conflicts or bicycle facility pavement degradation.*

Transit Facilities A project is defined to have a significant impact to the transit system if implementation of the project would:

- *Eliminate existing or planned transit service.*
- *Remove an existing bus stop.*
- *Cause a substantial rerouting of existing or planned bus service.*

PEDESTRIAN IMPACTS

The area near the proposed redevelopment is built out with various commercial developments fronting both sides of Stevens Creek Boulevard and residential neighborhoods behind them. Concrete sidewalks with widths of approximately ten feet exist along both sides of Stevens Creek Boulevard, Harold Avenue, and other roadways near the proposed redevelopment. The stop-controlled intersections of Stevens Creek Boulevard at Harold Avenue and Stevens Creek Boulevard at Brookside Avenue include marked crosswalks and curb cuts with tactile walking surface indicators. The signalized intersections of Stevens Creek Boulevard at Cypress Avenue and Stevens Creek Boulevard at San Tomas Expressway also include marked crosswalks and curb cuts in addition to countdown pedestrian signal heads on all four legs. The City recently upgraded the crosswalks at Stevens Creek Boulevard at San Tomas Expressway to high-visibility "ladder" style striping. Tactile walking surface indicators are present at Stevens Creek Boulevard at Harold Avenue and at the northwest and southwest corners of Stevens Creek Boulevard at Cypress Avenue.

A significant impact occurs if a proposed project conflicts with applicable or adopted policies, plans, or programs related to pedestrian facilities or otherwise decreases the performance or safety of pedestrian facilities. The proposed redevelopment does not encroach upon or decrease the performance or safety of existing pedestrian facilities, or interfere with applicable or adopted policies, plans, or programs related to pedestrian facilities. The impact on pedestrian facilities by the proposed redevelopment is thus expected to be **less-than-significant**.

BICYCLE IMPACTS

Bicycle paths, lanes, and routes are typical examples of bicycle transportation facilities, which are defined by Caltrans as being in one of the following four classes:

- **Class I (Multiuse Trail):** A completely separated facility designed for the exclusive use of bicyclists and pedestrians with crossing points minimized.
- **Class II (Bike Lane):** A designated lane for the exclusive use or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited but with cross-flows of parking vehicles and pedestrians permitted.
- **Class III (Bike Route):** A route designated by signs or pavement markings and shared with pedestrians and motorists.
- **Class IV (Separated Bikeway):** An on-street facility reserved for use by bicyclists with physical separation between the bikeway and travel lanes. Physical separation consists of vertical elements that may include curbs, landscaping, bollards, or parking lanes.

Currently, Class II bike lanes exist along both sides of Stevens Creek Boulevard. A Class I pedestrian bike path is planned for implementation according to the 2018 Santa Clara Bicycle Plan.

A significant impact occurs if a proposed project conflicts with applicable or adopted policies, plans, or programs related to bicycle facilities or otherwise decreases the performance or safety of bicycle facilities. The proposed Project would not result in any such conflicts; therefore, the impact on bicycle facilities is expected to be **less-than-significant**.

TRANSIT IMPACTS

The City of Santa Clara is served by multiple public transportation providers, including the Santa Clara Valley Transportation Authority (VTA), the Peninsula Corridor Joint Powers Board (Caltrain), the National Railroad Passenger Corporation (Amtrak), and the Altamont Corridor Express (ACE).

Fixed-route scheduled bus service and light rail service is provided throughout Santa Clara County by VTA. Bus stops are located near the proposed redevelopment approximately 400 feet to the east at the intersection of Stevens Creek Boulevard and Cypress Avenue and are serviced by the following:

- Route 23 (Frequent; connecting De Anza College to Alum Rock Station)
- Route 523 (Rapid; connecting Lockheed Martin Transit Center to 7th & Santa Clara)

Caltrain provides commuter rail service to the San Francisco Peninsula and the Santa Clara Valley between San Francisco (4th & King Street Station) and Gilroy. Services are divided between Baby Bullet express trains, limited-stop trains, and local trains. The three closest stations to the proposed redevelopment include the Santa Clara Station, College Park Station, and San Jose Diridon Station. All are approximately 2.5 to 3.5 miles east or northeast of the proposed redevelopment.

Amtrak provides commuter rail and long-distance rail service across the United States. The Capitol Corridor commuter rail service operates between San Jose and Auburn via Oakland and Sacramento and serves Santa Clara Station and San Jose Diridon Station alongside Caltrain. The Coast Starlight provides long-distance service between Los Angeles Union Station and Seattle King Street Station and serves San Jose Diridon Station.

ACE provides commuter rail service between San Jose and Stockton via Fremont, Pleasanton, Livermore, Tracy, and Lathrop/Manteca. ACE serves San Jose Diridon Station and Santa Clara Station.

A proposed project is considered to have a significant impact on transit if it conflicts with existing or planned transit facilities, or if it is expected to generate additional transit trips and it does not provide adequate facilities for additional pedestrians and bicyclists to access transit routes and stops. While the Project is not expected to generate any substantial increases in transit ridership, any increases resulting from the Project could easily be accommodated by the surrounding transit services. Therefore, the impact on transit facilities is expected to be **less-than-significant**.

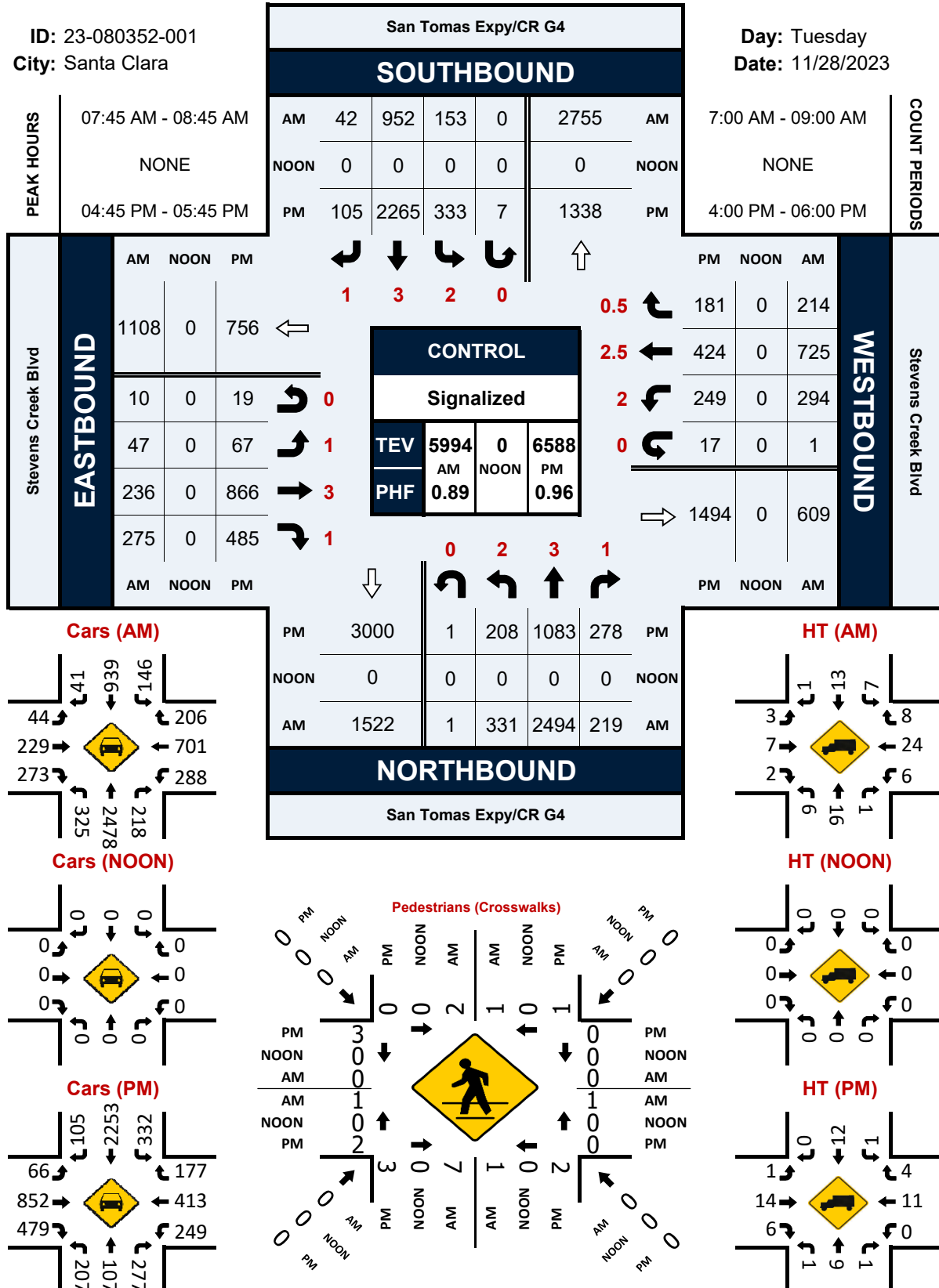
Appendix A – Turning Movement Counts

San Tomas Expy/CR G4 & Stevens Creek Blvd

Peak Hour Turning Movement Count

ID: 23-080352-001
City: Santa Clara

Day: Tuesday
Date: 11/28/2023



National Data & Surveying Services

Intersection Turning Movement Count

Location: San Tomas Expy/CR G4 & Stevens Creek Blvd
City: Santa Clara
Control: Signalized

Project ID: 23-080352-001
Date: 11/28/2023

Data - Cars

NS/EW Streets:	San Tomas Expy/CR G4				San Tomas Expy/CR G4				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	2 NL	3 NT	1 NR	0 NU	2 SL	3 ST	1 SR	0 SU	1 EL	3 ET	1 ER	0 EU	2 WL	2.5 WT	0.5 WR	0 WU	
7:00 AM	20	190	11	0	8	71	2	0	3	23	12	1	10	81	20	0	452
7:15 AM	45	365	28	0	10	135	8	0	8	26	25	2	32	108	30	0	822
7:30 AM	52	450	23	0	25	214	3	0	7	33	53	0	75	165	57	0	1157
7:45 AM	79	617	50	0	31	329	5	0	11	70	128	1	90	180	57	0	1648
8:00 AM	109	541	58	0	42	181	10	0	13	57	66	2	93	210	63	1	1446
8:15 AM	64	613	49	1	34	234	15	0	11	52	44	3	70	189	50	0	1429
8:30 AM	73	707	61	0	39	195	11	0	9	50	35	4	35	122	36	0	1377
8:45 AM	76	622	64	0	29	173	7	0	12	65	33	3	55	171	49	0	1359
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	518	4105	344	1	218	1532	61	0	74	376	396	16	460	1226	362	1	9690
	10.43%	82.63%	6.92%	0.02%	12.04%	84.59%	3.37%	0.00%	8.58%	43.62%	45.94%	1.86%	22.45%	59.83%	17.67%	0.05%	
PEAK HR :	07:45 AM - 08:45 AM																TOTAL
PEAK HR VOL :	325	2478	218	1	146	939	41	0	44	229	273	10	288	701	206	1	5900
PEAK HR FACTOR :	0.745	0.876	0.893	0.250	0.869	0.714	0.683	0.000	0.846	0.818	0.533	0.625	0.774	0.835	0.817	0.250	0.895
	0.898				0.771				0.662				0.815				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	2 NL	3 NT	1 NR	0 NU	2 SL	3 ST	1 SR	0 SU	1 EL	3 ET	1 ER	0 EU	2 WL	2.5 WT	0.5 WR	0 WU	
4:00 PM	56	200	40	0	82	485	19	0	9	176	81	11	59	90	39	2	1349
4:15 PM	59	214	61	0	89	476	24	1	25	173	98	11	58	127	43	2	1461
4:30 PM	32	203	42	0	74	540	22	0	16	211	95	7	75	97	60	5	1479
4:45 PM	51	281	71	0	91	588	29	1	16	194	116	6	66	80	30	4	1624
5:00 PM	56	257	64	0	72	546	30	2	20	212	125	5	61	114	49	3	1616
5:15 PM	58	248	73	1	95	510	26	0	16	228	102	4	59	117	48	5	1590
5:30 PM	42	288	69	0	74	609	20	4	14	218	136	4	63	102	50	5	1698
5:45 PM	55	269	59	2	65	595	17	1	4	230	129	6	61	89	42	4	1628
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	409	1960	479	3	642	4349	187	9	120	1642	882	54	502	816	361	30	12445
	14.35%	68.75%	16.80%	0.11%	12.38%	83.84%	3.61%	0.17%	4.45%	60.86%	32.69%	2.00%	29.37%	47.75%	21.12%	1.76%	
PEAK HR :	04:45 PM - 05:45 PM																TOTAL
PEAK HR VOL :	207	1074	277	1	332	2253	105	7	66	852	479	19	249	413	177	17	6528
PEAK HR FACTOR :	0.892	0.932	0.949	0.250	0.874	0.925	0.875	0.438	0.825	0.934	0.881	0.792	0.943	0.882	0.885	0.850	0.961
	0.967				0.951				0.952				0.934				

National Data & Surveying Services

Intersection Turning Movement Count

Location: San Tomas Expy/CR G4 & Stevens Creek Blvd
City: Santa Clara
Control: Signalized

Project ID: 23-080352-001
Date: 11/28/2023

Data - HT

NS/EW Streets:	San Tomas Expy/CR G4				San Tomas Expy/CR G4				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	2 NL	3 NT	1 NR	0 NU	2 SL	3 ST	1 SR	0 SU	1 EL	3 ET	1 ER	0 EU	2 WL	2.5 WT	0.5 WR	0 WU	
7:00 AM	0	0	1	0	1	5	0	0	0	3	0	0	0	3	1	0	14
7:15 AM	1	6	2	0	0	2	1	0	0	4	1	0	1	9	2	0	29
7:30 AM	5	5	1	0	1	0	1	0	0	3	2	0	0	9	1	0	28
7:45 AM	2	5	0	0	3	1	0	0	0	3	2	0	3	8	3	0	30
8:00 AM	2	3	0	0	1	6	0	0	1	3	0	0	1	4	3	0	24
8:15 AM	0	4	0	0	2	3	1	0	2	1	0	0	1	6	1	0	21
8:30 AM	2	4	1	0	1	3	0	0	0	0	0	0	1	6	1	0	19
8:45 AM	1	10	1	0	1	1	0	0	0	3	0	0	0	7	2	0	26
TOTAL VOLUMES :	NL 13	NT 37	NR 6	NU 0	SL 10	ST 21	SR 3	SU 0	EL 3	ET 20	ER 5	EU 0	WL 7	WT 52	WR 14	WU 0	TOTAL 191
APPROACH %'s :	23.21%	66.07%	10.71%	0.00%	29.41%	61.76%	8.82%	0.00%	10.71%	71.43%	17.86%	0.00%	9.59%	71.23%	19.18%	0.00%	
PEAK HR :	07:45 AM - 08:45 AM				7	13	1	0	3	7	2	0	6	24	8	0	TOTAL 94
PEAK HR VOL :	6	16	1	0	0.583	0.542	0.250	0.000	0.375	0.583	0.250	0.000	0.500	0.750	0.667	0.000	0.783
PEAK HR FACTOR :	0.750	0.800	0.250	0.000		0.750				0.600				0.679			

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	2 NL	3 NT	1 NR	0 NU	2 SL	3 ST	1 SR	0 SU	1 EL	3 ET	1 ER	0 EU	2 WL	2.5 WT	0.5 WR	0 WU	
4:00 PM	1	2	0	0	0	2	0	0	2	4	1	0	1	6	2	0	21
4:15 PM	0	4	0	0	1	3	0	0	0	5	0	0	0	6	0	0	19
4:30 PM	0	3	0	0	1	1	0	0	0	4	1	0	1	3	0	0	14
4:45 PM	1	4	0	0	0	5	0	0	0	3	2	0	0	3	0	0	18
5:00 PM	0	2	0	0	0	2	0	0	0	2	1	0	0	6	2	0	15
5:15 PM	0	2	0	0	1	1	0	0	0	4	3	0	0	2	0	0	13
5:30 PM	0	1	1	0	0	4	0	0	1	5	0	0	0	0	2	0	14
5:45 PM	2	1	0	0	1	2	0	0	1	0	2	0	0	3	0	0	12
TOTAL VOLUMES :	NL 4	NT 19	NR 1	NU 0	SL 4	ST 20	SR 0	SU 0	EL 4	ET 27	ER 10	EU 0	WL 2	WT 29	WR 6	WU 0	TOTAL 126
APPROACH %'s :	16.67%	79.17%	4.17%	0.00%	16.67%	83.33%	0.00%	0.00%	9.76%	65.85%	24.39%	0.00%	5.41%	78.38%	16.22%	0.00%	
PEAK HR :	04:45 PM - 05:45 PM				1	12	0	0	1	14	6	0	0	11	4	0	TOTAL 60
PEAK HR VOL :	1	9	1	0	0.250	0.600	0.000	0.000	0.250	0.700	0.500	0.000	0.000	0.458	0.500	0.000	0.833
PEAK HR FACTOR :	0.250	0.563	0.250	0.000		0.650				0.750				0.469			

National Data & Surveying Services

Intersection Turning Movement Count

Location: San Tomas Expy/CR G4 & Stevens Creek Blvd
City: Santa Clara
Control: Signalized

Project ID: 23-080352-001
Date: 11/28/2023

Data - Bikes

NS/EW Streets:	San Tomas Expy/CR G4				San Tomas Expy/CR G4				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	2 NL	3 NT	1 NR	0 NU	2 SL	3 ST	1 SR	0 SU	1 EL	3 ET	1 ER	0 EU	2 WL	2.5 WT	0.5 WR	0 WU	
7:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7:15 AM	0	3	0	0	0	0	0	0	0	1	0	0	0	0	0	0	4
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	1	0	0	0	0	0	0	0	2	0	0	0	0	1	0	4
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	2	0	0	0	1	0	0	0	0	0	0	0	1	0	0	4
8:30 AM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8:45 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL VOLUMES :	NL 1	NT 8	NR 0	NU 0	SL 0	ST 1	SR 0	SU 0	EL 0	ET 3	ER 0	EU 0	WL 0	WT 1	WR 1	WU 0	TOTAL 15
APPROACH %'s :	11.11%	88.89%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	50.00%	50.00%	0.00%	
PEAK HR :	07:45 AM - 08:45 AM																TOTAL 9
PEAK HR VOL :	1	3	0	0	0	1	0	0	0	2	0	0	0	1	1	0	
PEAK HR FACTOR :	0.250	0.375	0.000	0.000	0.000	0.250	0.000	0.000	0.000	0.250	0.000	0.000	0.000	0.250	0.250	0.000	0.563
			0.500				0.250				0.250				0.500		

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	2 NL	3 NT	1 NR	0 NU	2 SL	3 ST	1 SR	0 SU	1 EL	3 ET	1 ER	0 EU	2 WL	2.5 WT	0.5 WR	0 WU	
4:00 PM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	2
4:15 PM	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
4:30 PM	0	0	0	0	0	1	0	0	0	0	0	0	1	1	0	0	4
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
5:00 PM	0	0	0	0	0	1	0	0	0	2	0	0	0	1	0	0	4
5:15 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:30 PM	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
5:45 PM	0	0	0	0	0	1	0	0	0	2	0	0	0	0	0	0	3
TOTAL VOLUMES :	NL 0	NT 1	NR 0	NU 0	SL 0	ST 7	SR 1	SU 0	EL 1	ET 5	ER 0	EU 0	WL 1	WT 3	WR 0	WU 0	TOTAL 19
APPROACH %'s :	0.00%	100.00%	0.00%	0.00%	0.00%	87.50%	12.50%	0.00%	16.67%	83.33%	0.00%	0.00%	25.00%	75.00%	0.00%	0.00%	
PEAK HR :	04:45 PM - 05:45 PM																TOTAL 8
PEAK HR VOL :	0	1	0	0	0	3	0	0	0	2	0	0	0	2	0	0	
PEAK HR FACTOR :	0.000	0.250	0.000	0.000	0.000	0.375	0.000	0.000	0.000	0.250	0.000	0.000	0.000	0.500	0.000	0.000	0.500
			0.250				0.375				0.250				0.500		

National Data & Surveying Services

Intersection Turning Movement Count

Location: San Tomas Expy/CR G4 & Stevens Creek Blvd
City: Santa Clara

Project ID: 23-080352-001
Date: 11/28/2023

Data - Pedestrians (Crosswalks)

NS/EW Streets:	San Tomas Expy/CR G4		San Tomas Expy/CR G4		Stevens Creek Blvd		Stevens Creek Blvd		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	0	1	0	0	0	0	0	1
7:15 AM	0	0	2	0	0	0	0	1	3
7:30 AM	0	0	0	1	0	0	0	0	1
7:45 AM	0	0	2	0	1	0	0	0	3
8:00 AM	0	0	2	0	0	0	1	0	3
8:15 AM	1	0	2	1	0	0	0	0	4
8:30 AM	1	1	1	0	0	0	0	0	3
8:45 AM	1	0	4	0	1	0	0	0	6
TOTAL VOLUMES :	EB 3	WB 1	EB 14	WB 2	NB 2	SB 0	NB 1	SB 1	TOTAL 24
APPROACH %'s :	75.00%	25.00%	87.50%	12.50%	100.00%	0.00%	50.00%	50.00%	
PEAK HR :	07:45 AM - 08:45 AM								TOTAL
PEAK HR VOL :	2	1	7	1	1	0	1	0	13
PEAK HR FACTOR :	0.500	0.250	0.875	0.250	0.250		0.250		0.813
	0.375		0.667		0.250		0.250		

PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
4:00 PM	2	1	1	4	0	0	0	0	8
4:15 PM	1	2	3	2	0	2	0	1	11
4:30 PM	1	2	3	2	0	0	1	0	9
4:45 PM	0	0	2	1	0	0	1	3	7
5:00 PM	0	0	0	1	0	0	0	0	1
5:15 PM	0	1	0	0	0	0	0	0	1
5:30 PM	0	0	1	0	0	0	1	0	2
5:45 PM	1	1	3	0	1	0	0	0	6
TOTAL VOLUMES :	EB 5	WB 7	EB 13	WB 10	NB 1	SB 2	NB 3	SB 4	TOTAL 45
APPROACH %'s :	41.67%	58.33%	56.52%	43.48%	33.33%	66.67%	42.86%	57.14%	
PEAK HR :	04:45 PM - 05:45 PM								TOTAL
PEAK HR VOL :	0	1	3	2	0	0	2	3	11
PEAK HR FACTOR :		0.250	0.375	0.500			0.500	0.250	0.393
	0.250		0.417				0.313		

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 24-080112-001
Date: 5/1/2024

Data - Total

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	5	0	5	68	0	1	0	113	0	0	192
7:15 AM	0	0	0	0	3	0	7	0	3	72	0	0	0	222	1	0	308
7:30 AM	0	0	0	0	5	0	9	0	4	100	0	1	0	290	1	0	410
7:45 AM	0	0	0	0	1	0	24	0	9	143	0	2	0	357	2	0	538
8:00 AM	0	0	0	0	2	0	16	0	14	173	0	2	0	343	4	0	554
8:15 AM	0	0	0	0	1	0	8	0	19	119	0	3	0	306	2	0	458
8:30 AM	0	0	0	0	3	0	8	0	15	121	0	1	0	288	4	0	440
8:45 AM	0	0	0	0	1	0	19	0	36	156	0	0	0	290	4	0	506
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	0	0	0	0	16	0	96	0	105	952	0	10	0	2209	18	0	3406
PEAK HR :	07:45 AM - 08:45 AM				7	0	56	0	57	556	0	8	0	1294	12	0	1990
PEAK HR VOL :	0	0	0	0	0.583	0.000	0.583	0.000	0.750	0.803	0.000	0.667	0.000	0.906	0.750	0.000	0.898
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.630				0.821				0.909				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	2	0	11	0	15	287	1	7	0	204	2	0	529
4:15 PM	0	0	1	0	6	0	8	0	21	292	0	6	0	211	7	0	552
4:30 PM	0	0	1	0	1	0	16	0	18	299	1	4	2	190	3	0	535
4:45 PM	0	0	1	0	1	0	13	0	22	334	1	5	1	172	7	0	557
5:00 PM	0	0	0	0	1	0	9	0	23	333	0	4	0	210	2	0	582
5:15 PM	1	0	3	0	5	0	9	0	22	378	0	6	1	208	5	0	638
5:30 PM	1	0	0	0	4	0	18	0	24	338	0	5	0	183	0	0	573
5:45 PM	0	0	0	0	1	0	10	0	31	392	1	5	0	218	9	0	667
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	2	0	6	0	21	0	94	0	176	2653	4	42	0.24%	1596	35	0	4633
PEAK HR :	05:00 PM - 06:00 PM				11	0	46	0	100	1441	1	20	1	819	16	0	2460
PEAK HR VOL :	0.500	0.000	0.250	0.000	0.550	0.000	0.639	0.000	0.806	0.919	0.250	0.833	0.250	0.939	0.444	0.000	0.922
PEAK HR FACTOR :	0.313				0.648				0.910				0.921				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 24-080112-001
Date: 5/1/2024

Data - Cars

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	5	0	5	63	0	1	0	109	0	0	183
7:15 AM	0	0	0	0	3	0	7	0	2	69	0	0	0	210	1	0	292
7:30 AM	0	0	0	0	5	0	9	0	4	94	0	1	0	277	1	0	391
7:45 AM	0	0	0	0	1	0	24	0	8	140	0	2	0	352	2	0	529
8:00 AM	0	0	0	0	2	0	16	0	14	164	0	2	0	333	4	0	535
8:15 AM	0	0	0	0	1	0	8	0	19	116	0	3	0	299	2	0	448
8:30 AM	0	0	0	0	3	0	8	0	15	119	0	1	0	274	4	0	424
8:45 AM	0	0	0	0	1	0	19	0	36	151	0	0	0	282	4	0	493
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	0	0	0	0	16	0	96	0	103	916	0	10	0	2136	18	0	3295
PEAK HR :	07:45 AM - 08:45 AM				14.29%	0.00%	85.71%	0.00%	10.01%	89.02%	0.00%	0.97%	0.00%	99.16%	0.84%	0.00%	
PEAK HR VOL :	0	0	0	0	7	0	56	0	56	539	0	8	0	1258	12	0	1936
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.583	0.000	0.583	0.000	0.737	0.822	0.000	0.667	0.000	0.893	0.750	0.000	0.905
							0.630				0.838				0.897		

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	1	0	11	0	15	287	1	7	0	200	2	0	524
4:15 PM	0	0	1	0	6	0	8	0	21	284	0	6	0	209	7	0	542
4:30 PM	0	0	1	0	1	0	16	0	18	296	1	4	2	185	3	0	527
4:45 PM	0	0	1	0	1	0	12	0	21	329	1	5	1	170	7	0	548
5:00 PM	0	0	0	0	1	0	9	0	23	330	0	4	0	207	2	0	576
5:15 PM	1	0	3	0	5	0	9	0	22	374	0	6	1	204	5	0	630
5:30 PM	1	0	0	0	4	0	18	0	24	337	0	5	0	182	0	0	571
5:45 PM	0	0	0	0	1	0	10	0	31	389	1	5	0	216	9	0	662
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	2	0	6	0	20	0	93	0	175	2626	4	42	4	1573	35	0	4580
PEAK HR :	05:00 PM - 06:00 PM				17.70%	0.00%	82.30%	0.00%	6.15%	92.24%	0.14%	1.48%	0.25%	97.58%	2.17%	0.00%	
PEAK HR VOL :	2	0	3	0	11	0	46	0	100	1430	1	20	1	809	16	0	2439
PEAK HR FACTOR :	0.500	0.000	0.250	0.000	0.550	0.000	0.639	0.000	0.806	0.919	0.250	0.833	0.250	0.936	0.444	0.000	0.921
							0.648				0.910				0.918		

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 24-080112-001
Date: 5/1/2024

Data - HT

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	4	0	0	9
7:15 AM	0	0	0	0	0	0	0	0	1	3	0	0	0	12	0	0	16
7:30 AM	0	0	0	0	0	0	0	0	0	6	0	0	0	13	0	0	19
7:45 AM	0	0	0	0	0	0	0	0	1	3	0	0	0	5	0	0	9
8:00 AM	0	0	0	0	0	0	0	0	0	9	0	0	0	10	0	0	19
8:15 AM	0	0	0	0	0	0	0	0	0	3	0	0	0	7	0	0	10
8:30 AM	0	0	0	0	0	0	0	0	0	2	0	0	0	14	0	0	16
8:45 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	8	0	0	13
TOTAL VOLUMES :	0	0	0	0	0	0	0	0	2	36	0	0	0	73	0	0	111
APPROACH %'s :									5.26%	94.74%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	
PEAK HR :	07:45 AM - 08:45 AM				0	0	0	0	1	17	0	0	0	36	0	0	54
PEAK HR VOL :	0	0	0	0	0	0	0	0	0.250	0.472	0.000	0.000	0.000	0.643	0.000	0.000	0.711
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.500				0.643				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	4	0	0	5
4:15 PM	0	0	0	0	0	0	0	0	0	8	0	0	0	2	0	0	10
4:30 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	5	0	0	8
4:45 PM	0	0	0	0	0	0	1	0	1	5	0	0	0	2	0	0	9
5:00 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	3	0	0	6
5:15 PM	0	0	0	0	0	0	0	0	0	4	0	0	0	4	0	0	8
5:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
5:45 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	2	0	0	5
TOTAL VOLUMES :	0	0	0	0	1	0	1	0	1	27	0	0	0	23	0	0	53
APPROACH %'s :					50.00%	0.00%	50.00%	0.00%	3.57%	96.43%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM				0	0	0	0	0	11	0	0	0	10	0	0	21
PEAK HR VOL :	0	0	0	0	0	0	0	0	0.000	0.688	0.000	0.000	0.000	0.625	0.000	0.000	0.656
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.688				0.625				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 24-080112-001
Date: 5/1/2024

Data - Bikes

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	
7:00 AM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
7:15 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
7:45 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
8:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	0	0	0	0	0	0	0	0	0	5	0	0	0	4	0	0	9
PEAK HR :	07:45 AM - 08:45 AM				0	0	0	0	0	2	0	0	0	1	0	0	3
PEAK HR VOL :	0	0	0	0	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.000	0.000	0.250	0.000	0.000	0.750
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.000	0.000	0.250	0.000	0.000	0.750

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	
4:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	3
4:15 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
4:45 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
5:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	4
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
5:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	0	0	0	0	0	0	0	0	0	7	0	0	1	7	0	0	15
PEAK HR :	05:00 PM - 06:00 PM				0	0	0	0	0	2	0	0	0	5	0	0	7
PEAK HR VOL :	0	0	0	0	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.000	0.000	0.417	0.000	0.000	0.438
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.000	0.000	0.417	0.000	0.000	0.438

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara

Project ID: 24-080112-001
Date: 5/1/2024

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Harold Ave		Harold Ave		Stevens Creek Blvd		Stevens Creek Blvd		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	0	1	0	0	0	0	0	1
7:15 AM	0	2	0	0	0	0	0	0	2
7:30 AM	0	1	1	1	0	0	0	0	3
7:45 AM	0	2	0	0	0	0	0	0	2
8:00 AM	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	3	0	0	0	0	0	3
8:30 AM	0	0	1	0	0	0	0	0	1
8:45 AM	0	0	1	0	0	0	0	0	1
TOTAL VOLUMES :	EB 0	WB 5	EB 7	WB 1	NB 0	SB 0	NB 0	SB 0	TOTAL 13
APPROACH %'s :	0.00%	100.00%	87.50%	12.50%					
PEAK HR :	07:45 AM - 08:45 AM								TOTAL
PEAK HR VOL :	0	2	4	0	0	0	0	0	6
PEAK HR FACTOR :		0.250	0.333						0.500
		0.250		0.333					

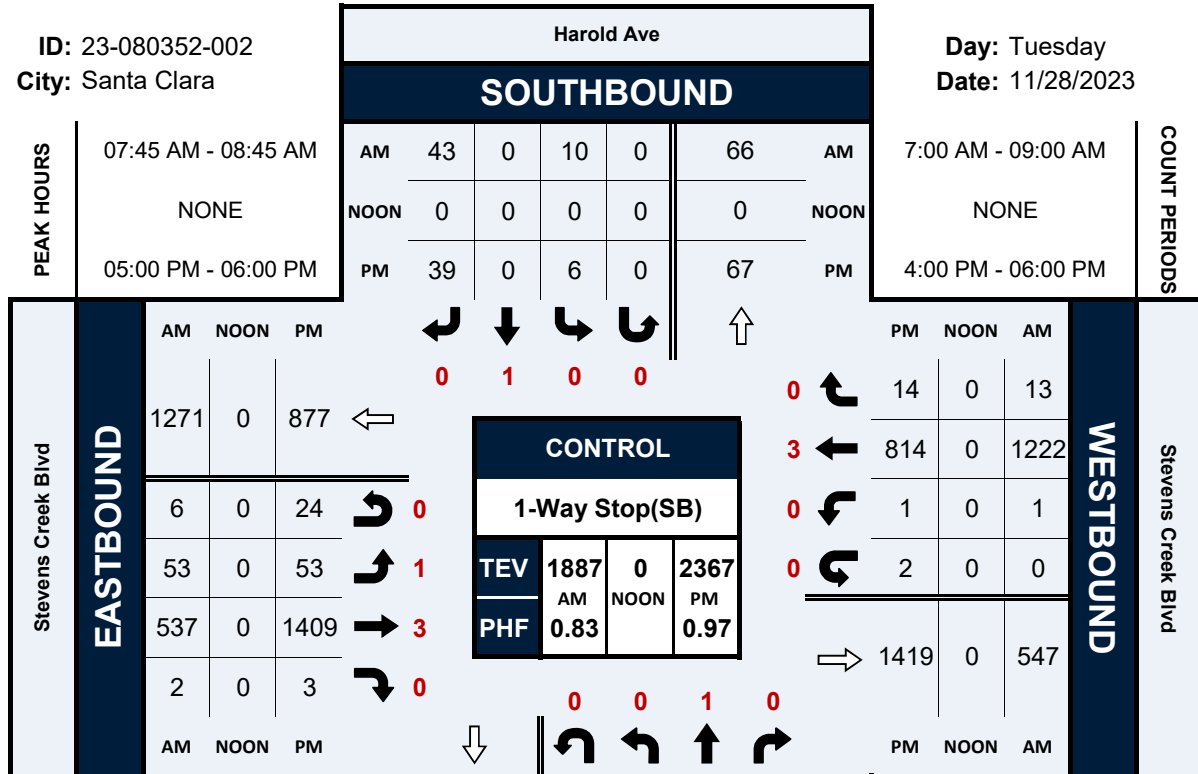
PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
4:00 PM	0	0	1	0	0	0	0	0	1
4:15 PM	1	1	0	0	0	0	0	0	2
4:30 PM	0	0	0	0	0	0	0	0	0
4:45 PM	0	1	0	1	0	0	0	0	2
5:00 PM	0	0	0	0	0	0	0	0	0
5:15 PM	0	1	0	3	0	0	0	0	4
5:30 PM	1	1	1	2	0	0	0	0	5
5:45 PM	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	EB 2	WB 4	EB 2	WB 6	NB 0	SB 0	NB 0	SB 0	TOTAL 14
APPROACH %'s :	33.33%	66.67%	25.00%	75.00%					
PEAK HR :	05:00 PM - 06:00 PM								TOTAL
PEAK HR VOL :	1	2	1	5	0	0	0	0	9
PEAK HR FACTOR :	0.250	0.500	0.250	0.417					0.450
		0.375		0.500					

Harold Ave & Stevens Creek Blvd

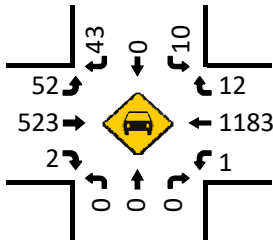
Peak Hour Turning Movement Count

ID: 23-080352-002
City: Santa Clara

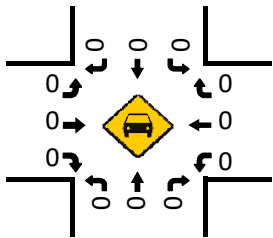
Day: Tuesday
Date: 11/28/2023



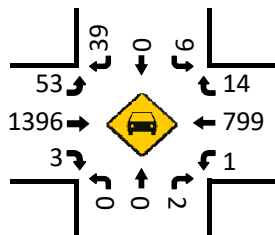
Cars (AM)



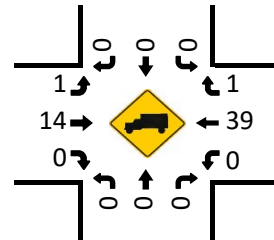
Cars (NOON)



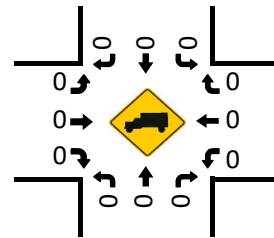
Cars (PM)



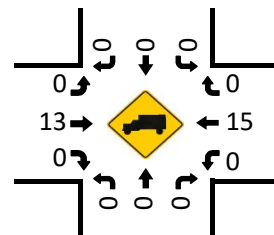
HT (AM)



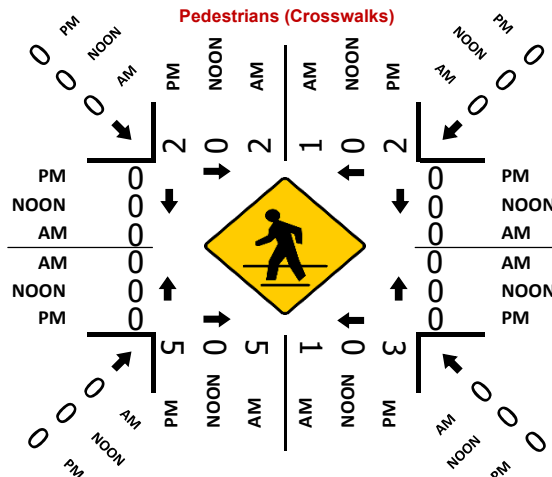
HT (NOON)



HT (PM)



Pedestrians (Crosswalks)



National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 23-080352-002
Date: 11/28/2023

Data - Total

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	2	0	5	0	3	42	0	0	0	107	0	0	159
7:15 AM	0	0	0	0	0	0	4	0	7	61	0	2	0	172	1	0	247
7:30 AM	0	0	0	0	1	0	13	0	2	75	0	4	0	290	2	0	387
7:45 AM	0	0	0	0	4	0	15	0	11	145	0	0	1	387	3	0	566
8:00 AM	0	0	0	0	4	0	9	0	13	143	2	4	0	305	3	0	483
8:15 AM	0	0	0	0	1	0	10	0	13	122	0	1	0	281	4	0	432
8:30 AM	0	0	0	0	1	0	9	0	16	127	0	1	0	249	3	0	406
8:45 AM	0	0	0	0	1	0	10	0	24	140	0	0	0	265	5	0	445
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	0	0	0	0	14	0	75	0	89	855	2	12	1	2056	21	0	3125
PEAK HR :	07:45 AM - 08:45 AM				15.73%	0.00%	84.27%	0.00%	9.29%	89.25%	0.21%	1.25%	0.05%	98.94%	1.01%	0.00%	
PEAK HR VOL :	0	0	0	0	10	0	43	0	53	537	2	6	1	1222	13	0	1887
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.625	0.000	0.717	0.000	0.828	0.926	0.250	0.375	0.250	0.789	0.813	0.000	0.833
							0.697				0.923				0.790		

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	1	0	0	0	9	0	7	307	1	3	0	168	4	0	500
4:15 PM	0	0	0	0	2	0	12	0	8	311	1	4	0	204	2	0	544
4:30 PM	1	0	3	0	2	0	13	0	11	298	0	2	0	212	4	0	546
4:45 PM	1	0	0	0	1	0	8	0	6	354	1	9	0	184	1	0	565
5:00 PM	0	0	0	0	2	0	5	0	14	336	1	7	1	202	3	0	571
5:15 PM	0	0	0	0	0	0	12	0	11	374	0	10	0	197	5	1	610
5:30 PM	0	0	1	0	3	0	10	0	18	341	0	3	0	210	4	0	590
5:45 PM	0	0	1	0	1	0	12	0	10	358	2	4	0	205	2	1	596
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	2	0	6	0	11	0	81	0	85	2679	6	42	1	1582	25	2	4522
PEAK HR :	25.00%	0.00%	75.00%	0.00%	11.96%	0.00%	88.04%	0.00%	3.02%	95.27%	0.21%	1.49%	0.06%	98.26%	1.55%	0.12%	
PEAK HR VOL :	0	0	2	0	6	0	39	0	53	1409	3	24	1	814	14	2	2367
PEAK HR FACTOR :	0.000	0.000	0.500	0.000	0.500	0.000	0.813	0.000	0.736	0.942	0.375	0.600	0.250	0.969	0.700	0.500	0.970
			0.500				0.865				0.942				0.971		

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 23-080352-002
Date: 11/28/2023

Data - Cars

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	2	0	5	0	3	37	0	0	0	104	0	0	151
7:15 AM	0	0	0	0	0	0	4	0	6	56	0	2	0	160	1	0	229
7:30 AM	0	0	0	0	1	0	13	0	2	70	0	4	0	280	2	0	372
7:45 AM	0	0	0	0	4	0	15	0	11	140	0	0	1	370	3	0	544
8:00 AM	0	0	0	0	4	0	9	0	13	138	2	4	0	300	3	0	473
8:15 AM	0	0	0	0	1	0	10	0	13	119	0	1	0	273	3	0	420
8:30 AM	0	0	0	0	1	0	9	0	15	126	0	1	0	240	3	0	395
8:45 AM	0	0	0	0	1	0	10	0	24	135	0	0	0	257	5	0	432
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	0	0	0	0	14	0	75	0	87	821	2	12	1	1984	20	0	3016
PEAK HR :	07:45 AM - 08:45 AM				15.73%	0.00%	84.27%	0.00%	9.44%	89.05%	0.22%	1.30%	0.05%	98.95%	1.00%	0.00%	
PEAK HR VOL :	0	0	0	0	10	0	43	0	52	523	2	6	1	1183	12	0	1832
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.625	0.000	0.717	0.000	0.867	0.934	0.250	0.375	0.250	0.799	1.000	0.000	0.842
							0.697				0.928				0.799		
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	1	0	0	0	8	0	7	303	1	3	0	160	4	0	487
4:15 PM	0	0	0	0	2	0	12	0	7	306	1	4	0	197	2	0	531
4:30 PM	1	0	3	0	2	0	13	0	10	295	0	2	0	209	4	0	539
4:45 PM	1	0	0	0	1	0	8	0	6	350	1	9	0	181	1	0	558
5:00 PM	0	0	0	0	2	0	5	0	14	335	1	7	1	194	3	0	562
5:15 PM	0	0	0	0	0	0	12	0	11	368	0	10	0	195	5	1	602
5:30 PM	0	0	1	0	3	0	10	0	18	336	0	3	0	208	4	0	583
5:45 PM	0	0	1	0	1	0	12	0	10	357	2	4	0	202	2	1	592
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	2	0	6	0	11	0	80	0	83	2650	6	42	1	1546	25	2	4454
PEAK HR :	25.00%	0.00%	75.00%	0.00%	12.09%	0.00%	87.91%	0.00%	2.98%	95.29%	0.22%	1.51%	0.06%	98.22%	1.59%	0.13%	
PEAK HR VOL :	0	0	2	0	6	0	39	0	53	1396	3	24	1	799	14	2	2339
PEAK HR FACTOR :	0.000	0.000	0.500	0.000	0.500	0.000	0.813	0.000	0.736	0.948	0.375	0.600	0.250	0.960	0.700	0.500	0.971
			0.500				0.865				0.949				0.962		

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 23-080352-002
Date: 11/28/2023

Data - HT

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	3	0	0	8
7:15 AM	0	0	0	0	0	0	0	0	1	5	0	0	0	12	0	0	18
7:30 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	10	0	0	15
7:45 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	17	0	0	22
8:00 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	5	0	0	10
8:15 AM	0	0	0	0	0	0	0	0	0	3	0	0	0	8	1	0	12
8:30 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	9	0	0	11
8:45 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	8	0	0	13
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 2	ET 34	ER 0	EU 0	WL 0	WT 72	WR 1	WU 0	TOTAL 109
APPROACH %'s :	07:45 AM - 08:45 AM								5.56%	94.44%	0.00%	0.00%	0.00%	98.63%	1.37%	0.00%	
PEAK HR :									1	14	0	0	0	39	1	0	TOTAL 55
PEAK HR VOL :	0	0	0	0	0	0	0	0	0.250	0.700	0.000	0.000	0.000	0.574	0.250	0.000	0.625
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.750				0.588				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	0	0	1	0	0	4	0	0	0	8	0	0	13
4:15 PM	0	0	0	0	0	0	0	0	1	5	0	0	0	7	0	0	13
4:30 PM	0	0	0	0	0	0	0	0	1	3	0	0	0	3	0	0	7
4:45 PM	0	0	0	0	0	0	0	0	0	4	0	0	0	3	0	0	7
5:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	8	0	0	9
5:15 PM	0	0	0	0	0	0	0	0	0	6	0	0	0	2	0	0	8
5:30 PM	0	0	0	0	0	0	0	0	0	5	0	0	0	2	0	0	7
5:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	4
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 1	SU 0	EL 2	ET 29	ER 0	EU 0	WL 0	WT 36	WR 0	WU 0	TOTAL 68
APPROACH %'s :	05:00 PM - 06:00 PM								6.45%	93.55%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	
PEAK HR :									0	13	0	0	0	15	0	0	TOTAL 28
PEAK HR VOL :	0	0	0	0	0	0	0	0	0.000	0.542	0.000	0.000	0.000	0.469	0.000	0.000	0.778
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.542				0.469				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 23-080352-002
Date: 11/28/2023

Data - Bikes

NS/EW Streets:	Harold Ave				Harold Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 2	ER 0	EU 0	WL 0	WT 3	WR 0	WU 0	TOTAL 5
APPROACH %'s :	0.00%				0.00%				0.00%				0.00%				
PEAK HR :	07:45 AM - 08:45 AM				0	0	0	0	0	1	0	0	0	2	0	0	TOTAL 3
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0.250	0.000	0.000	0	0.500	0.000	0.000	0.750
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.250	0.000	0.000	0.000	0.500	0.000	0.000	

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	0 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
4:15 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	3
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
5:00 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	3
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 1	ST 0	SR 0	SU 0	EL 0	ET 7	ER 0	EU 0	WL 0	WT 3	WR 0	WU 0	TOTAL 11
APPROACH %'s :	0.00%				100.00%				0.00%				100.00%				
PEAK HR :	05:00 PM - 06:00 PM				0	0	0	0	0	5	0	0	0	1	0	0	TOTAL 6
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0.417	0.000	0.000	0	0.250	0.000	0.000	0.500
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.417	0.000	0.000	0.000	0.250	0.000	0.000	

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Stevens Creek Blvd
City: Santa Clara

Project ID: 23-080352-002
Date: 11/28/2023

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Harold Ave		Harold Ave		Stevens Creek Blvd		Stevens Creek Blvd		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	2	0	0	0	0	2
7:45 AM	0	0	2	0	0	0	0	0	2
8:00 AM	0	0	0	0	0	0	0	0	0
8:15 AM	1	0	0	1	0	0	0	0	2
8:30 AM	1	1	3	0	0	0	0	0	5
8:45 AM	0	0	0	1	0	0	0	0	1
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	2	1	5	4	0	0	0	0	12
	66.67%	33.33%	55.56%	44.44%					
PEAK HR :	07:45 AM - 08:45 AM								TOTAL
PEAK HR VOL :	2	1	5	1	0	0	0	0	9
PEAK HR FACTOR :	0.500	0.250	0.417	0.250					0.450
	0.375		0.500						

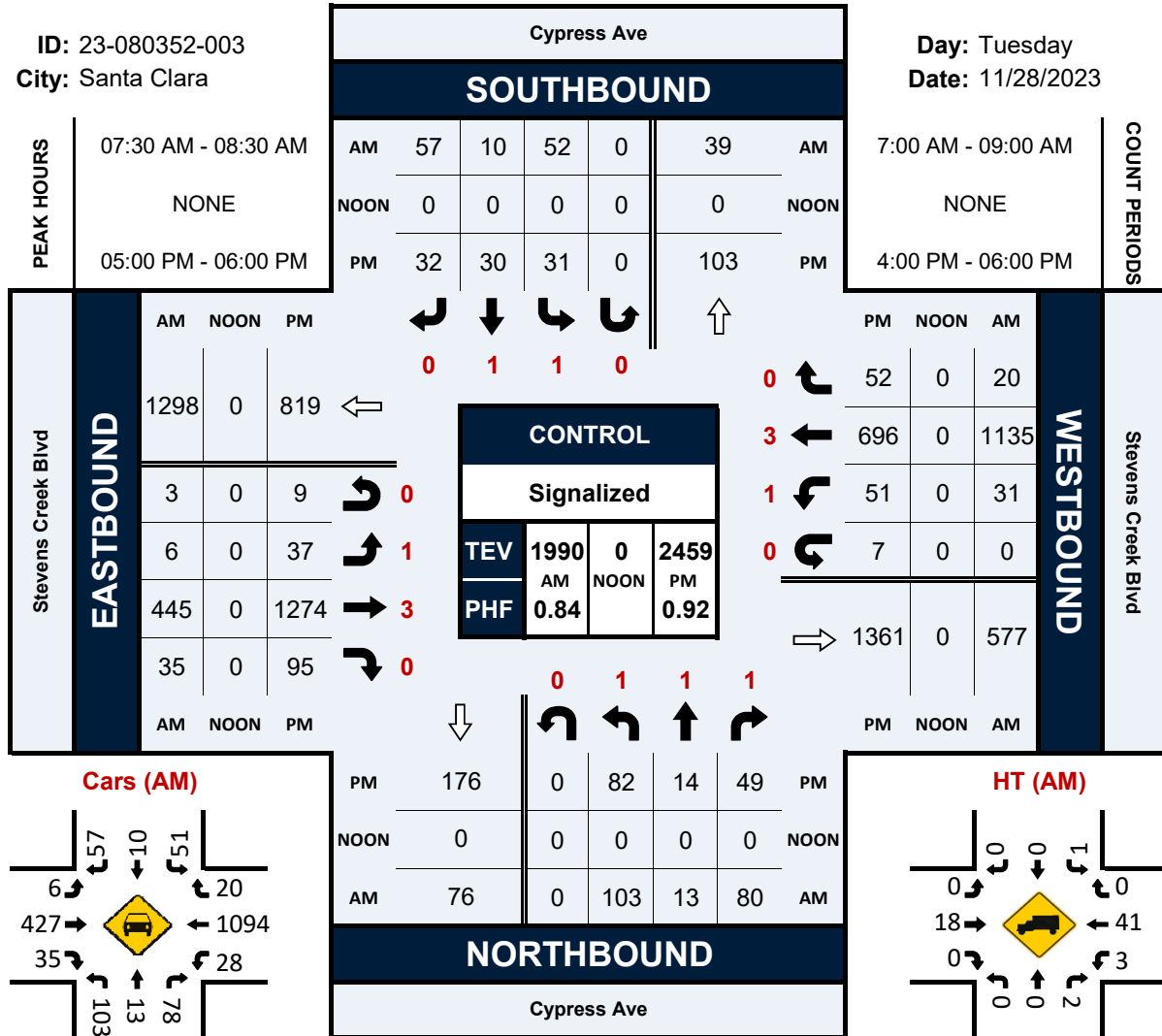
PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
4:00 PM	1	0	1	2	0	0	0	0	4
4:15 PM	0	1	1	2	0	0	0	0	4
4:30 PM	1	2	2	1	0	0	0	0	6
4:45 PM	0	2	0	0	0	0	0	0	2
5:00 PM	0	0	2	1	0	0	0	0	3
5:15 PM	0	0	0	1	0	0	0	0	1
5:30 PM	0	0	1	1	0	0	0	0	2
5:45 PM	2	2	2	0	0	0	0	0	6
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	4	7	9	8	0	0	0	0	28
	36.36%	63.64%	52.94%	47.06%					
PEAK HR :	05:00 PM - 06:00 PM								TOTAL
PEAK HR VOL :	2	2	5	3	0	0	0	0	12
PEAK HR FACTOR :	0.250	0.250	0.625	0.750					0.500
	0.250		0.667						

Cypress Ave & Stevens Creek Blvd

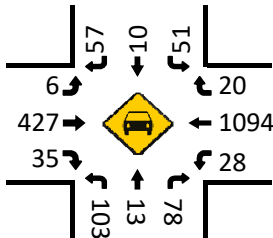
Peak Hour Turning Movement Count

ID: 23-080352-003
City: Santa Clara

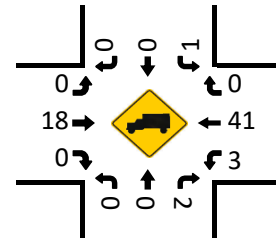
Day: Tuesday
Date: 11/28/2023



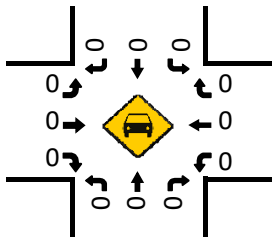
Cars (AM)



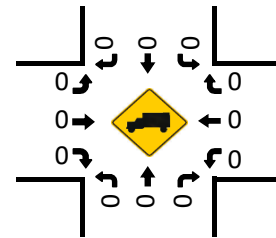
HT (AM)



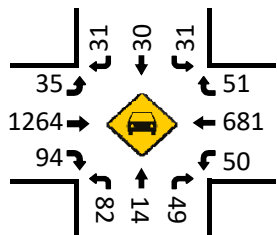
Cars (NOON)



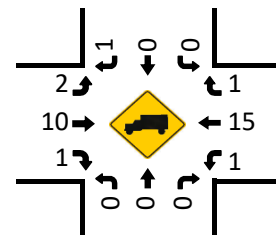
HT (NOON)



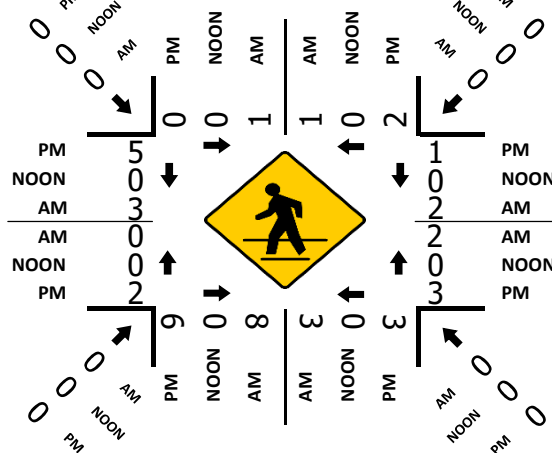
Cars (PM)



HT (PM)



Pedestrians (Crosswalks)



National Data & Surveying Services

Intersection Turning Movement Count

Location: Cypress Ave & Stevens Creek Blvd
City: Santa Clara
Control: Signalized

Project ID: 23-080352-003
Date: 11/28/2023

Data - Total

NS/EW Streets:	Cypress Ave				Cypress Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
7:00 AM	7	2	14	0	3	0	2	0	1	37	4	1	7	100	3	0	181
7:15 AM	13	3	12	0	7	2	4	0	0	57	4	0	10	155	3	0	270
7:30 AM	26	2	30	0	14	1	16	0	0	71	1	0	5	252	2	0	420
7:45 AM	31	4	20	0	9	5	13	0	1	141	4	3	8	347	6	0	592
8:00 AM	23	3	17	0	14	2	21	0	5	117	16	0	7	261	7	0	493
8:15 AM	23	4	13	0	15	2	7	0	0	116	14	0	11	275	5	0	485
8:30 AM	17	4	14	0	10	2	5	0	4	100	15	2	12	218	7	0	410
8:45 AM	17	5	8	0	12	2	11	0	5	128	10	3	4	238	8	0	451
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	50.32%	27	128	0	84	16	79	0	16	767	68	9	64	1846	41	0	3302
PEAK HR :	07:30 AM - 08:30 AM				46.93%	8.94%	44.13%	0.00%	1.86%	89.19%	7.91%	1.05%	3.28%	94.62%	2.10%	0.00%	
PEAK HR VOL :	103	13	80	0	52	10	57	0	6	445	35	3	31	1135	20	0	1990
PEAK HR FACTOR :	0.831	0.813	0.667	0.000	0.867	0.500	0.679	0.000	0.300	0.789	0.547	0.250	0.705	0.818	0.714	0.000	0.840
			0.845				0.804				0.820				0.821		

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
4:00 PM	14	7	14	0	5	2	6	0	7	291	21	3	20	146	6	1	543
4:15 PM	19	4	19	0	7	9	6	0	9	276	12	4	13	180	11	3	572
4:30 PM	20	6	14	0	7	4	10	0	9	255	23	4	16	185	11	2	566
4:45 PM	22	7	15	0	8	5	12	0	8	312	30	2	13	143	7	0	584
5:00 PM	17	2	11	0	6	5	10	0	11	301	21	2	10	190	12	3	601
5:15 PM	25	3	10	0	7	5	6	0	6	308	25	1	14	159	11	1	581
5:30 PM	20	3	15	0	9	17	10	0	9	342	26	1	15	180	20	1	668
5:45 PM	20	6	13	0	9	3	6	0	11	323	23	5	12	167	9	2	609
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	51.31%	38	111	0	58	50	66	0	70	2408	181	22	113	1350	87	13	4724
PEAK HR :	05:00 PM - 06:00 PM				33.33%	28.74%	37.93%	0.00%	2.61%	89.82%	6.75%	0.82%	7.23%	86.37%	5.57%	0.83%	
PEAK HR VOL :	82	14	49	0	31	30	32	0	37	1274	95	9	51	696	52	7	2459
PEAK HR FACTOR :	0.820	0.583	0.817	0.000	0.861	0.441	0.800	0.000	0.841	0.931	0.913	0.450	0.850	0.916	0.650	0.583	0.920
			0.929				0.646				0.936				0.933		

National Data & Surveying Services

Intersection Turning Movement Count

Location: Cypress Ave & Stevens Creek Blvd
City: Santa Clara
Control: Signalized

Project ID: 23-080352-003
Date: 11/28/2023

Data - Cars

NS/EW Streets:	Cypress Ave				Cypress Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
7:00 AM	7	2	13	0	3	0	2	0	1	32	3	1	5	96	3	0	168
7:15 AM	11	2	12	0	7	2	4	0	0	53	3	0	10	146	3	0	253
7:30 AM	26	2	29	0	13	1	16	0	0	66	1	0	3	241	2	0	400
7:45 AM	31	4	19	0	9	5	13	0	1	136	4	3	7	331	6	0	569
8:00 AM	23	3	17	0	14	2	21	0	5	112	16	0	7	255	7	0	482
8:15 AM	23	4	13	0	15	2	7	0	0	113	14	0	11	267	5	0	474
8:30 AM	17	4	14	0	10	2	5	0	4	99	15	2	12	209	6	0	399
8:45 AM	17	5	8	0	11	2	11	0	5	123	10	3	4	230	8	0	437
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	155	26	125	0	82	16	79	0	16	734	66	9	59	1775	40	0	3182
PEAK HR :	50.65%	8.50%	40.85%	0.00%	46.33%	9.04%	44.63%	0.00%	1.94%	88.97%	8.00%	1.09%	3.15%	94.72%	2.13%	0.00%	
PEAK HR VOL :	103	13	78	0	51	10	57	0	6	427	35	3	28	1094	20	0	1925
PEAK HR FACTOR :	0.831	0.813	0.672	0.000	0.850	0.500	0.679	0.000	0.300	0.785	0.547	0.250	0.636	0.826	0.714	0.000	0.846
			0.851				0.797				0.818				0.830		

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
4:00 PM	12	7	14	0	5	2	6	0	7	287	21	3	19	142	6	1	532
4:15 PM	19	4	19	0	7	9	6	0	9	271	12	4	12	173	11	3	559
4:30 PM	20	6	14	0	7	4	10	0	9	252	23	4	16	182	11	2	560
4:45 PM	22	7	14	0	8	5	12	0	8	308	30	2	13	140	7	0	576
5:00 PM	17	2	11	0	6	5	10	0	10	301	21	2	10	182	12	3	592
5:15 PM	25	3	10	0	7	5	6	0	5	306	24	1	14	157	11	1	575
5:30 PM	20	3	15	0	9	17	9	0	9	335	26	1	14	179	19	1	657
5:45 PM	20	6	13	0	9	3	6	0	11	322	23	5	12	163	9	2	604
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	155	38	110	0	58	50	65	0	68	2382	180	22	110	1318	86	13	4655
PEAK HR :	51.16%	12.54%	36.30%	0.00%	33.53%	28.90%	37.57%	0.00%	2.56%	89.82%	6.79%	0.83%	7.20%	86.31%	5.63%	0.85%	
PEAK HR VOL :	82	14	49	0	31	30	31	0	35	1264	94	9	50	681	51	7	2428
PEAK HR FACTOR :	0.820	0.583	0.817	0.000	0.861	0.441	0.775	0.000	0.795	0.943	0.904	0.450	0.893	0.935	0.671	0.583	0.924
			0.929				0.657				0.945				0.926		

National Data & Surveying Services

Intersection Turning Movement Count

Location: Cypress Ave & Stevens Creek Blvd
City: Santa Clara
Control: Signalized

Project ID: 23-080352-003
Date: 11/28/2023

Data - HT

NS/EW Streets:	Cypress Ave				Cypress Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
7:00 AM	0	0	1	0	0	0	0	0	0	5	1	0	2	4	0	0	13
7:15 AM	2	1	0	0	0	0	0	0	0	4	1	0	0	9	0	0	17
7:30 AM	0	0	1	0	1	0	0	0	0	5	0	0	2	11	0	0	20
7:45 AM	0	0	1	0	0	0	0	0	0	5	0	0	1	16	0	0	23
8:00 AM	0	0	0	0	0	0	0	0	0	5	0	0	0	6	0	0	11
8:15 AM	0	0	0	0	0	0	0	0	0	3	0	0	0	8	0	0	11
8:30 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	9	1	0	11
8:45 AM	0	0	0	0	1	0	0	0	0	5	0	0	0	8	0	0	14
TOTAL VOLUMES :	NL 2	NT 1	NR 3	NU 0	SL 2	ST 0	SR 0	SU 0	EL 0	ET 33	ER 2	EU 0	WL 5	WT 71	WR 1	WU 0	TOTAL 120
APPROACH %'s :	33.33%	16.67%	50.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	94.29%	5.71%	0.00%	6.49%	92.21%	1.30%	0.00%	
PEAK HR :	07:30 AM - 08:30 AM				1	0	0	0	0	18	0	0	3	41	0	0	TOTAL 65
PEAK HR VOL :	0	0	2	0	0.250	0.000	0.000	0.000	0.000	0.900	0.000	0.000	0.375	0.641	0.000	0.000	0.707
PEAK HR FACTOR :	0.000	0.000	0.500	0.000			0.250			0.900				0.647			

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
4:00 PM	2	0	0	0	0	0	0	0	0	4	0	0	1	4	0	0	11
4:15 PM	0	0	0	0	0	0	0	0	0	5	0	0	1	7	0	0	13
4:30 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	3	0	0	6
4:45 PM	0	0	1	0	0	0	0	0	0	4	0	0	0	3	0	0	8
5:00 PM	0	0	0	0	0	0	0	0	1	0	0	0	0	8	0	0	9
5:15 PM	0	0	0	0	0	0	0	0	1	2	1	0	0	2	0	0	6
5:30 PM	0	0	0	0	0	0	1	0	0	7	0	0	1	1	1	0	11
5:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	4	0	0	5
TOTAL VOLUMES :	NL 2	NT 0	NR 1	NU 0	SL 0	ST 0	SR 1	SU 0	EL 2	ET 26	ER 1	EU 0	WL 3	WT 32	WR 1	WU 0	TOTAL 69
APPROACH %'s :	66.67%	0.00%	33.33%	0.00%	0.00%	0.00%	100.00%	0.00%	6.90%	89.66%	3.45%	0.00%	8.33%	88.89%	2.78%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM				0	0	1	0	2	10	1	0	1	15	1	0	TOTAL 31
PEAK HR VOL :	0	0	0	0	0.000	0.000	0.250	0.000	0.500	0.357	0.250	0.000	0.250	0.469	0.250	0.000	0.705
PEAK HR FACTOR :	0.000	0.000	0.000	0.000			0.250			0.464				0.531			

National Data & Surveying Services

Intersection Turning Movement Count

Location: Cypress Ave & Stevens Creek Blvd
City: Santa Clara
Control: Signalized

Project ID: 23-080352-003
Date: 11/28/2023

Data - Bikes

NS/EW Streets:	Cypress Ave				Cypress Ave				Stevens Creek Blvd				Stevens Creek Blvd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
7:00 AM	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
7:15 AM	0	1	0	0	0	0	1	0	0	1	0	0	0	0	0	0	3
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	3	0	0	0	1	1	0	0	0	0	0	0	0	0	0	5
8:30 AM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	NL 0	NT 6	NR 0	NU 0	SL 0	ST 1	SR 3	SU 0	EL 0	ET 2	ER 0	EU 0	WL 0	WT 0	WR 0	WU 0	TOTAL 12
APPROACH %'s :	0.00%	100.00%	0.00%	0.00%	0.00%	25.00%	75.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
PEAK HR :	07:30 AM - 08:30 AM																TOTAL 6
PEAK HR VOL :	0	3	0	0	0	1	1	0	0	1	0	0	0	0	0	0	6
PEAK HR FACTOR :	0.000	0.250	0.000	0.000	0.000	0.250	0.250	0.000	0.000	0.250	0.000	0.000	0.000	0.000	0.000	0.000	0.300
			0.250				0.250				0.250						
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	1 NL	1 NT	1 NR	0 NU	1 SL	1 ST	0 SR	0 SU	1 EL	3 ET	0 ER	0 EU	1 WL	3 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	0	1	0	0	0	1	0	0	0	0	1	0	3
4:15 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
4:45 PM	0	0	0	0	0	1	0	0	0	2	0	0	2	1	0	0	6
5:00 PM	0	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0	4
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	1	1	0	0	0	2	0	0	0	0	0	0	4
TOTAL VOLUMES :	NL 0	NT 2	NR 0	NU 0	SL 1	ST 3	SR 0	SU 0	EL 1	ET 5	ER 1	EU 0	WL 2	WT 3	WR 1	WU 0	TOTAL 19
APPROACH %'s :	0.00%	100.00%	0.00%	0.00%	25.00%	75.00%	0.00%	0.00%	14.29%	71.43%	14.29%	0.00%	33.33%	50.00%	16.67%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM																TOTAL 8
PEAK HR VOL :	0	1	0	0	1	1	0	0	1	2	1	0	0	1	0	0	8
PEAK HR FACTOR :	0.000	0.250	0.000	0.000	0.250	0.250	0.000	0.000	0.250	0.250	0.250	0.000	0.000	0.250	0.000	0.000	0.500
			0.250				0.250				0.500				0.250		

National Data & Surveying Services

Intersection Turning Movement Count

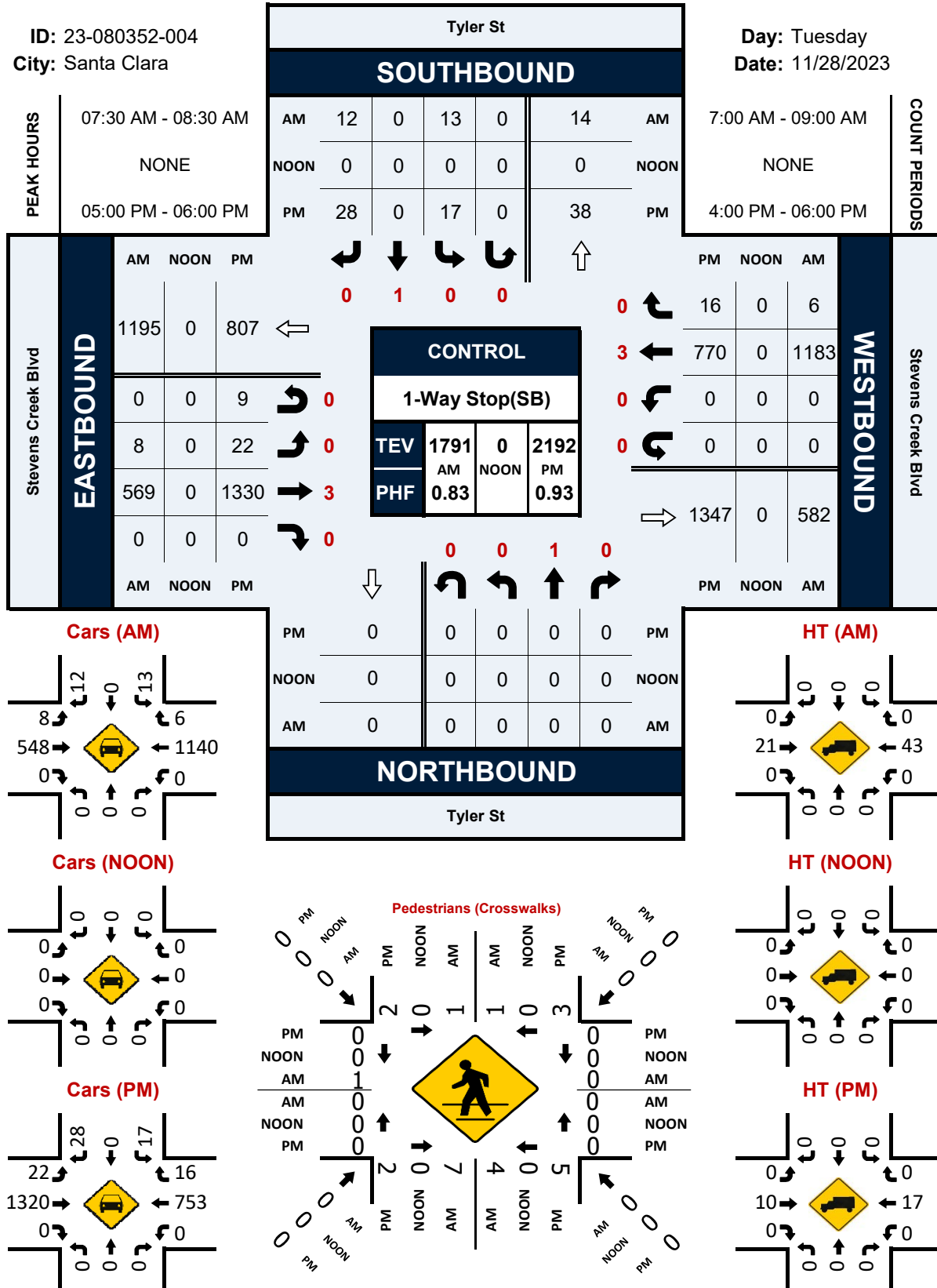
Location: Cypress Ave & Stevens Creek Blvd
City: Santa Clara

Project ID: 23-080352-003
Date: 11/28/2023

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Cypress Ave		Cypress Ave		Stevens Creek Blvd		Stevens Creek Blvd		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	0	0	0	0	0	1	0	1
7:15 AM	0	0	0	0	0	2	0	1	3
7:30 AM	0	0	2	3	0	0	0	0	5
7:45 AM	0	1	3	0	2	0	0	0	6
8:00 AM	0	0	1	0	0	0	0	1	2
8:15 AM	1	0	2	0	0	2	0	2	7
8:30 AM	0	0	2	1	0	1	2	0	6
8:45 AM	0	0	0	1	1	0	0	0	2
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	1	1	10	5	3	5	3	4	32
	50.00%	50.00%	66.67%	33.33%	37.50%	62.50%	42.86%	57.14%	
PEAK HR :	07:30 AM - 08:30 AM								TOTAL
PEAK HR VOL :	1	1	8	3	2	2	0	3	20
PEAK HR FACTOR :	0.250	0.250	0.667	0.250	0.250	0.250	0	0.375	0.714
	0.500		0.550		0.500		0.375		
PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
4:00 PM	1	2	1	1	0	0	1	2	8
4:15 PM	0	0	4	3	1	1	0	1	10
4:30 PM	0	3	2	1	0	0	0	2	8
4:45 PM	0	1	0	2	0	1	2	0	6
5:00 PM	0	0	2	1	2	0	1	4	10
5:15 PM	0	0	1	1	1	1	0	0	4
5:30 PM	0	1	1	1	0	0	1	0	4
5:45 PM	0	1	2	0	0	0	0	1	4
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	1	8	13	10	4	3	5	10	54
	11.11%	88.89%	56.52%	43.48%	57.14%	42.86%	33.33%	66.67%	
PEAK HR :	05:00 PM - 06:00 PM								TOTAL
PEAK HR VOL :	0	2	6	3	3	1	2	5	22
PEAK HR FACTOR :	0	0.500	0.750	0.750	0.375	0.250	0.500	0.313	0.550
	0.500		0.750		0.500		0.350		

Day: Tuesday
Date: 11/28/2023



National Data & Surveying Services
Intersection Turning Movement Count

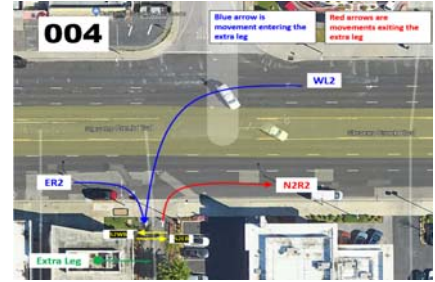
Location: Tyler St & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 23-080352-004
Date: 11/28/2023

Data - Total

NS/EW Streets	Tyler St				Tyler St				Stevens Creek Blvd				Stevens Creek Blvd				DRYDEN RD	TOTAL			
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND								
AM	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2		
	0	0	0	0	0	0	2	0	3	52	0	0	0	0	106	2	0	0	0	165	
	7:00 AM	0	0	0	0	0	0	0	7	73	0	1	0	0	164	3	0	0	0	245	
	7:15 AM	0	0	0	0	3	0	2	0	115	0	0	0	0	264	0	0	0	1	385	
	7:30 AM	0	0	0	0	4	0	6	0	171	0	0	1	0	354	3	0	1	0	542	
	7:45 AM	0	0	0	0	3	0	1	0	4	144	0	0	0	251	1	0	0	0	444	
	8:00 AM	0	0	0	0	3	0	3	0	2	139	0	0	1	0	274	2	0	1	425	
	8:15 AM	0	0	0	0	3	0	6	0	5	121	0	0	1	0	227	4	0	0	367	
	8:30 AM	1	0	0	0	2	0	1	0	4	146	0	1	0	0	249	1	0	0	406	
TOTAL VOLUMES	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL	
APPROACH %s	100.00%	0.00%	0.00%	0.00%	45.24%	0.00%	54.76%	0.00%	2.13%	97.77%	0.00%	0.30%	0.30%	0.00%	99.68%	0.82%	0.00%	0.10%	100.00%		
PEAK HR	8:00 AM - 8:30 AM				13	0	12	0	8	569	0	0	2	0	1183	6	0	2	1	1796	
PEAK HR VOL	0.000	0.000	0.000	0.000	0.813	0.000	0.500	0.000	0.500	0.832	0.000	0.000	0.500	0.000	0.835	0.500	0.000	0.500	0.250	0.828	
PEAK HR FACTOR	0.000	0.000	0.000	0.000																	
PM	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2		
	0	1	0	0	0	1	0	0	0	3	0	0	0	0	3	0	0	0	0	0	
	4:00 PM	0	0	0	0	8	0	0	3	301	1	3	0	0	171	3	0	4	3	498	
	4:15 PM	0	0	0	0	2	0	6	0	6	301	0	1	2	0	201	5	0	0	2	526
	4:30 PM	0	0	0	0	5	0	2	0	3	270	0	0	0	0	203	1	0	0	2	486
	4:45 PM	0	0	0	0	2	0	4	0	7	331	0	2	0	0	161	4	0	0	3	514
	5:00 PM	0	0	0	0	4	0	8	0	8	305	0	3	1	0	204	5	0	1	1	540
	5:15 PM	0	0	0	0	2	0	3	0	3	320	0	1	0	0	175	4	0	2	7	517
	5:30 PM	0	0	0	0	5	0	7	0	4	363	0	3	0	0	204	4	0	0	2	592
5:45 PM	0	0	0	0	6	0	10	0	7	342	0	2	1	0	187	3	0	4	2	564	
TOTAL VOLUMES	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL	
APPROACH %s	0.00%	0.00%	0.00%	0.00%	36.00%	0.00%	64.00%	0.00%	1.58%	97.65%	0.04%	0.58%	0.15%	0.00%	97.41%	1.88%	0.00%	0.71%	100.00%		
PEAK HR	5:00 PM - 5:45 PM				17	0	28	0	22	1330	0	9	2	0	770	16	0	7	12	2213	
PEAK HR VOL	0.000	0.000	0.000	0.000	0.708	0.000	0.700	0.000	0.688	0.916	0.000	0.750	0.500	0.000	0.944	0.800	0.000	0.438	0.429	0.935	
PEAK HR FACTOR	0.000	0.000	0.000	0.000																	

Movements in Extra Leg
Movement ER2 is entering into the extra leg
Movement WL2 is entering into the extra leg
Movement N2R2 is exiting from the extra leg



Location: Tyler St & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Project ID: 23-080352-004
Date: 11/28/2023

NS/EW Streets:		Tyler St				Tyler St				Stevens Creek Blvd						Stevens Creek Blvd						
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND						WESTBOUND						ORTHBOUND2	
	0	1	0	0	0	1	0	0	0	3	0	0	0	0	0	3	0	0	0			
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL		
7:00 AM	0	0	0	0	0	0	2	0	0	46	0	0	0	0	99	2	0	0	0	152		
7:15 AM	0	0	0	0	1	0	2	0	1	69	0	1	0	0	156	3	0	0	0	233		
7:30 AM	0	0	0	0	3	0	2	0	0	108	0	0	0	0	253	0	0	0	0	367		
7:45 AM	0	0	0	0	4	0	6	0	2	165	0	0	1	0	336	3	0	1	0	518		
8:00 AM	0	0	0	0	3	0	1	0	4	139	0	0	0	0	285	1	0	0	0	433		
8:15 AM	0	0	0	0	3	0	3	0	2	136	0	0	1	0	266	2	0	1	0	414		
8:30 AM	0	0	0	0	3	0	6	0	5	120	0	0	1	0	217	4	0	0	0	356		
8:45 AM	1	0	0	0	2	0	1	0	4	140	0	1	0	0	241	1	0	0	1	392		
TOTAL VOLUMES:		NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL	
APPROACH %'s:		1	0	0	0	19	0	23	0	21	923	0	2	3	0	1853	0	2	0	2	2865	
PEAK HR VOL:		100.00%	0.00%	0.00%	0.00%	45.24%	0.00%	54.76%	0.00%	2.21%	97.26%	0.00%	0.21%	0.32%	0.00%	99.04%	0.86%	0.00%	0.11%	100.00%		
PEAK HR VOL:		07:30 AM - 08:30 AM																			TOTAL	
PEAK HR VOL:		0	0	0	0	13	0	12	0	8	548	0	0	2	0	1140	6	0	2	1	1732	
PEAK HR FACTOR:		0.000	0.000	0.000	0.000	0.813	0.000	0.500	0.000	0.500	0.830	0.000	0.000	0.500	0.000	0.848	0.500	0.000	0.500	0.250	0.836	
		0.625																				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL		
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	3 ET	0 ER	0 EU	0 ER2	0 WL	3 WT	0 WR		0 WU	0 WL2
4:00 PM	0	0	0	0	1	0	6	0	3	297	1	3	0	0	166	3	0	4	3
4:15 PM	0	0	0	0	2	0	6	0	6	296	0	2	0	0	193	5	0	0	2
4:30 PM	0	0	0	0	5	0	2	0	3	267	0	1	0	0	200	1	0	0	2
4:45 PM	0	0	0	0	2	0	4	0	7	326	0	2	0	0	158	4	0	0	3
5:00 PM	0	0	0	0	4	0	8	0	8	305	0	3	1	0	196	5	0	1	1
5:15 PM	0	0	0	0	2	0	3	0	3	318	0	1	0	0	173	4	0	2	7
5:30 PM	0	0	0	0	5	0	7	0	4	356	0	3	0	0	201	4	0	0	2
5:45 PM	0	0	0	0	6	0	10	0	7	341	0	2	1	0	183	3	0	4	2
TOTAL VOLUMES : APPROACH %'s :	NL 0	NT 0	NR 0	NU 0	SL 27 36.00%	ST 0 0.00%	SR 48 64.00%	SU 0 0.00%	EL 41 1.60%	ET 2506 97.62%	ER 1 0.04%	EU 15 0.58%	ER2 4 0.16%	WL 0 0.00%	WT 1470 97.35%	WR 19.29 1.92%	WU 0 0.00%	WL2 11 0.73%	N2R2 22 100.00%
PEAK HR VOL :	05:00 PM - 06:00 PM				17	0	28	0	22	1320	0	9	2	0	753	16	0	7	12
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.708	0.000	0.700	0.000	0.688	0.927	0.000	0.750	0.500	0.000	0.937	0.800 0.946	0.000	0.438	0.429

Location: Tyler St & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Data - HT

NS/EW Streets:		Tyler St				Tyler St				Stevens Creek Blvd					Stevens Creek Blvd						
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND					WESTBOUND					ORTHBOUND2		
	0	1	0	0	0	1	0	0	0	3	0	0	0	0	3	0	0	0	0		
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL	
	7:00 AM	0	0	0	0	0	0	0	0	6	0	0	0	0	7	0	0	0	0	13	
	7:15 AM	0	0	0	0	0	0	0	0	4	0	0	0	0	8	0	0	0	0	12	
	7:30 AM	0	0	0	0	0	0	0	0	4	0	0	0	0	11	0	0	0	0	18	
	7:45 AM	0	0	0	0	0	0	0	0	6	0	0	0	0	18	0	0	0	0	24	
	8:00 AM	0	0	0	0	0	0	0	0	5	0	0	0	0	6	0	0	0	0	11	
	8:15 AM	0	0	0	0	0	0	0	0	3	0	0	0	0	8	0	0	0	0	11	
8:30 AM	0	0	0	0	0	0	0	0	1	0	0	0	0	10	0	0	0	0	11		
8:45 AM	0	0	0	0	0	0	0	0	6	0	0	0	0	8	0	0	0	0	14		
TOTAL VOLUMES : APPROACH %'s :		NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0.00%	ET 38 100.00%	ER 0 0.00%	EU 0 0.00%	ER2 0 0.00%	WL 0.00%	WT 76 100.00%	WR 0 0.00%	WU 0 0.00%	WL2 0 0.00%	N2R2 0 0	TOTAL 114
PEAK HR :		07:30 AM - 08:30 AM																			TOTAL 64 0.667
PEAK HR VOL :		0	0	0	0	0	0	0	0	0	21	0	0	0	0	43	0	0	0	0	64
PEAK HR FACTOR :		0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.750	0.000	0.000	0.000	0.000	0.597	0.000	0.000	0.000	0.000	0.667

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND					WESTBOUND							
	0	1	0	0	0	1	0	0	0	3	0	0	0	0	3	0	0	0	0		
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL	
	4:00 PM	0	0	0	0	0	0	0	0	4	0	0	0	0	5	0	0	0	0	9	
	4:15 PM	0	0	0	0	0	0	0	0	5	0	0	0	0	8	0	0	0	0	13	
	4:30 PM	0	0	0	0	0	0	0	0	3	0	0	0	0	7	0	0	0	0	6	
	4:45 PM	0	0	0	0	0	0	0	0	5	0	0	0	0	3	0	0	0	0	8	
	5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	0	0	0	8	
	5:15 PM	0	0	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0	4	
5:30 PM	0	0	0	0	0	0	0	0	7	0	0	0	0	3	0	0	0	0	10		
5:45 PM	0	0	0	0	0	0	0	0	1	0	0	0	0	4	0	0	0	0	5		
TOTAL VOLUMES : APPROACH %'s :		NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0.00%	ET 27 100.00%	ER 0 0.00%	EU 0 0.00%	ER2 0 0.00%	WL 0.00%	WT 36 100.00%	WR 0 0.00%	WU 0 0.00%	WL2 0 0.00%	N2R2 0	TOTAL 63
PEAK HR :		05:00 PM - 06:00 PM																			TOTAL 27 0.675
PEAK HR VOL :		0	0	0	0	0	0	0	0	0	10	0	0	0	0	17	0	0	0	0	27
PEAK HR FACTOR :		0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.357	0.000	0.000	0.000	0.000	0.531	0.000	0.000	0.000	0.000	0.675

Location: Tyler St & Stevens Creek Blvd
City: Santa Clara
Control: 1-Way Stop(SB)

Data - Bikes

NS/EW Streets:		Tyler St					Tyler St					Stevens Creek Blvd					Stevens Creek Blvd						
AM	NORTHBOUND					SOUTHBOUND					EASTBOUND					WESTBOUND					DORTHBOUND2		
	0	1	0	0	0	0	1	0	0	0	0	3	0	0	0	0	3	0	0	0	0		
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL			
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
	7:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	1			
	7:15 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	1			
	7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
	7:45 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1			
	8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
	8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
TOTAL VOLUMES : APPROACH %'s :		NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 2	ER 0	EU 0	ER2 0	WL 0	WT 0	WR 0	WU 0	WL2 0	N2R2 0	TOTAL 2		
PEAK HR :		07:30 AM - 08:30 AM																				TOTAL 1	
PEAK HR VOL : PEAK HR FACTOR :		0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	1 0.250	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	TOTAL 0.250		

PM	NORTHBOUND					SOUTHBOUND					EASTBOUND					WESTBOUND						
	0	1	0	0	0	0	1	0	0	0	0	3	0	0	0	0	3	0	0	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	ER2	WL	WT	WR	WU	WL2	N2R2	TOTAL		
	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	1	3		
	4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1		
	4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1		
	4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1		
	4:45 PM	0	0	0	0	0	1	0	0	0	2	0	0	0	2	0	0	0	0	5		
	5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1		
	5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
5:45 PM	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	3			
TOTAL VOLUMES : APPROACH %'s :		NL 0	NT 0	NR 0	NU 0	SL 0.00%	ST 0.00%	SR 100.00%	SU 0.00%	EL 16.67%	ET 83.33%	ER 0.00%	EU 0.00%	ER2 0.00%	WL 0.00%	WT 83.33%	WR 16.67%	WU 0.00%	WL2 0.00%	N2R2 100.00%	TOTAL 14	
PEAK HR :		05:00 PM - 06:00 PM																				TOTAL 4
PEAK HR VOL : PEAK HR FACTOR :		0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	0 0.000	1 0.250	2 0.250	0 0.000	0 0.000	0 0.000	0 0.000	1 0.250	0 0.000	0 0.000	0 0.000	0 0.000	TOTAL 0.333	

National Data & Surveying Services

Intersection Turning Movement Count

Location: Tyler St & Stevens Creek Blvd
City: Santa Clara

Project ID: 23-080352-004
Date: 11/28/2023

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Tyler St		Tyler St		Stevens Creek Blvd		Stevens Creek Blvd				
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		SOUTH LEG 2		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	EB	WB	
	7:00 AM	0	0	0	0	0	0	0	1	0	
	7:15 AM	0	0	0	0	0	0	0	1	0	
	7:30 AM	0	0	1	3	0	0	0	2	3	
	7:45 AM	0	0	2	1	0	0	0	2	1	
	8:00 AM	0	0	1	0	0	0	0	1	0	
	8:15 AM	1	1	3	0	0	0	0	1	0	
	8:30 AM	0	1	2	2	0	0	0	2	2	
	8:45 AM	2	0	0	1	0	0	0	0	1	
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	EB	WB	TOTAL
APPROACH %'s :	3	2	9	7	0	0	0	1	12	7	41
	60.00%	40.00%	56.25%	43.75%			0.00%	100.00%	63.16%	36.84%	
PEAK HR :	07:30 AM - 08:30 AM										TOTAL
PEAK HR VOL :	1	1	7	4	0	0	0	1	8	4	26
PEAK HR FACTOR :	0.250	0.250	0.583	0.333			0.250	0.250	0.667	0.333	0.722
	0.250		0.688				0.250		0.600		

PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		SOUTH LEG 2		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	EB	WB	
	4:00 PM	2	1	2	3	0	0	0	2	2	
	4:15 PM	0	0	1	1	0	0	0	2	2	
	4:30 PM	0	2	0	0	0	0	0	0	0	
	4:45 PM	0	1	1	1	0	0	0	1	1	
	5:00 PM	0	0	0	3	0	0	0	0	3	
	5:15 PM	0	1	0	2	0	0	0	0	2	
	5:30 PM	2	0	0	0	0	0	0	0	0	
	5:45 PM	0	2	2	0	0	0	0	2	0	
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	EB	WB	TOTAL
APPROACH %'s :	4	7	6	10	0	0	0	0	7	10	44
	36.36%	63.64%	37.50%	62.50%					41.18%	58.82%	
PEAK HR :	05:00 PM - 06:00 PM										TOTAL
PEAK HR VOL :	2	3	2	5	0	0	0	0	2	5	19
PEAK HR FACTOR :	0.250	0.375	0.250	0.417					0.250	0.417	0.792
	0.625		0.583						0.583		

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Forest Ave
City: Santa Clara
Control: 2-Way Stop(EB/WB)

Project ID: 24-080112-002
Date: 5/1/2024

Data - Total

NS/EW Streets:	Harold Ave				Harold Ave				Forest Ave				Forest Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
7:00 AM	1	3	0	0	0	2	1	0	1	0	0	0	2	1	0	0	11
7:15 AM	1	1	1	0	2	9	1	0	2	1	1	0	0	1	1	0	21
7:30 AM	0	5	0	0	3	10	1	0	1	1	0	0	0	0	0	0	21
7:45 AM	0	8	2	0	1	20	2	0	3	0	1	0	3	1	1	0	42
8:00 AM	1	15	1	0	3	16	2	0	2	3	1	0	1	0	0	0	45
8:15 AM	2	10	3	0	3	7	0	0	1	0	1	0	1	0	1	0	29
8:30 AM	2	7	2	0	0	9	0	0	1	2	0	0	2	1	1	0	27
8:45 AM	2	22	6	0	0	7	1	0	1	0	1	0	1	0	1	0	42
TOTAL VOLUMES :	9	71	15	0	12	80	8	0	12	7	5	0	10	4	5	0	238
APPROACH %'s :	9.47%	74.74%	15.79%	0.00%	12.00%	80.00%	8.00%	0.00%	50.00%	29.17%	20.83%	0.00%	52.63%	21.05%	26.32%	0.00%	
PEAK HR :	08:00 AM - 09:00 AM				6	39	3	0	5	5	3	0	5	1	3	0	TOTAL
PEAK HR VOL :	7	54	12	0	0.500	0.609	0.375	0.000	0.625	0.417	0.750	0.000	0.625	0.250	0.750	0.000	143
PEAK HR FACTOR :	0.875	0.614	0.500	0.000	0.500	0.609	0.375	0.000	0.625	0.417	0.750	0.000	0.625	0.250	0.750	0.000	0.794
	0.608				0.571				0.542				0.563				
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
4:00 PM	2	9	7	0	0	5	1	0	0	1	3	0	1	1	0	0	30
4:15 PM	2	17	7	0	2	7	1	0	2	1	5	0	0	3	1	0	48
4:30 PM	1	11	4	0	3	7	3	0	2	0	2	0	0	1	0	0	34
4:45 PM	1	18	7	0	0	4	1	0	3	0	1	0	2	0	0	0	37
5:00 PM	1	14	6	0	0	8	1	0	1	1	0	0	1	1	0	0	34
5:15 PM	1	11	8	1	1	11	1	0	0	0	0	0	0	1	0	0	35
5:30 PM	0	18	8	0	1	14	1	0	1	0	3	0	2	0	0	0	48
5:45 PM	3	18	12	0	1	3	2	0	0	0	1	0	1	1	1	0	43
TOTAL VOLUMES :	11	116	59	1	8	59	11	0	9	3	15	0	7	8	2	0	309
APPROACH %'s :	5.88%	62.03%	31.55%	0.53%	10.26%	75.64%	14.10%	0.00%	33.33%	11.11%	55.56%	0.00%	41.18%	47.06%	11.76%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM				3	36	5	0	2	1	4	0	4	3	1	0	TOTAL
PEAK HR VOL :	5	61	34	1	0.750	0.643	0.625	0.000	0.500	0.250	0.333	0.000	0.500	0.750	0.250	0.000	160
PEAK HR FACTOR :	0.417	0.847	0.708	0.250	0.750	0.643	0.625	0.000	0.500	0.250	0.333	0.000	0.500	0.750	0.250	0.000	0.833
	0.765				0.688				0.438				0.667				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Forest Ave
City: Santa Clara
Control: 2-Way Stop(EB/WB)

Project ID: 24-080112-002
Date: 5/1/2024

Data - Cars

NS/EW Streets:	Harold Ave				Harold Ave				Forest Ave				Forest Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
7:00 AM	1	3	0	0	0	2	1	0	1	0	0	0	2	1	0	0	11
7:15 AM	1	1	0	0	2	9	1	0	2	1	1	0	0	1	1	0	20
7:30 AM	0	5	0	0	3	10	1	0	1	1	0	0	0	0	0	0	21
7:45 AM	0	7	2	0	1	20	2	0	3	0	1	0	3	1	1	0	41
8:00 AM	1	15	1	0	3	16	2	0	1	3	1	0	1	0	0	0	44
8:15 AM	2	10	3	0	3	7	0	0	1	0	1	0	1	0	1	0	29
8:30 AM	2	7	2	0	0	9	0	0	1	2	0	0	2	1	1	0	27
8:45 AM	2	22	6	0	0	7	1	0	1	0	1	0	1	0	1	0	42
TOTAL VOLUMES :	9	70	14	0	12	80	8	0	11	7	5	0	10	4	5	0	235
APPROACH %'s :	9.68%	75.27%	15.05%	0.00%	12.00%	80.00%	8.00%	0.00%	47.83%	30.43%	21.74%	0.00%	52.63%	21.05%	26.32%	0.00%	
PEAK HR :	08:00 AM - 09:00 AM																TOTAL
PEAK HR VOL :	7	54	12	0	6	39	3	0	4	5	3	0	5	1	3	0	142
PEAK HR FACTOR :	0.875	0.614	0.500	0.000	0.500	0.609	0.375	0.000	1.000	0.417	0.750	0.000	0.625	0.250	0.750	0.000	0.807
	0.608				0.571				0.600				0.563				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
4:00 PM	2	9	7	0	0	5	1	0	0	1	2	0	1	1	0	0	29
4:15 PM	2	17	7	0	2	7	1	0	2	1	5	0	0	3	1	0	48
4:30 PM	1	11	4	0	3	7	3	0	2	0	2	0	0	1	0	0	34
4:45 PM	1	18	7	0	0	4	1	0	3	0	1	0	2	0	0	0	37
5:00 PM	1	14	6	0	0	8	1	0	1	1	0	0	1	1	0	0	34
5:15 PM	1	11	8	1	1	11	1	0	0	0	0	0	0	1	0	0	35
5:30 PM	0	18	8	0	1	14	1	0	1	0	3	0	2	0	0	0	48
5:45 PM	3	18	12	0	1	3	2	0	0	0	1	0	1	1	1	0	43
TOTAL VOLUMES :	11	116	59	1	8	59	11	0	9	3	14	0	7	8	2	0	308
APPROACH %'s :	5.88%	62.03%	31.55%	0.53%	10.26%	75.64%	14.10%	0.00%	34.62%	11.54%	53.85%	0.00%	41.18%	47.06%	11.76%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM																TOTAL
PEAK HR VOL :	5	61	34	1	3	36	5	0	2	1	4	0	4	3	1	0	160
PEAK HR FACTOR :	0.417	0.847	0.708	0.250	0.750	0.643	0.625	0.000	0.500	0.250	0.333	0.000	0.500	0.750	0.250	0.000	0.833
	0.765				0.688				0.438				0.667				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Forest Ave
City: Santa Clara
Control: 2-Way Stop(EB/WB)

Project ID: 24-080112-002
Date: 5/1/2024

Data - Bikes

NS/EW Streets:	Harold Ave				Harold Ave				Forest Ave				Forest Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	2
APPROACH %'s :					100.00%	0.00%	0.00%	0.00%					0.00%	100.00%	0.00%	0.00%	
PEAK HR :	08:00 AM - 09:00 AM				1	0	0	0	0	0	0	0	0	0	0	0	1
PEAK HR VOL :	0	0	0	0	0.250	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.250
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.250												

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
5:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
TOTAL VOLUMES :	0	0	0	0	0	1	0	0	0	1	0	0	0	0	1	0	3
APPROACH %'s :					0.00%	100.00%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	100.00%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM				0	1	0	0	0	1	0	0	0	0	0	0	2
PEAK HR VOL :	0.000	0.000	0.000	0.000	0.000	0.250	0.000	0.000	0.000	0.250	0.000	0.000	0.000	0.000	0.000	0.000	0.500
PEAK HR FACTOR :					0.250				0.250								

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Forest Ave
City: Santa Clara

Project ID: 24-080112-002
Date: 5/1/2024

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Harold Ave		Harold Ave		Forest Ave		Forest Ave		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		
	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
7:00 AM	0	0	0	0	0	0	0	0	0
7:15 AM	1	2	0	0	0	0	0	1	4
7:30 AM	1	0	1	1	0	0	0	1	4
7:45 AM	1	0	0	1	0	0	0	0	2
8:00 AM	1	0	1	3	1	0	1	0	7
8:15 AM	0	2	1	2	0	0	0	0	5
8:30 AM	0	3	3	2	2	0	3	1	14
8:45 AM	1	1	1	0	0	0	0	2	5
TOTAL VOLUMES :	EB 5	WB 8	EB 7	WB 9	NB 3	SB 0	NB 4	SB 5	TOTAL 41
APPROACH %'s :	38.46%	61.54%	43.75%	56.25%	100.00%	0.00%	44.44%	55.56%	
PEAK HR :	08:00 AM - 09:00 AM								TOTAL
PEAK HR VOL :	2	6	6	7	3	0	4	3	31
PEAK HR FACTOR :	0.500	0.500	0.500	0.583	0.375		0.333	0.375	0.554
	0.667		0.650		0.375		0.438		

PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		
	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
4:00 PM	0	0	0	0	0	0	2	2	4
4:15 PM	0	0	1	0	0	0	0	0	1
4:30 PM	1	0	2	0	1	0	4	1	9
4:45 PM	0	1	2	1	0	0	0	2	6
5:00 PM	0	2	1	3	0	0	0	0	6
5:15 PM	2	3	3	0	0	0	0	0	8
5:30 PM	0	2	2	1	0	0	0	1	6
5:45 PM	0	1	1	5	0	0	0	1	8
TOTAL VOLUMES :	EB 3	WB 9	EB 12	WB 10	NB 1	SB 0	NB 6	SB 7	TOTAL 48
APPROACH %'s :	25.00%	75.00%	54.55%	45.45%	100.00%	0.00%	46.15%	53.85%	
PEAK HR :	05:00 PM - 06:00 PM								TOTAL
PEAK HR VOL :	2	8	7	9	0	0	0	2	28
PEAK HR FACTOR :	0.250	0.667	0.583	0.450				0.500	0.875
	0.500		0.667				0.500		

Harold Ave & Forest Ave

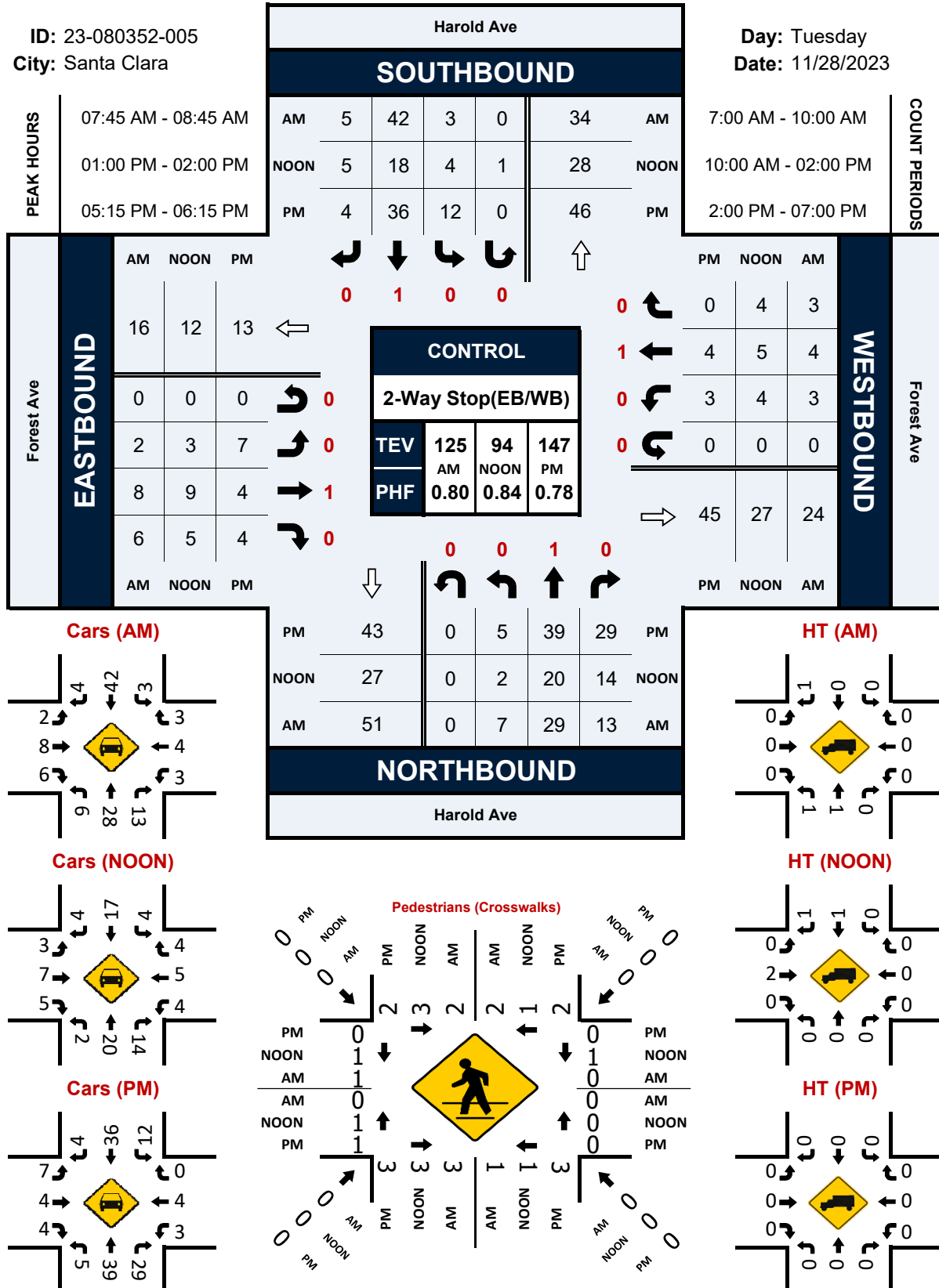
Peak Hour Turning Movement Count

ID: 23-080352-005

City: Santa Clara

Day: Tuesday

Date: 11/28/2023



National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Forest Ave
City: Santa Clara
Control: 2-Way Stop(EB/WB)

Project ID: 23-080352-005
Date: 11/28/2023

Data - Total

NS/EW Streets:		Harold Ave				Harold Ave				Forest Ave				Forest Ave				
AM		NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
		0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
	7:00 AM	0	4	0	0	0	6	1	0	0	1	0	0	1	0	0	0	13
	7:15 AM	0	4	4	0	3	3	2	0	1	0	0	0	0	1	0	0	18
	7:30 AM	0	2	1	0	3	9	1	0	3	1	2	0	1	0	1	0	24
	7:45 AM	3	7	3	0	0	18	1	0	1	3	1	0	1	1	0	0	39
	8:00 AM	0	6	3	0	3	10	2	0	0	3	2	0	0	2	0	0	31
	8:15 AM	1	7	3	0	0	10	0	0	0	2	1	0	2	1	2	0	27
	8:30 AM	3	9	4	0	0	4	2	0	1	2	2	0	2	0	1	0	28
	8:45 AM	1	15	2	0	0	9	1	0	2	1	0	0	1	2	1	0	35
	9:00 AM	0	9	3	0	2	6	1	0	2	1	1	0	0	0	0	0	25
	9:15 AM	0	3	2	0	1	2	0	0	1	1	0	0	2	0	0	0	12
	9:30 AM	0	3	0	0	1	4	0	0	1	1	3	0	2	0	0	0	14
	9:45 AM	0	4	6	0	0	3	2	0	3	1	0	0	0	0	0	0	19
TOTAL VOLUMES :		NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :		8	73	31	0	13	84	13	0	15	15	12	0	9	7	5	0	285
PEAK HR :		07:45 AM - 08:45 AM				3	42	5	0	2	8	6	0	3	4	3	0	TOTAL
PEAK HR FACTOR :		0.583	0.806	0.813	0.000	0.250	0.583	0.625	0.000	0.500	0.667	0.750	0.000	0.375	0.500	0.375	0.000	125
		0.766				0.658				0.800				0.500				0.801

NOON		NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
		0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
	10:00 AM	1	1	0	0	0	2	2	0	0	3	2	0	0	1	0	0	12
	10:15 AM	1	1	2	0	0	2	0	0	2	0	2	0	0	0	1	0	11
	10:30 AM	3	4	3	0	0	3	1	0	1	1	1	0	2	2	0	0	21
	10:45 AM	1	4	4	0	1	2	2	0	1	1	2	0	1	1	0	0	20
	11:00 AM	1	4	3	1	2	6	0	0	2	1	1	0	0	1	1	0	23
	11:15 AM	2	6	2	0	2	0	1	0	1	0	0	0	3	2	1	1	21
	11:30 AM	2	5	4	0	2	4	3	0	3	0	1	0	2	2	0	0	28
	11:45 AM	0	3	3	0	0	4	1	0	1	0	0	0	1	1	1	0	15
	12:00 PM	0	8	1	0	0	5	0	0	0	3	0	0	0	1	0	0	18
	12:15 PM	0	6	3	0	1	6	0	0	1	1	0	0	0	1	0	0	19
	12:30 PM	1	3	3	0	0	7	1	0	3	3	0	0	0	0	2	0	23
	12:45 PM	1	2	2	0	1	5	1	0	0	2	0	0	2	3	1	0	20
	1:00 PM	0	3	3	0	1	6	0	0	1	2	0	0	0	1	2	0	19
	1:15 PM	0	3	2	0	1	3	3	0	1	2	1	0	2	1	0	0	19
	1:30 PM	1	10	4	0	1	4	2	0	1	1	1	0	1	1	1	0	28
	1:45 PM	1	4	5	0	1	5	0	1	0	4	3	0	1	2	1	0	28
TOTAL VOLUMES :		NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :		15	67	44	1	13	64	17	1	18	24	14	0	15	20	11	1	325
PEAK HR :		01:00 PM - 02:00 PM				4	18	5	1	3	9	5	0	4	5	4	0	94
PEAK HR FACTOR :		0.500	0.500	0.700	0.000	1.000	0.750	0.417	0.250	0.750	0.563	0.417	0.000	0.500	0.625	0.500	0.000	0.839
		0.600				1.000				0.607				0.813				

PM		NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
		0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
	2:00 PM	2	5	3	0	2	4	1	0	0	1	1	0	2	0	2	0	23
	2:15 PM	2	9	1	0	1	7	2	0	2	1	2	0	1	0	0	0	28
	2:30 PM	6	6	4	0	2	5	0	0	1	3	0	0	4	1	3	0	35
	2:45 PM	4	7	8	0	0	8	0	0	0	0	2	0	2	1	2	0	34
	3:00 PM	3	7	7	0	0	8	4	0	1	0	1	0	3	0	0	0	34
	3:15 PM	0	10	7	0	3	4	3	0	0	3	1	0	0	1	0	0	32
	3:30 PM	2	5	3	0	3	5	1	0	2	1	3	0	0	1	1	0	27
	3:45 PM	1	5	10	0	2	4	2	0	2	0	0	0	3	0	0	0	29
	4:00 PM	1	7	2	0	3	4	0	0	2	4	1	0	0	0	0	0	24
	4:15 PM	1	2	3	0	2	6	4	0	2	3	3	0	0	2	0	0	28
	4:30 PM	3	7	3	1	1	13	3	0	3	2	0	0	3	2	0	0	41
	4:45 PM	0	7	3	0	1	3	1	0	1	4	3	0	1	2	3	0	29
	5:00 PM	1	10	6	0	1	8	3	0	1	2	1	0	0	1	1	0	35
	5:15 PM	0	10	5	0	4	7	1	0	2	1	2	0	1	1	0	0	34
	5:30 PM	0	13	12	0	1	9	2	0	4	2	0	0	2	2	0	0	47
	5:45 PM	3	6	6	0	2	8	0	0	1	1	2	0	0	1	0	0	30
	6:00 PM	2	10	6	0	5	12	1	0	0	0	0	0	0	0	0	0	36
	6:15 PM	2	7	1	0	3	3	0	0	1	2	2	0	1	2	2	0	26
	6:30 PM	0	8	2	0	1	3	2	0	0	1	1	0	0	0	1	0	19
	6:45 PM	0	5	1	0	0	7	3	0	3	1	0	0	0	1	2	0	23
TOTAL VOLUMES :		NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :		33	146	93	1	37	128	33	0	28	32	25	0	23	18	17	0	614
PEAK HR :		05:15 PM - 06:15 PM				12	36	4	0	7	4	4	0	3	4	0	0	147
PEAK HR FACTOR :		0.417	0.750	0.604	0.000	0.600	0.750	0.500	0.000	0.438	0.500	0.500	0.000	0.375	0.500	0.000	0.000	0.782
		0.730				0.722				0.625				0.438				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Forest Ave
City: Santa Clara
Control: 2-Way Stop(EB/WB)

Project ID: 23-080352-005
Date: 11/28/2023

Data - Cars

NS/EW Streets:	Harold Ave				Harold Ave				Forest Ave				Forest Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
7:00 AM	0	4	0	0	0	6	1	0	0	1	0	0	1	0	0	0	13
7:15 AM	0	4	3	0	3	3	2	0	1	0	0	0	0	1	0	0	17
7:30 AM	0	2	1	0	3	9	1	0	3	1	2	0	1	0	1	0	24
7:45 AM	3	7	3	0	0	18	1	0	1	3	1	0	1	1	0	0	39
8:00 AM	0	6	3	0	3	10	2	0	0	3	2	0	0	2	0	0	31
8:15 AM	1	6	3	0	0	10	0	0	0	0	1	0	2	1	2	0	26
8:30 AM	2	9	4	0	0	4	1	0	1	2	2	0	0	0	1	0	26
8:45 AM	1	15	2	0	0	9	1	0	1	1	0	0	1	2	1	0	34
9:00 AM	0	9	3	0	2	6	1	0	2	1	1	0	0	0	0	0	25
9:15 AM	0	3	2	0	1	2	0	0	1	1	0	0	2	0	0	0	12
9:30 AM	0	3	0	0	1	4	0	0	1	1	3	0	0	0	0	0	14
9:45 AM	0	4	6	0	0	3	2	0	3	1	0	0	0	0	0	0	19
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	7	72	30	0	13	84	12	0	14	15	12	0	9	7	5	0	280
PEAK HR :	07:45 AM - 08:45 AM				11.93%	77.06%	11.01%	0.00%	34.15%	36.59%	29.27%	0.00%	42.86%	33.33%	23.81%	0.00%	TOTAL
PEAK HR VOL :	6	28	13	0	3	42	4	0	2	8	6	0	3	4	3	0	122
PEAK HR FACTOR :	0.500	0.778	0.813	0.000	0.250	0.583	0.500	0.000	0.500	0.667	0.750	0.000	0.375	0.500	0.375	0.000	0.782
			0.783				0.645			0.800				0.500			

NOON	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
10:00 AM	1	1	0	0	0	2	2	0	0	3	2	0	0	1	0	0	12
10:15 AM	1	1	2	0	0	2	0	0	2	0	2	0	0	0	0	0	10
10:30 AM	3	4	3	0	0	3	1	0	1	1	1	0	2	2	0	0	21
10:45 AM	1	4	4	0	1	2	2	0	1	1	2	0	1	1	0	0	20
11:00 AM	1	4	3	1	1	6	0	0	2	1	1	0	0	0	0	0	20
11:15 AM	2	6	2	0	2	0	1	0	1	0	0	0	3	2	1	1	21
11:30 AM	2	5	3	0	1	4	3	0	2	0	0	0	2	2	0	0	24
11:45 AM	0	3	3	0	0	4	0	0	1	0	0	0	1	1	1	0	14
12:00 PM	0	7	1	0	0	5	0	0	0	2	0	0	0	1	0	0	16
12:15 PM	0	6	3	0	1	6	0	0	1	1	0	0	0	1	0	0	19
12:30 PM	1	3	3	0	0	7	1	0	2	2	0	0	0	0	2	0	21
12:45 PM	1	2	2	0	1	5	1	0	0	2	0	0	2	1	1	0	18
1:00 PM	0	3	3	0	1	6	0	0	1	1	0	0	0	1	2	0	18
1:15 PM	0	3	2	0	1	2	2	0	1	1	1	0	2	1	0	0	16
1:30 PM	1	10	4	0	1	4	2	0	1	1	1	0	1	1	1	0	28
1:45 PM	1	4	5	0	1	5	0	1	0	4	3	0	1	2	1	0	28
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	15	66	43	1	11	63	15	1	16	20	13	0	15	17	9	1	306
PEAK HR :	01:00 PM - 02:00 PM				12.22%	70.00%	16.67%	0.11%	32.65%	40.82%	26.53%	0.00%	35.71%	40.48%	21.43%	2.38%	TOTAL
PEAK HR VOL :	2	20	14	0	4	17	4	1	3	7	5	0	4	5	4	0	90
PEAK HR FACTOR :	0.500	0.500	0.700	0.000	1.000	0.708	0.500	0.250	0.750	0.438	0.417	0.000	0.500	0.625	0.500	0.000	0.804
			0.600				0.929			0.536				0.813			

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	0 EL	1 ET	0 ER	0 EU	0 WL	1 WT	0 WR	0 WU	
2:00 PM	1	5	3	0	2	4	1	0	0	1	1	0	2	0	2	0	22
2:15 PM	2	9	1	0	1	7	2	0	1	1	2	0	1	0	0	0	27
2:30 PM	6	6	4	0	2	5	0	0	1	3	0	0	4	1	3	0	35
2:45 PM	4	7	7	0	0	8	0	0	0	0	1	0	2	1	2	0	32
3:00 PM	3	7	7	0	0	8	4	0	1	0	1	0	3	0	0	0	34
3:15 PM	0	10	7	0	3	4	2	0	0	3	1	0	0	1	0	0	31
3:30 PM	2	5	3	0	3	5	1	0	1	0	3	0	0	1	1	0	25
3:45 PM	1	5	9	0	2	3	2	0	2	0	0	0	2	0	0	0	26
4:00 PM	1	6	2	0	3	4	0	0	1	4	1	0	0	0	0	0	22
4:15 PM	1	2	3	0	2	6	3	0	2	3	3	0	0	2	0	0	27
4:30 PM	2	7	3	1	1	13	3	0	3	2	0	0	3	2	0	0	40
4:45 PM	0	7	3	0	1	3	1	0	1	4	3	0	1	2	3	0	29
5:00 PM	1	10	6	0	1	8	3	0	1	2	1	0	0	1	1	0	35
5:15 PM	0	10	5	0	4	7	1	0	2	1	2	0	1	1	0	0	34
5:30 PM	0	13	12	0	1	9	2	0	4	2	0	0	2	2	0	0	47
5:45 PM	3	6	6	0	2	8	0	0	1	1	2	0	0	1	0	0	30
6:00 PM	2	10	6	0	5	12	1	0	0	0	0	0	0	0	0	0	36
6:15 PM	2	7	1	0	3	3	0	0	1	2	2	0	1	2	2	0	26
6:30 PM	0	8	2	0	1	3	2	0	0	1	1	0	0	0	1	0	19
6:45 PM	0	5	1	0	0	7	3	0	3	1	0	0	0	1	2	0	23
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	31	145	91	1	37	127	31	0	25	31	24	0	22	18	17	0	600
PEAK HR :	05:15 PM - 06:15 PM				18.97%	65.13%	15.90%	0.00%	31.25%	38.75%	30.00%	0.00%	38.60%	31.58%	29.82%	0.00%	TOTAL
PEAK HR VOL :	5	39	29	0	12	36	4	0	7	4	4	0	3	4	0	0	147
PEAK HR FACTOR :	0.417	0.750	0.604	0.000	0.600	0.750	0.500	0.000	0.438	0.500	0.500	0.000	0.375	0.500	0.000	0.000	0.782
			0.730				0.722			0.625				0.438			

Location: Harold Ave & Forest Ave
City: Santa Clara
Control: 2-Way Stop(EB/WB)

Data - Bikes

[illegible]

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Forest Ave
City: Santa Clara

Project ID: 23-080352-005
Date: 11/28/2023

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Harold Ave		Harold Ave		Forest Ave		Forest Ave		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	0	0	0	0	0	0	0	0
7:15 AM	1	0	0	0	0	1	0	0	2
7:30 AM	1	0	1	0	0	0	1	0	3
7:45 AM	0	0	0	0	0	0	0	0	0
8:00 AM	0	1	0	0	0	0	0	1	2
8:15 AM	2	0	1	1	0	0	0	0	4
8:30 AM	0	1	2	0	0	0	0	0	3
8:45 AM	0	1	2	2	0	0	0	0	5
9:00 AM	1	1	1	4	0	0	2	0	9
9:15 AM	0	1	3	1	0	0	0	0	5
9:30 AM	1	3	1	4	0	1	0	0	10
9:45 AM	1	0	4	0	0	0	0	2	7
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	7	8	15	12	0	2	3	3	50
	46.67%	53.33%	55.56%	44.44%	0.00%	100.00%	50.00%	50.00%	
PEAK HR :	07:45 AM - 08:45 AM								TOTAL
PEAK HR VOL :	2	2	3	1	0	0	0	1	9
PEAK HR FACTOR :	0.250	0.500	0.375	0.250			0.250	0.250	0.563
	0.500		0.500				0.250		

NOON	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
10:00 AM	0	0	0	0	0	0	0	0	0
10:15 AM	0	2	0	2	0	0	0	0	4
10:30 AM	2	3	4	19	0	0	1	0	29
10:45 AM	0	1	1	1	0	1	0	0	4
11:00 AM	2	0	21	0	0	1	0	0	24
11:15 AM	0	0	0	4	0	0	0	0	4
11:30 AM	1	0	2	2	1	1	0	0	7
11:45 AM	0	0	0	1	0	0	0	0	1
12:00 PM	1	2	2	1	0	0	0	0	6
12:15 PM	0	2	0	1	0	1	0	0	4
12:30 PM	0	1	1	2	1	0	1	1	7
12:45 PM	1	0	0	1	0	0	0	0	2
1:00 PM	0	1	1	0	0	0	0	0	2
1:15 PM	0	0	0	1	0	1	0	0	2
1:30 PM	3	0	0	0	0	0	1	0	4
1:45 PM	0	0	2	0	0	0	0	1	3
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	10	12	34	35	2	5	3	2	103
	45.45%	54.55%	49.28%	50.72%	28.57%	71.43%	60.00%	40.00%	
PEAK HR :	01:00 PM - 02:00 PM								TOTAL
PEAK HR VOL :	3	1	3	1	0	1	1	1	11
PEAK HR FACTOR :	0.250	0.250	0.375	0.250		0.250	0.250	0.250	0.688
	0.333		0.500		0.250		0.500		

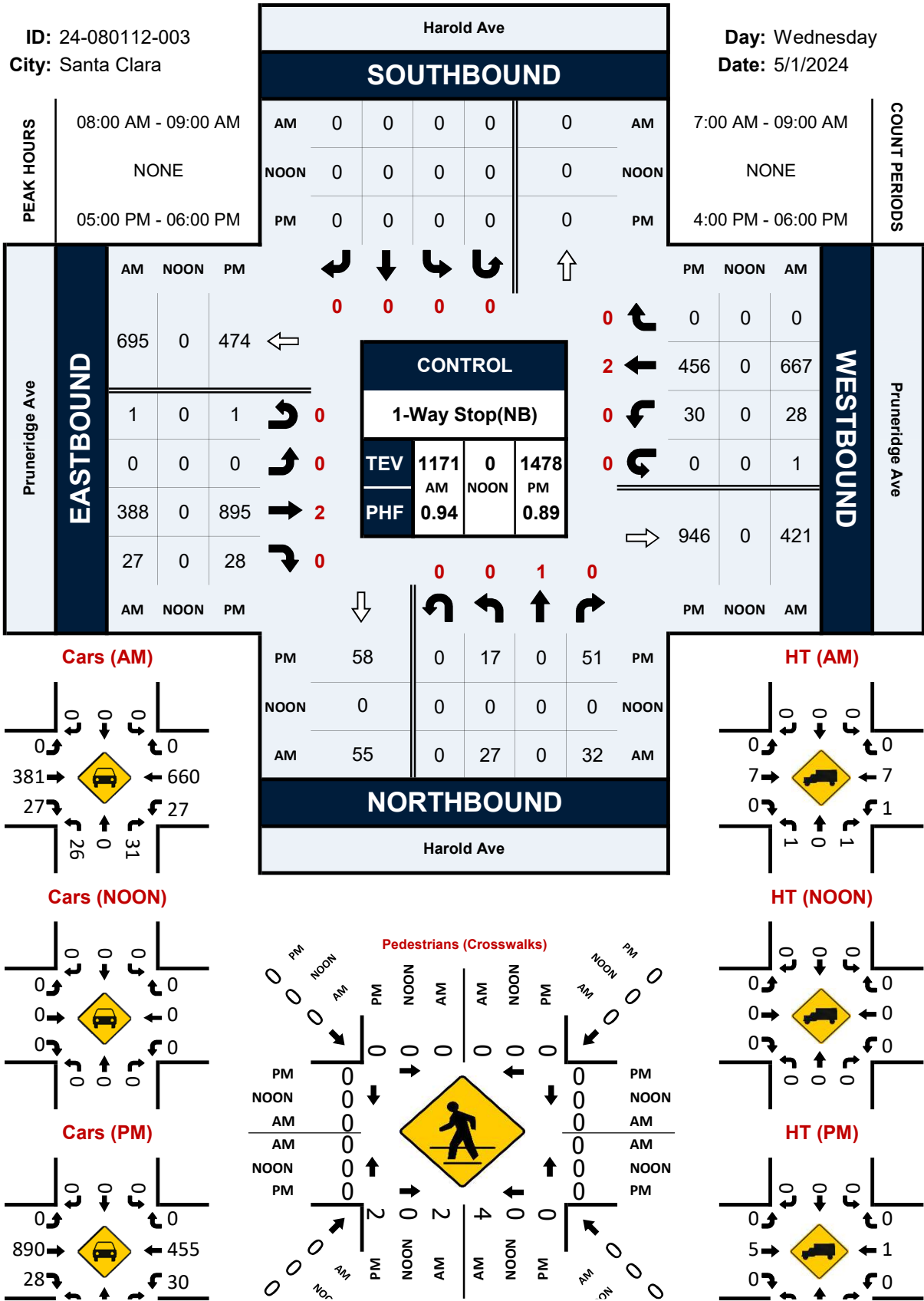
PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
2:00 PM	2	2	0	0	0	0	0	2	6
2:15 PM	0	0	0	0	0	0	0	0	0
2:30 PM	0	1	0	0	0	0	0	1	2
2:45 PM	0	0	1	1	0	0	0	1	3
3:00 PM	0	0	0	0	0	0	1	0	1
3:15 PM	0	0	0	0	0	0	0	0	0
3:30 PM	0	0	2	0	0	0	0	1	3
3:45 PM	3	1	0	2	1	0	0	0	7
4:00 PM	0	1	0	2	0	0	0	0	3
4:15 PM	4	0	2	4	0	1	0	1	12
4:30 PM	0	0	3	4	0	0	0	2	9
4:45 PM	1	0	3	4	0	1	1	1	11
5:00 PM	3	2	1	1	0	0	0	0	7
5:15 PM	1	0	1	0	0	0	0	0	2
5:30 PM	1	1	1	1	0	0	0	0	4
5:45 PM	0	1	1	2	0	0	0	0	4
6:00 PM	0	0	0	0	0	0	1	0	1
6:15 PM	1	0	0	1	0	1	0	1	4
6:30 PM	1	0	0	0	0	0	0	0	1
6:45 PM	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	17	9	15	22	1	3	3	10	80
	65.38%	34.62%	40.54%	59.46%	25.00%	75.00%	23.08%	76.92%	
PEAK HR :	05:15 PM - 06:15 PM								TOTAL
PEAK HR VOL :	2	2	3	3	0	0	1	0	11
PEAK HR FACTOR :	0.500	0.500	0.750	0.375			0.250		0.688
	0.500		0.500				0.250		

Harold Ave & Pruneridge Ave

Peak Hour Turning Movement Count

ID: 24-080112-003
City: Santa Clara

Day: Wednesday
Date: 5/1/2024



National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 24-080112-003
Date: 5/1/2024

Data - Total

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
7:00 AM	7	0	3	0	0	0	0	0	0	33	1	0	2	67	0	0	113
7:15 AM	6	0	1	0	0	0	0	0	0	42	2	0	3	83	0	0	137
7:30 AM	7	0	7	0	0	0	1	0	0	61	3	0	5	136	0	0	220
7:45 AM	6	0	6	0	0	0	0	0	0	69	3	0	5	168	0	0	257
8:00 AM	7	0	8	0	0	0	0	0	0	92	5	1	11	189	0	0	313
8:15 AM	6	0	7	0	0	0	0	0	0	92	10	0	3	174	0	0	292
8:30 AM	6	0	4	0	0	0	0	0	0	94	7	0	8	144	0	0	263
8:45 AM	8	0	13	0	0	0	0	0	0	110	5	0	6	160	0	1	303
TOTAL VOLUMES :	NL 53	NT 0	NR 49	NU 0	SL 0	ST 0	SR 1	SU 0	EL 0	ET 593	ER 36	EU 1	WL 43	WT 1121	WR 0	WU 1	TOTAL 1898
APPROACH %'s :	51.96%	0.00%	48.04%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	94.13%	5.71%	0.16%	3.69%	96.22%	0.00%	0.09%	
PEAK HR :	08:00 AM - 09:00 AM				0	0	0	0	0	388	27	1	28	667	0	1	TOTAL 1171
PEAK HR VOL :	27	0	32	0	0	0	0	0	0	0.882	0.675	0.250	0.636	0.882	0.000	0.250	0.935
PEAK HR FACTOR :	0.844	0.000	0.615	0.000	0.000	0.000	0.000	0.000	0.000	0.904			0.636	0.882	0.000	0.250	0.935
	0.702								0.904				0.870				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
4:00 PM	6	0	6	0	0	0	0	0	0	192	6	0	5	103	0	0	318
4:15 PM	4	0	8	0	0	0	0	0	0	209	9	1	5	105	0	0	341
4:30 PM	1	0	11	0	0	0	0	0	0	215	8	0	4	95	0	0	334
4:45 PM	5	0	16	0	0	0	0	0	0	236	7	0	3	81	0	0	348
5:00 PM	4	0	10	0	0	0	0	0	0	185	3	0	5	132	0	0	339
5:15 PM	5	0	10	0	0	0	0	0	0	218	8	1	13	97	0	0	352
5:30 PM	5	0	17	0	0	0	0	0	0	263	8	0	6	114	0	0	413
5:45 PM	3	0	14	0	0	0	0	0	0	229	9	0	6	113	0	0	374
TOTAL VOLUMES :	NL 33	NT 0	NR 92	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 1747	ER 58	EU 2	WL 47	WT 840	WR 0	WU 0	TOTAL 2819
APPROACH %'s :	26.40%	0.00%	73.60%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	96.68%	3.21%	0.11%	5.30%	94.70%	0.00%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM				0	0	0	0	0	895	28	1	30	456	0	0	TOTAL 1478
PEAK HR VOL :	17	0	51	0	0	0	0	0	0	0.851	0.778	0.250	0.577	0.864	0.000	0.000	0.895
PEAK HR FACTOR :	0.850	0.000	0.750	0.000	0.000	0.000	0.000	0.000	0.000	0.852			0.577	0.864	0.000	0.000	0.895
	0.773								0.852				0.887				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 24-080112-003
Date: 5/1/2024

Data - Cars

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	1	0	0	0	0	0	0	0	2	0	0	0	2	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
7:00 AM	5	0	3	0	0	0	0	0	0	32	1	0	2	66	0	0	109
7:15 AM	6	0	1	0	0	0	0	0	0	41	2	0	3	82	0	0	135
7:30 AM	7	0	7	0	0	0	1	0	0	60	3	0	5	135	0	0	218
7:45 AM	6	0	5	0	0	0	0	0	0	69	3	0	5	166	0	0	254
8:00 AM	6	0	8	0	0	0	0	0	0	91	5	0	11	188	0	0	309
8:15 AM	6	0	6	0	0	0	0	0	0	92	10	0	3	172	0	0	289
8:30 AM	6	0	4	0	0	0	0	0	0	92	7	0	7	142	0	0	258
8:45 AM	8	0	13	0	0	0	0	0	0	106	5	0	6	158	0	1	297
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	50	0	47	0	0	0	1	0	0	583	36	0	42	1109	0	1	1869
PEAK HR :	08:00 AM - 09:00 AM								94.18%				3.65%				
PEAK HR VOL :	26	0	31	0	0	0	0	0	0	381	27	0	27	660	0	1	1153
PEAK HR FACTOR :	0.813	0.000	0.596	0.000	0.000	0.000	0.000	0.000	0.000	0.899	0.675	0.000	0.614	0.878	0.000	0.250	0.933
	0.679								0.919				0.864				
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	1	0	0	0	0	0	0	0	2	0	0	0	2	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
4:00 PM	6	0	6	0	0	0	0	0	0	190	6	0	5	102	0	0	315
4:15 PM	4	0	8	0	0	0	0	0	0	203	9	1	5	102	0	0	332
4:30 PM	1	0	11	0	0	0	0	0	0	214	8	0	4	95	0	0	333
4:45 PM	5	0	16	0	0	0	0	0	0	235	7	0	3	81	0	0	347
5:00 PM	4	0	10	0	0	0	0	0	0	183	3	0	5	132	0	0	337
5:15 PM	5	0	10	0	0	0	0	0	0	216	8	1	13	96	0	0	349
5:30 PM	5	0	17	0	0	0	0	0	0	262	8	0	6	114	0	0	412
5:45 PM	3	0	14	0	0	0	0	0	0	229	9	0	6	113	0	0	374
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	33	0	92	0	0	0	0	0	0	1732	58	2	47	835	0	0	2799
PEAK HR :	05:00 PM - 06:00 PM								96.65%				5.33%				
PEAK HR VOL :	17	0	51	0	0	0	0	0	0	890	28	1	30	455	0	0	1472
PEAK HR FACTOR :	0.850	0.000	0.750	0.000	0.000	0.000	0.000	0.000	0.000	0.849	0.778	0.250	0.577	0.862	0.000	0.000	0.893
	0.773								0.851				0.885				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 24-080112-003
Date: 5/1/2024

Data - HT

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
7:00 AM	2	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	4
7:15 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
7:30 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
7:45 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0	0	3
8:00 AM	1	0	0	0	0	0	0	0	0	1	0	1	0	1	0	0	4
8:15 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0	0	3
8:30 AM	0	0	0	0	0	0	0	0	0	2	0	0	1	2	0	0	5
8:45 AM	0	0	0	0	0	0	0	0	0	4	0	0	0	2	0	0	6
TOTAL VOLUMES :	NL 3	NT 0	NR 2	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 10	ER 0	EU 1	WL 1	WT 12	WR 0	WU 0	TOTAL 29
APPROACH %'s :	60.00%	0.00%	40.00%	0.00%					0.00%	90.91%	0.00%	9.09%	7.69%	92.31%	0.00%	0.00%	
PEAK HR :	08:00 AM - 09:00 AM				0	0	0	0	0	7	0	1	1	7	0	0	TOTAL 18
PEAK HR VOL :	1	0	1	0	0	0	0	0	0	0.438	0.000	0.250	0.250	0.875	0.000	0.000	PEAK HR FACTOR : 0.750
PEAK HR FACTOR :	0.250	0.000	0.250	0.000	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.250	0.250	0.667	0.000	0.000	

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	3
4:15 PM	0	0	0	0	0	0	0	0	0	6	0	0	0	3	0	0	9
4:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
4:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:00 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
5:15 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	3
5:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 15	ER 0	EU 0	WL 0	WT 5	WR 0	WU 0	TOTAL 20
APPROACH %'s :									0.00%	100.00%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM				0	0	0	0	0	5	0	0	0	1	0	0	TOTAL 6
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0.625	0.000	0.000	0.000	0.250	0.000	0.000	PEAK HR FACTOR : 0.500
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.625	0.000	0.000	0.000	0.250	0.000	0.000	

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 24-080112-003
Date: 5/1/2024

Data - Bikes

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	
7:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	4
7:15 AM	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	2
7:30 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	3	0	0	4
7:45 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	3
8:30 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	4
8:45 AM	0	0	0	0	0	0	1	0	0	0	0	0	0	3	0	0	4
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	0	0	0	0	1	0	1	0	0	3	1	0	0	18	0	0	24
					50.00%	0.00%	50.00%	0.00%	0.00%	75.00%	25.00%	0.00%	0.00%	100.00%	0.00%	0.00%	
PEAK HR :	08:00 AM - 09:00 AM				0	0	1	0	0	1	0	0	0	10	0	0	TOTAL
PEAK HR VOL :	0	0	0	0	0	0	0.250	0	0	0.250	0	0	0	0.833	0	0	12
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.250	0.000	0.000	0.250	0.000	0.000	0.000	0.833	0.000	0.000	0.750

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	
4:00 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	3
4:15 PM	1	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	3
4:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
4:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	4	0	0	5
5:15 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
5:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	3
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	1	0	0	0	0	0	0	0	0	11	1	0	1	7	0	0	21
	100.00%	0.00%	0.00%	0.00%					0.00%	91.67%	8.33%	0.00%	12.50%	87.50%	0.00%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM				0	0	0	0	0	6	0	0	1	5	0	0	TOTAL
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0.500	0.000	0.000	0.250	0.313	0.000	0.000	12
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.000	0.250	0.313	0.000	0.000	0.600

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara

Project ID: 24-080112-003
Date: 5/1/2024

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Harold Ave		Harold Ave		Pruneridge Ave		Pruneridge Ave		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	1	0	0	0	0	1
8:00 AM	0	0	1	1	0	0	0	0	2
8:15 AM	0	0	0	2	0	0	0	0	2
8:30 AM	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	1	1	0	0	0	0	2
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	0	0	2	5	0	0	0	0	7
			28.57%	71.43%					
PEAK HR :	08:00 AM - 09:00 AM								TOTAL
PEAK HR VOL :	0	0	2	4	0	0	0	0	6
PEAK HR FACTOR :			0.500	0.500					0.750
				0.750					

PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
4:00 PM	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	1	0	0	0	0	1
4:45 PM	0	0	1	1	0	0	0	0	2
5:00 PM	0	0	1	0	0	0	0	0	1
5:15 PM	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	1	0	0	0	0	0	1
TOTAL VOLUMES :	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
APPROACH %'s :	0	0	3	2	0	0	0	0	5
			60.00%	40.00%					
PEAK HR :	05:00 PM - 06:00 PM								TOTAL
PEAK HR VOL :	0	0	2	0	0	0	0	0	2
PEAK HR FACTOR :			0.500						0.500
				0.500					

Harold Ave & Pruneridge Ave

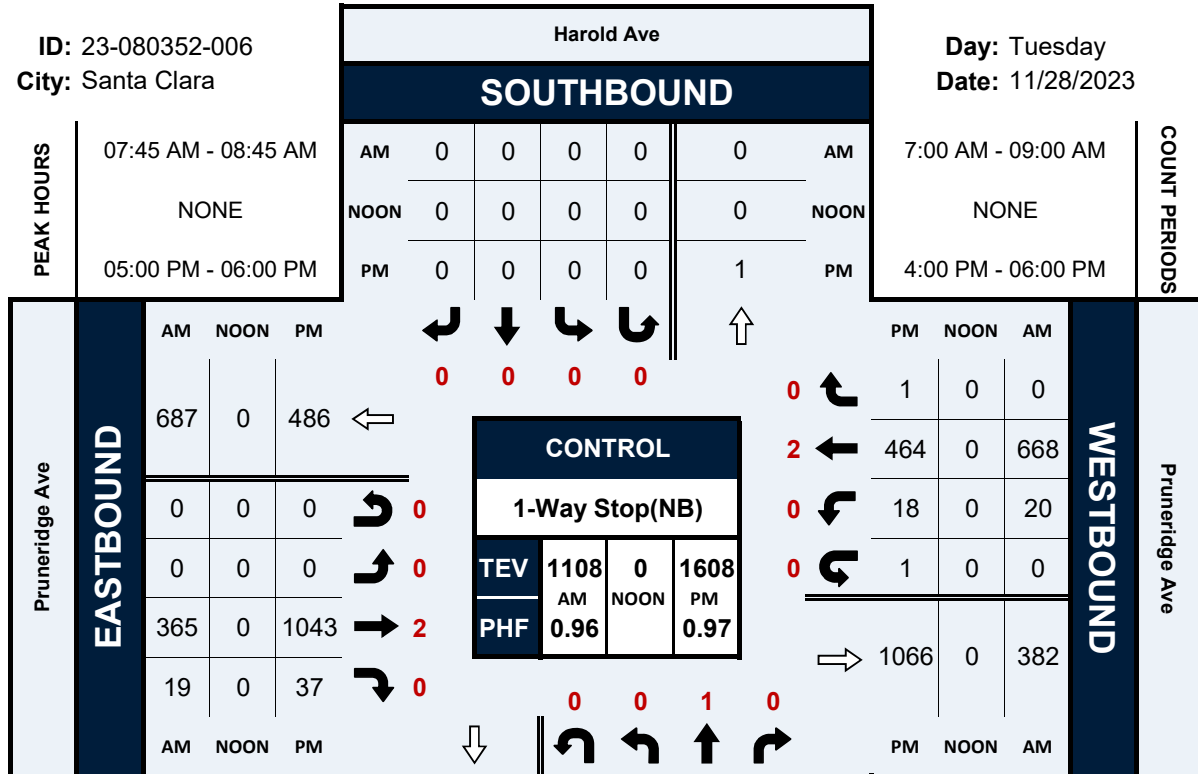
Peak Hour Turning Movement Count

ID: 23-080352-006

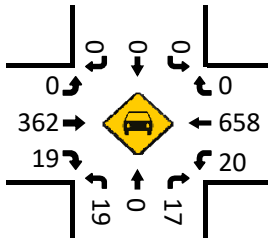
City: Santa Clara

Day: Tuesday

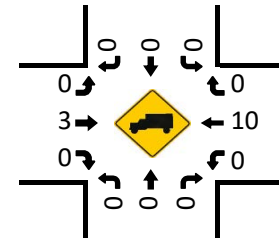
Date: 11/28/2023



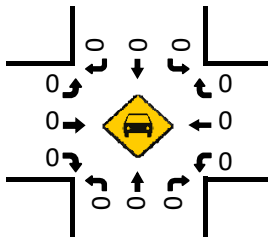
Cars (AM)



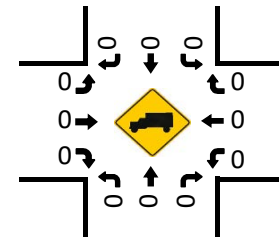
HT (AM)



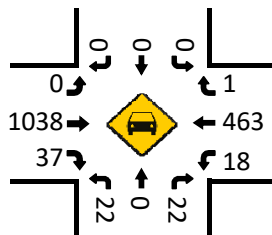
Cars (NOON)



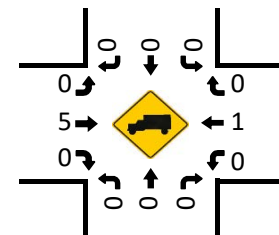
HT (NOON)



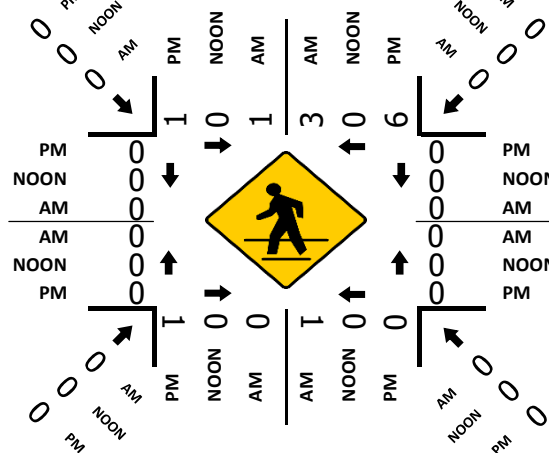
Cars (PM)



HT (PM)



Pedestrians (Crosswalks)



National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 23-080352-006
Date: 11/28/2023

Data - Total

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
7:00 AM	4	0	4	0	0	0	0	0	0	32	3	0	0	61	0	0	104
7:15 AM	5	0	3	0	0	0	0	0	0	46	3	0	4	82	0	0	143
7:30 AM	7	0	2	0	1	0	0	0	0	49	2	0	2	133	0	0	196
7:45 AM	6	0	5	0	0	0	0	0	0	89	6	0	7	175	0	0	288
8:00 AM	2	0	2	0	0	0	0	0	0	91	5	0	5	181	0	0	286
8:15 AM	4	0	5	0	0	0	0	0	0	103	5	0	5	164	0	0	286
8:30 AM	7	0	5	0	0	0	0	0	0	82	3	0	3	148	0	0	248
8:45 AM	11	0	8	0	0	0	0	0	0	96	7	0	2	136	0	0	260
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	46	0	34	0	1	0	0	0	0	588	34	0	28	1080	0	0	1811
	57.50%	0.00%	42.50%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	94.53%	5.47%	0.00%	2.53%	97.47%	0.00%	0.00%	
PEAK HR :	07:45 AM - 08:45 AM																TOTAL
PEAK HR VOL :	19	0	17	0	0	0	0	0	0	365	19	0	20	668	0	0	1108
PEAK HR FACTOR :	0.679	0.000	0.850	0.000	0.000	0.000	0.000	0.000	0.000	0.886	0.792	0.000	0.714	0.923	0.000	0.000	0.962
	0.750								0.889				0.925				
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
4:00 PM	5	0	7	0	0	0	0	0	0	199	11	0	4	100	0	0	326
4:15 PM	2	0	3	0	0	0	0	0	0	215	10	0	3	111	0	0	344
4:30 PM	5	0	5	0	0	0	0	0	0	231	11	0	8	87	0	0	347
4:45 PM	5	0	5	0	0	0	0	0	0	268	5	0	7	105	0	0	395
5:00 PM	5	0	8	0	0	0	0	0	0	253	8	0	5	135	0	0	414
5:15 PM	6	0	4	0	0	0	0	0	0	252	11	0	4	119	0	0	396
5:30 PM	10	0	6	0	0	0	0	0	0	267	7	0	5	101	1	0	397
5:45 PM	1	0	4	0	0	0	0	0	0	271	11	0	4	109	0	1	401
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	39	0	42	0	0	0	0	0	0	1956	74	0	40	867	1	1	3020
	48.15%	0.00%	51.85%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	96.35%	3.65%	0.00%	4.40%	95.38%	0.11%	0.11%	
PEAK HR :	05:00 PM - 06:00 PM																TOTAL
PEAK HR VOL :	22	0	22	0	0	0	0	0	0	1043	37	0	18	464	1	1	1608
PEAK HR FACTOR :	0.550	0.000	0.688	0.000	0.000	0.000	0.000	0.000	0.000	0.962	0.841	0.000	0.900	0.859	0.250	0.250	0.971
	0.688								0.957				0.864				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 23-080352-006
Date: 11/28/2023

Data - Cars

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
7:00 AM	4	0	4	0	0	0	0	0	0	32	3	0	0	61	0	0	104
7:15 AM	5	0	3	0	0	0	0	0	0	46	3	0	4	81	0	0	142
7:30 AM	7	0	2	0	1	0	0	0	0	49	2	0	2	131	0	0	194
7:45 AM	6	0	5	0	0	0	0	0	0	89	6	0	7	175	0	0	288
8:00 AM	2	0	2	0	0	0	0	0	0	90	5	0	5	178	0	0	282
8:15 AM	4	0	5	0	0	0	0	0	0	101	5	0	5	161	0	0	281
8:30 AM	7	0	5	0	0	0	0	0	0	82	3	0	3	144	0	0	244
8:45 AM	11	0	8	0	0	0	0	0	0	94	7	0	2	136	0	0	258
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	46	0	34	0	1	0	0	0	0	583	34	0	28	1067	0	0	1793
PEAK HR :	57.50%	0.00%	42.50%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	94.49%	5.51%	0.00%	2.56%	97.44%	0.00%	0.00%	
PEAK HR VOL :	19	0	17	0	0	0	0	0	0	362	19	0	20	658	0	0	1095
PEAK HR FACTOR :	0.679	0.000	0.850	0.000	0.000	0.000	0.000	0.000	0.000	0.896	0.792	0.000	0.714	0.924	0.000	0.000	0.951
			0.750							0.899				0.926			

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
4:00 PM	4	0	6	0	0	0	0	0	0	198	11	0	4	100	0	0	323
4:15 PM	2	0	2	0	0	0	0	0	0	214	10	0	3	111	0	0	342
4:30 PM	5	0	5	0	0	0	0	0	0	230	11	0	8	86	0	0	345
4:45 PM	5	0	5	0	0	0	0	0	0	267	5	0	7	104	0	0	393
5:00 PM	5	0	8	0	0	0	0	0	0	252	8	0	5	135	0	0	413
5:15 PM	6	0	4	0	0	0	0	0	0	251	11	0	4	119	0	0	395
5:30 PM	10	0	6	0	0	0	0	0	0	265	7	0	5	101	1	0	395
5:45 PM	1	0	4	0	0	0	0	0	0	270	11	0	4	108	0	1	399
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	38	0	40	0	0	0	0	0	0	1947	74	0	40	864	1	1	3005
PEAK HR :	48.72%	0.00%	51.28%	0.00%					0.00%	96.34%	3.66%	0.00%	4.42%	95.36%	0.11%	0.11%	
PEAK HR VOL :	22	0	22	0	0	0	0	0	0	1038	37	0	18	463	1	1	1602
PEAK HR FACTOR :	0.550	0.000	0.688	0.000	0.000	0.000	0.000	0.000	0.000	0.961	0.841	0.000	0.900	0.857	0.250	0.250	0.970
			0.688							0.956				0.863			

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 23-080352-006
Date: 11/28/2023

Data - HT

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	4
8:15 AM	0	0	0	0	0	0	0	0	0	2	0	0	0	3	0	0	5
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4
8:45 AM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 5	ER 0	EU 0	WL 0	WT 13	WR 0	WU 0	TOTAL 18
APPROACH %'s :	0.00%				0.00%				0.00%				0.00%				
PEAK HR :	07:45 AM - 08:45 AM				0				0				0				TOTAL 13
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	3	0	0	0	10	0	0	13
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.375	0.000	0.000	0.000	0.625	0.000	0.000	0.650
									0.375				0.625				
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
4:00 PM	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	3
4:15 PM	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	2
4:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
4:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
5:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:15 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:30 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
5:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	2
TOTAL VOLUMES :	NL 1	NT 0	NR 2	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 9	ER 0	EU 0	WL 0	WT 3	WR 0	WU 0	TOTAL 15
APPROACH %'s :	33.33%				0.00%				0.00%				100.00%				
PEAK HR :	05:00 PM - 06:00 PM				0				0				0				TOTAL 6
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	5	0	0	0	1	0	0	6
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.625	0.000	0.000	0.000	0.250	0.000	0.000	0.750
									0.625				0.250				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara
Control: 1-Way Stop(NB)

Project ID: 23-080352-006
Date: 11/28/2023

Data - Bikes

NS/EW Streets:	Harold Ave				Harold Ave				Pruneridge Ave				Pruneridge Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
7:45 AM	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	3
8:30 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	3
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 5	ER 0	EU 0	WL 0	WT 6	WR 0	WU 0	TOTAL 11
APPROACH %'s :	0.00%				0.00%				100.00%				100.00%				
PEAK HR :	07:45 AM - 08:45 AM				0	0	0	0	0	5	0	0	0	4	0	0	TOTAL 9
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0.417	0.000	0.000	0	0.500	0.000	0.000	0.750
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.417	0.000	0.000	0.000	0.500	0.000	0.000	

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	1 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	2 ET	0 ER	0 EU	0 WL	2 WT	0 WR	0 WU	
4:00 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	1	0	0	4
4:15 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	3
4:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
4:45 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	3
5:00 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
5:15 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	2	0	0	5
5:30 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5:45 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
TOTAL VOLUMES :	NL 0	NT 0	NR 0	NU 0	SL 0	ST 0	SR 0	SU 0	EL 0	ET 15	ER 0	EU 0	WL 0	WT 5	WR 0	WU 0	TOTAL 20
APPROACH %'s :	0.00%				0.00%				100.00%				100.00%				
PEAK HR :	05:00 PM - 06:00 PM				0	0	0	0	0	7	0	0	0	2	0	0	TOTAL 9
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0.583	0.000	0.000	0	0.250	0.000	0.000	0.450
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.583	0.000	0.000	0.000	0.250	0.000	0.000	

National Data & Surveying Services

Intersection Turning Movement Count

Location: Harold Ave & Pruneridge Ave
City: Santa Clara

Project ID: 23-080352-006
Date: 11/28/2023

Data - Pedestrians (Crosswalks)

NS/EW Streets:	Harold Ave		Harold Ave		Pruneridge Ave		Pruneridge Ave		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	1	0	0	0	0	0	0	1
7:15 AM	4	1	0	0	0	0	0	0	5
7:30 AM	2	0	1	0	0	0	0	0	3
7:45 AM	1	1	0	0	0	0	0	0	2
8:00 AM	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0
8:30 AM	0	2	0	1	0	0	0	0	3
8:45 AM	1	1	1	0	0	0	0	0	3
TOTAL VOLUMES :	EB 8	WB 6	EB 2	WB 1	NB 0	SB 0	NB 0	SB 0	TOTAL 17
APPROACH %'s :	57.14%	42.86%	66.67%	33.33%					
PEAK HR :	07:45 AM - 08:45 AM								TOTAL
PEAK HR VOL :	1	3	0	1	0	0	0	0	5
PEAK HR FACTOR :	0.250	0.375		0.250					0.417
	0.500		0.250						

PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
4:00 PM	0	0	0	0	0	0	0	0	0
4:15 PM	0	1	0	0	0	0	1	0	2
4:30 PM	0	1	0	1	0	0	0	0	2
4:45 PM	1	0	1	0	0	0	0	0	2
5:00 PM	0	4	1	0	0	0	0	0	5
5:15 PM	0	2	0	0	0	0	0	0	2
5:30 PM	1	0	0	0	0	0	0	0	1
5:45 PM	0	0	0	0	0	0	0	0	0
TOTAL VOLUMES :	EB 2	WB 8	EB 2	WB 1	NB 0	SB 0	NB 1	SB 0	TOTAL 14
APPROACH %'s :	20.00%	80.00%	66.67%	33.33%			100.00%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM								TOTAL
PEAK HR VOL :	1	6	1	0	0	0	0	0	8
PEAK HR FACTOR :	0.250	0.375	0.250						0.400
	0.438		0.250						

Appendix B – Existing Conditions Level of Service Worksheets

Starbucks Stevens Creek Boulevard

Vistro File: J:\...\Starbucks Stevens Creek_07082024.vistro

Scenario 5 Existing Conditions AM - Stevens Creek Blvd

Report File: J:\...\Existing AM.pdf

7/10/2024

Intersection Analysis Summary





ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
251	San Tomas Expressway & Stevens Creek Boulevard	Signalized	HCM 6th Edition	NB Thru	1.210	120.4	F
252	Stevens Creek Boulevard & Harold Avenue	Two-way stop	HCM 6th Edition	SB Left	0.100	56.5	F
253	Stevens Creek Boulevard & Cypress Avenue	Signalized	HCM 6th Edition	WB Left	0.342	14.0	B
254	Stevens Creek Boulevard & Tyler Street	Two-way stop	HCM 6th Edition	SB Left	0.155	43.6	E
255	Harold Avenue & Forest Avenue	Two-way stop	HCM 6th Edition	EB Thru	0.008	10.1	B
256	Pruneridge Avenue & Harold Avenue	Two-way stop	HCM 6th Edition	NB Left	0.099	18.7	C
257	Stevens Creek Blvd & Project Driveway 1	Two-way stop	HCM 6th Edition	WB Thru	0.014	0.0	A
258	Harold Avenue & Project Driveway 2	Two-way stop	HCM 6th Edition	NB Thru	0.001	0.0	A

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report**Intersection 251: San Tomas Expressway & Stevens Creek Boulevard**

Control Type:	Signalized	Delay (sec / veh):	120.4
Analysis Method:	HCM 6th Edition	Level Of Service:	F
Analysis Period:	15 minutes	Volume to Capacity (v/c):	1.210

Intersection Setup

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Approach	Northbound				Southbound				Eastbound				Westbound			
Lane Configuration																
Turning Movement	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right
Lane Width [ft]	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
No. of Lanes in Entry Pocket	2	0	0	1	2	0	0	1	1	0	0	0	2	0	0	0
Entry Pocket Length [ft]	330.	100.	100.	470.	340.	100.	100.	250.	170.	100.	100.	100.	350.	100.	100.	100.
No. of Lanes in Exit Pocket	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	230.	0.00	0.00	0.00	70.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	45.00				45.00				35.00				35.00			
Grade [%]	0.00				0.00				0.00				0.00			
Curb Present	No				No				No				No			
Crosswalk	Yes				Yes				Yes				Yes			

Volumes

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Base Volume Input [veh/h]	1	351	2644	232	0	162	1009	45	11	50	250	292	1	312	769	227
Base Volume Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1	351	2644	232	0	162	1009	45	11	50	250	292	1	312	769	227
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Other Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Total 15-Minute Volume [veh/h]	0	99	743	65	0	46	283	13	3	14	70	82	0	88	216	64
Total Analysis Volume [veh/h]	1	394	2971	261	0	182	1134	51	12	56	281	328	1	351	864	255
Presence of On-Street Parking	No			No	No			No	No			No	No			No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0				0				0				0			
v_di, Inbound Pedestrian Volume crossing major street	0				0				0				0			
v_co, Outbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ci, Inbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ab, Corner Pedestrian Volume [ped/h]	0				0				0				0			
Bicycle Volume [bicycles/h]	0				0				0				0			

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	190
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	117.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	12.00

Phasing & Timing

Control Type	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm
Signal Group	0	5	2	0	0	1	6	0	0	3	8	0	0	7	4	0
Auxiliary Signal Groups																
Lead / Lag	-	Lead	-	-	-	Lag	-	-	-	Lead	-	-	-	Lead	-	-
Minimum Green [s]	0	10	12	0	0	10	12	0	0	10	9	0	0	10	11	0
Maximum Green [s]	0	30	80	0	0	30	80	0	0	30	40	0	0	30	40	0
Amber [s]	0.0	3.6	4.8	0.0	0.0	3.6	4.8	0.0	0.0	3.6	4.1	0.0	0.0	3.6	4.1	0.0
All red [s]	0.0	2.0	1.0	0.0	0.0	1.9	1.0	0.0	0.0	1.7	1.0	0.0	0.0	1.8	1.3	0.0
Split [s]	0	37	106	0	0	18	87	0	0	21	45	0	0	21	45	0
Vehicle Extension [s]	0.0	3.0	6.0	0.0	0.0	3.0	6.0	0.0	0.0	3.0	4.0	0.0	0.0	4.0	4.0	0.0
Walk [s]	0	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0
Pedestrian Clearance [s]	0	0	27	0	0	0	26	0	0	0	37	0	0	0	38	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk			No				No				No				No	
I1, Start-Up Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I2, Clearance Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Minimum Recall		No	Yes			No	Yes			No	No			No	No	
Maximum Recall		No	No			No	No			No	No			No	No	
Pedestrian Recall		No	No			No	No			No	No			No	No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	R	L	C	C	L	C	C
C, Cycle Length [s]	190	190	190	190	190	190	190	190	190	190	190	190
L, Total Lost Time per Cycle [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
g_i, Effective Green Time [s]	30	113	113	16	99	99	15	40	40	21	46	46
g / C, Green / Cycle	0.16	0.59	0.59	0.08	0.52	0.52	0.08	0.21	0.21	0.11	0.24	0.24
(v / s)_i Volume / Saturation Flow Rate	0.13	0.78	0.15	0.06	0.30	0.03	0.04	0.07	0.18	0.11	0.20	0.20
s, saturation flow rate [veh/h]	3150	3800	1750	3150	3800	1750	1750	3800	1800	3150	3800	1800
c, Capacity [veh/h]	493	2256	1039	268	1984	914	139	801	380	348	919	435
d1, Uniform Delay [s]	82.22	57.41	29.08	81.75	18.13	14.06	83.74	63.88	72.33	84.50	68.32	68.06
k, delay calibration	0.11	0.50	0.50	0.11	0.50	0.50	0.11	0.15	0.38	0.15	0.15	0.34
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	3.09	145.99	0.58	3.02	1.20	0.12	2.64	0.37	17.69	29.51	2.85	10.97
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	0.67	0.67	0.67	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.80	1.32	0.25	0.68	0.57	0.06	0.49	0.35	0.86	1.01	0.83	0.82
d, Delay for Lane Group [s/veh]	85.30	203.39	29.66	84.77	19.34	14.17	86.37	64.25	90.02	114.01	71.17	79.02
Lane Group LOS	F	F	C	F	B	B	F	E	F	F	E	E
Critical Lane Group	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No	No
50th-Percentile Queue Length [veh/ln]	9.89	100.81	8.72	4.29	10.94	0.74	3.32	5.89	17.32	10.01	17.98	17.69
50th-Percentile Queue Length [ft/ln]	247.22	2520.2	218.02	107.26	273.39	18.60	82.99	147.22	433.07	250.14	449.46	442.20
95th-Percentile Queue Length [veh/ln]	15.05	144.21	13.56	7.69	16.36	1.34	5.98	9.87	24.15	15.26	24.93	24.59
95th-Percentile Queue Length [ft/ln]	376.15	3605.3	339.09	192.19	408.98	33.48	149.39	246.71	603.71	381.62	623.31	614.63

Movement, Approach, & Intersection Results

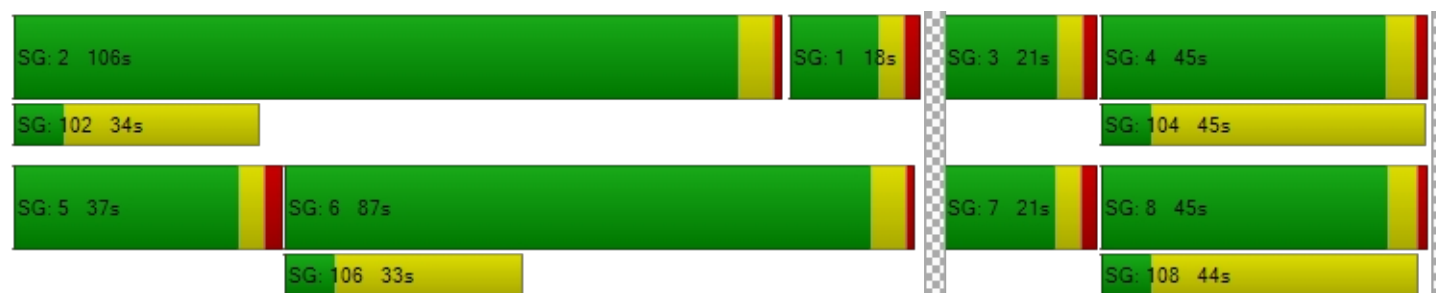
d_M, Delay for Movement [s/veh]	85.3	85.3	203.	29.6	84.7	84.7	19.3	14.1	86.3	86.3	64.2	90.0	114.	114.	72.0	79.0
Movement LOS	F	F	F	C	F	F	B	B	F	F	E	F	F	F	E	E
d_A, Approach Delay [s/veh]	178.03				27.86				78.96				83.32			
Approach LOS	F				C				E				F			
d_I, Intersection Delay [s/veh]	120.39															
Intersection LOS	F															
Intersection V/C	1.210															

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0				11.0				11.0				11.0			
M_corner, Corner Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
d_p, Pedestrian Delay [s]	84.32				84.32				84.32				84.32			
I_p,int, Pedestrian LOS Score for Intersection	3.755				3.610				2.952				3.073			
Crosswalk LOS	D				D				C				C			
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000				2000				2000				2000			
c_b, Capacity of the bicycle lane [bicycles/h]	1055				855				420				417			
d_b, Bicycle Delay [s]	21.22				31.15				59.29				59.53			
I_b,int, Bicycle LOS Score for Intersection	4.551				2.537				1.901				2.176			
Bicycle LOS	E				B				A				B			

Sequence

Ring 1	2	1	3	4	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	7	8	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-






Intersection Level Of Service Report**Intersection 252: Stevens Creek Boulevard & Harold Avenue**

Control Type: Two-way stop
 Analysis Method: HCM 6th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 56.5
 Level Of Service: F
 Volume to Capacity (v/c): 0.100

Intersection Setup

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	60.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	7	56	65	556	1294	12
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	7	56	65	556	1294	12
Peak Hour Factor	0.9000	0.9000	0.9000	0.9000	0.9000	0.9000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	16	18	154	359	3
Total Analysis Volume [veh/h]	8	62	72	618	1438	13
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0





Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.10	0.20	0.31	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	56.55	22.76	26.86	0.00	0.00	0.00
Movement LOS	F	C	D	A	A	A
95th-Percentile Queue Length [veh/ln]	1.20	1.20	1.24	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	29.98	29.98	31.11	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	26.63		2.80		0.00	
Approach LOS	D		A		A	
d_I, Intersection Delay [s/veh]	1.72					
Intersection LOS	F					

Intersection Level Of Service Report**Intersection 253: Stevens Creek Boulevard & Cypress Avenue**

Control Type:	Signalized	Delay (sec / veh):	14.0
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.342

Intersection Setup

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	1	0	1	1	0	0	1	0	0	1	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	85.00	100.00	100.00	150.00	100.00	100.00	150.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			25.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Curb Present	No			No			No			No		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Base Volume Input [veh/h]	109	14	85	55	11	60	10	472	37	33	1203	21
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	109	14	85	55	11	60	10	472	37	33	1203	21
Peak Hour Factor	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	32	4	25	16	3	18	3	140	11	10	358	6
Total Analysis Volume [veh/h]	130	17	101	65	13	71	12	562	44	39	1432	25
Presence of On-Street Parking	No		No	No		No	No		No	No		No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0			0			0			0		
v_di, Inbound Pedestrian Volume crossing major street	0			0			0			0		
v_co, Outbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ci, Inbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ab, Corner Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	120
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	0.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	0.00

Phasing & Timing

Control Type	Permis	Permis	Permis	Permis	Permis	Permis	Protect	Permis	Permis	Protect	Permis	Permis
Signal Group	0	8	0	0	4	0	5	2	0	1	6	0
Auxiliary Signal Groups												
Lead / Lag	-	-	-	-	-	-	Lead	-	-	Lead	-	-
Minimum Green [s]	0	7	0	0	7	0	5	10	0	5	10	0
Maximum Green [s]	0	30	0	0	30	0	25	50	0	25	50	0
Amber [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.6	3.6	0.0	3.6	3.6	0.0
All red [s]	0.0	1.0	0.0	0.0	1.0	0.0	1.0	1.0	0.0	1.0	1.0	0.0
Split [s]	0	40	0	0	40	0	20	60	0	20	60	0
Vehicle Extension [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.0	3.0	0.0	3.0	3.0	0.0
Walk [s]	0	7	0	0	7	0	0	7	0	0	7	0
Pedestrian Clearance [s]	0	31	0	0	31	0	0	16	0	0	16	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk		No			No			No			No	
I1, Start-Up Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.0	2.0	0.0	2.0	2.0	0.0
I2, Clearance Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.6	2.6	0.0	2.6	2.6	0.0
Minimum Recall		No			No		No	Yes		No	Yes	
Maximum Recall		No			No		No	No		No	No	
Pedestrian Recall		No			No		No	No		No	No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	L	C	C	L	C	C
C, Cycle Length [s]	120	120	120	120	120	120	120	120	120	120	120
L, Total Lost Time per Cycle [s]	4.00	4.00	4.00	4.00	4.00	4.60	4.60	4.60	4.60	4.60	4.60
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	2.00	2.00	2.00	2.00	2.60	2.60	2.60	2.60	2.60	2.60
g_i, Effective Green Time [s]	11	11	11	8	8	2	95	95	4	95	95
g / C, Green / Cycle	0.09	0.09	0.09	0.06	0.06	0.01	0.79	0.79	0.03	0.79	0.79
(v / s)_i Volume / Saturation Flow Rate	0.07	0.01	0.06	0.04	0.05	0.01	0.11	0.11	0.02	0.25	0.28
s, saturation flow rate [veh/h]	1750	1900	1750	1750	1800	1750	3800	1800	1750	3800	1800
c, Capacity [veh/h]	168	168	155	135	117	25	3018	1430	54	2992	1417
d1, Uniform Delay [s]	53.85	50.30	52.90	54.47	55.01	58.71	2.84	2.87	57.66	3.63	3.76
k, delay calibration	0.11	0.11	0.11	0.11	0.11	0.11	0.50	0.50	0.11	0.50	0.50
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	7.30	0.26	4.57	2.64	7.93	13.84	0.09	0.21	16.88	0.28	0.69
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.77	0.10	0.65	0.48	0.72	0.48	0.13	0.14	0.73	0.32	0.35
d, Delay for Lane Group [s/veh]	61.14	50.56	57.47	57.11	62.95	72.55	2.93	3.08	74.54	3.91	4.44
Lane Group LOS	E	D	E	E	E	E	A	A	E	A	A
Critical Lane Group	No	No	Yes	No	No	Yes	No	No	No	No	Yes
50th-Percentile Queue Length [veh/ln]	4.24	0.49	3.17	2.02	2.77	0.45	0.87	0.95	1.42	2.66	3.00
50th-Percentile Queue Length [ft/ln]	105.91	12.20	79.24	50.61	69.27	11.37	21.84	23.70	35.42	66.38	75.11
95th-Percentile Queue Length [veh/ln]	7.61	0.88	5.71	3.64	4.99	0.82	1.57	1.71	2.55	4.78	5.41
95th-Percentile Queue Length [ft/ln]	190.29	21.96	142.63	91.09	124.68	20.47	39.32	42.67	63.76	119.48	135.20

Movement, Approach, & Intersection Results

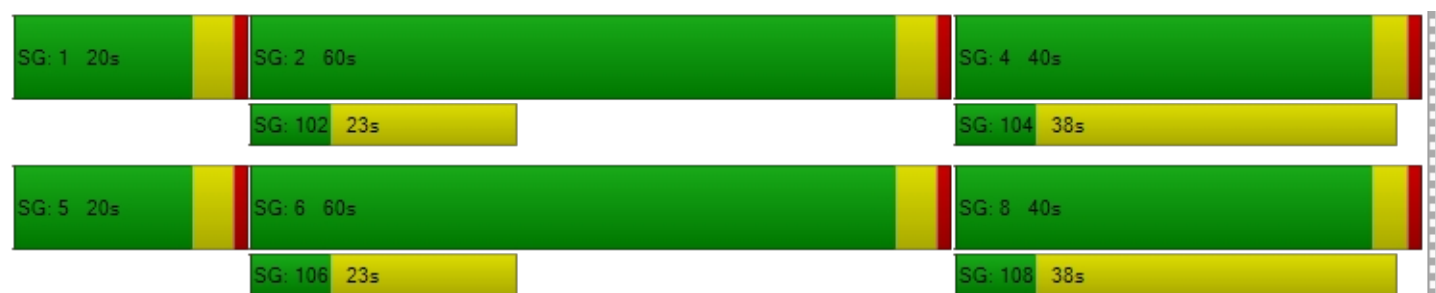
d_M, Delay for Movement [s/veh]	61.14	50.56	57.47	57.11	62.95	62.95	72.55	2.97	3.08	74.54	4.09	4.44
Movement LOS	E	D	E	E	E	E	E	A	A	E	A	A
d_A, Approach Delay [s/veh]	58.92			60.40			4.33			5.93		
Approach LOS	E			E			A			A		
d_I, Intersection Delay [s/veh]	14.00											
Intersection LOS	B											
Intersection V/C	0.342											

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0	11.0	11.0	11.0
M_corner, Corner Circulation Area [ft ² /ped]	0.00	0.00	0.00	0.00
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00	0.00	0.00	0.00
d_p, Pedestrian Delay [s]	49.50	49.50	49.50	49.50
I_p,int, Pedestrian LOS Score for Intersection	2.215	2.009	3.100	3.062
Crosswalk LOS	B	B	C	C
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000	2000	2000	2000
c_b, Capacity of the bicycle lane [bicycles/h]	600	600	923	923
d_b, Bicycle Delay [s]	29.40	29.40	17.39	17.39
I_b,int, Bicycle LOS Score for Intersection	1.969	1.805	1.900	2.382
Bicycle LOS	A	A	A	B

Sequence




Ring 1	1	2	-	4	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	-	8	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Intersection Level Of Service Report
Intersection 254: Stevens Creek Boulevard & Tyler Street

Control Type:	Two-way stop	Delay (sec / veh):	43.6
Analysis Method:	HCM 6th Edition	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.155

Intersection Setup

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	14	13	8	603	1254	6
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	14	13	8	603	1254	6
Peak Hour Factor	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	4	4	2	182	378	2
Total Analysis Volume [veh/h]	17	16	10	727	1511	7
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results





V/C, Movement V/C Ratio	0.15	0.05	0.05	0.01	0.02	0.00
d_M, Delay for Movement [s/veh]	43.59	22.88	22.28	0.00	0.00	0.00
Movement LOS	E	C	C	A	A	A
95th-Percentile Queue Length [veh/ln]	0.75	0.75	0.14	0.05	0.00	0.00
95th-Percentile Queue Length [ft/ln]	18.79	18.79	3.58	1.19	0.00	0.00
d_A, Approach Delay [s/veh]	33.55		0.30		0.00	
Approach LOS	D		A		A	
d_I, Intersection Delay [s/veh]	0.58					
Intersection LOS	E					

Intersection Level Of Service Report
Intersection 255: Harold Avenue & Forest Avenue

Control Type: Two-way stop
 Analysis Method: HCM 6th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 10.1
 Level Of Service: B
 Volume to Capacity (v/c): 0.008

Intersection Setup

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			30.00			25.00			25.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			No		

Volumes

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Base Volume Input [veh/h]	7	54	12	6	39	3	5	5	3	5	1	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	7	54	12	6	39	3	5	5	3	5	1	3
Peak Hour Factor	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	17	4	2	12	1	2	2	1	2	0	1
Total Analysis Volume [veh/h]	9	68	15	8	49	4	6	6	4	6	1	4
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	No
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			No	No
Number of Storage Spaces in Median	0	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.00	0.00	0.01	0.00	0.00	0.01	0.01	0.00	0.01	0.00	0.00
d_M, Delay for Movement [s/veh]	7.33	0.00	0.00	7.39	0.00	0.00	9.64	10.12	8.63	9.65	10.05	8.71
Movement LOS	A	A	A	A	A	A	A	B	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.02	0.02	0.02	0.02	0.02	0.02	0.06	0.06	0.06	0.04	0.04	0.04
95th-Percentile Queue Length [ft/ln]	0.44	0.44	0.44	0.40	0.40	0.40	1.52	1.52	1.52	1.00	1.00	1.00
d_A, Approach Delay [s/veh]	0.72			0.97			9.57			9.34		
Approach LOS	A			A			A			A		
d_I, Intersection Delay [s/veh]	2.12											
Intersection LOS	B											

Intersection Level Of Service Report
Intersection 256: Pruneridge Avenue & Harold Avenue

Control Type:	Two-way stop	Delay (sec / veh):	18.7
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.099

Intersection Setup

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Approach	Northbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Thru	Right	Left	Thru
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Base Volume Input [veh/h]	27	32	388	27	29	667
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	27	32	388	27	29	667
Peak Hour Factor	0.9400	0.9400	0.9400	0.9400	0.9400	0.9400
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	7	9	103	7	8	177
Total Analysis Volume [veh/h]	29	34	413	29	31	710
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0



Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.10	0.04	0.00	0.00	0.03	0.01
d_M, Delay for Movement [s/veh]	18.71	10.96	0.00	0.00	8.32	0.00
Movement LOS	C	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.50	0.50	0.00	0.00	0.09	0.04
95th-Percentile Queue Length [ft/ln]	12.38	12.38	0.00	0.00	2.14	1.07
d_A, Approach Delay [s/veh]	14.52		0.00		0.35	
Approach LOS	B		A		A	
d_I, Intersection Delay [s/veh]	0.94					
Intersection LOS	C					

Intersection Level Of Service Report
Intersection 257: Stevens Creek Blvd & Project Driveway 1

Control Type:	Two-way stop	Delay (sec / veh):	0.0
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.014

Intersection Setup

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	50.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	30.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	0	3	0	580	1370	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	0	3	0	580	1370	0
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	0	1	0	145	343	0
Total Analysis Volume [veh/h]	0	3	0	580	1370	0
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			
Number of Storage Spaces in Median	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	18.93	0.00	0.00	0.00
Movement LOS			C	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	0.00		0.00		0.00	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	0.00					
Intersection LOS	A					

Intersection Level Of Service Report
Intersection 258: Harold Avenue & Project Driveway 2

Control Type:	Two-way stop	Delay (sec / veh):	0.0
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.001

Intersection Setup

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		25.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Base Volume Input [veh/h]	69	0	0	50	0	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	69	0	0	50	0	0
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	17	0	0	13	0	0
Total Analysis Volume [veh/h]	69	0	0	50	0	0
Pedestrian Volume [ped/h]	0		0		0	

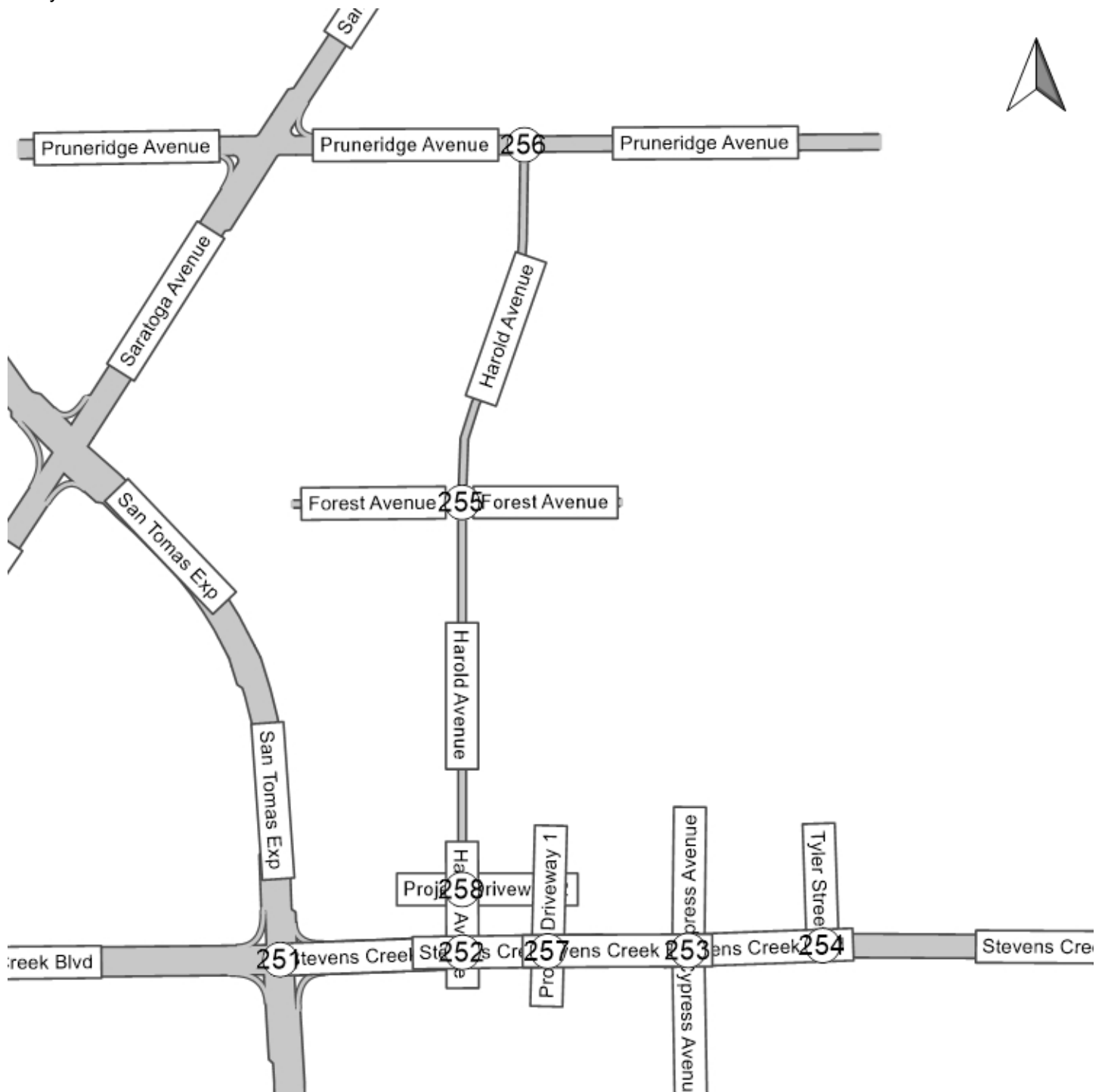
Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.00	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.35	0.00	9.11	8.62
Movement LOS	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	0.00		0.00		8.86	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	0.00					
Intersection LOS	A					

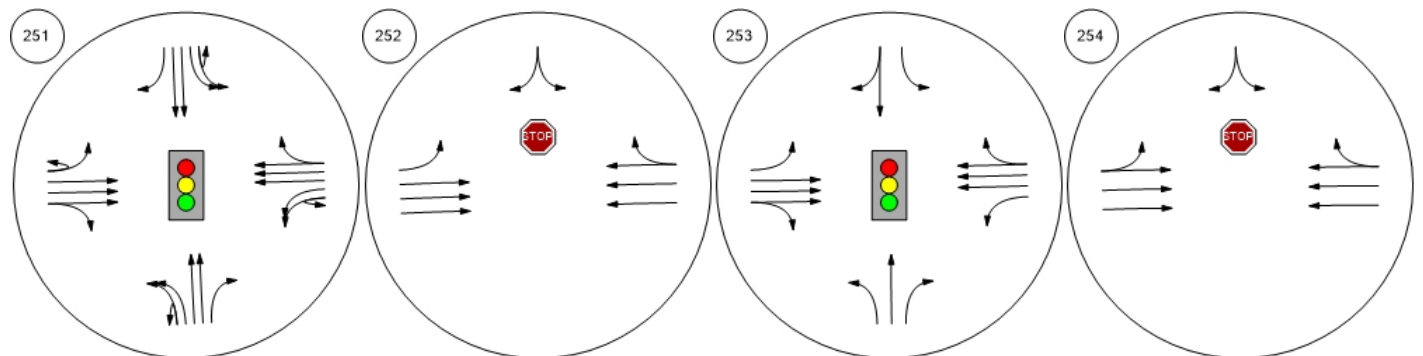
Study Intersections



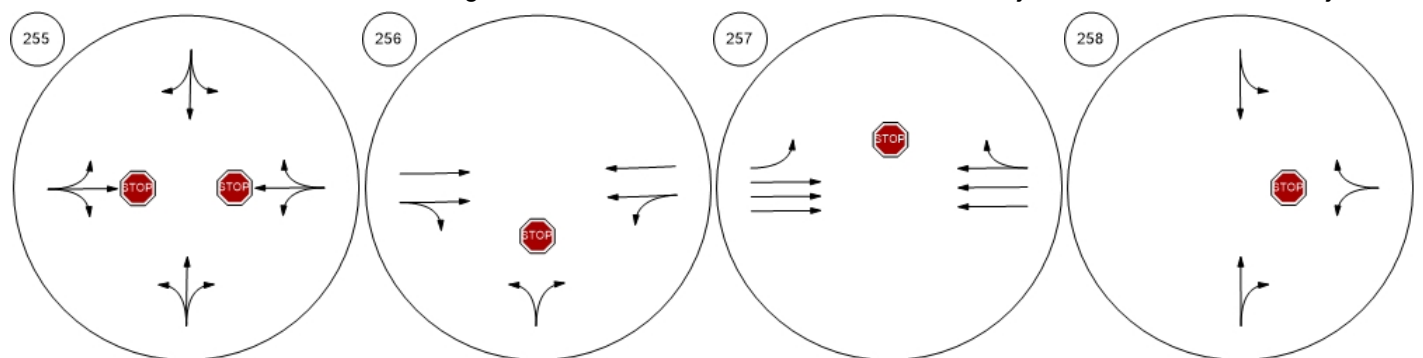
Lane Configuration and Traffic Control



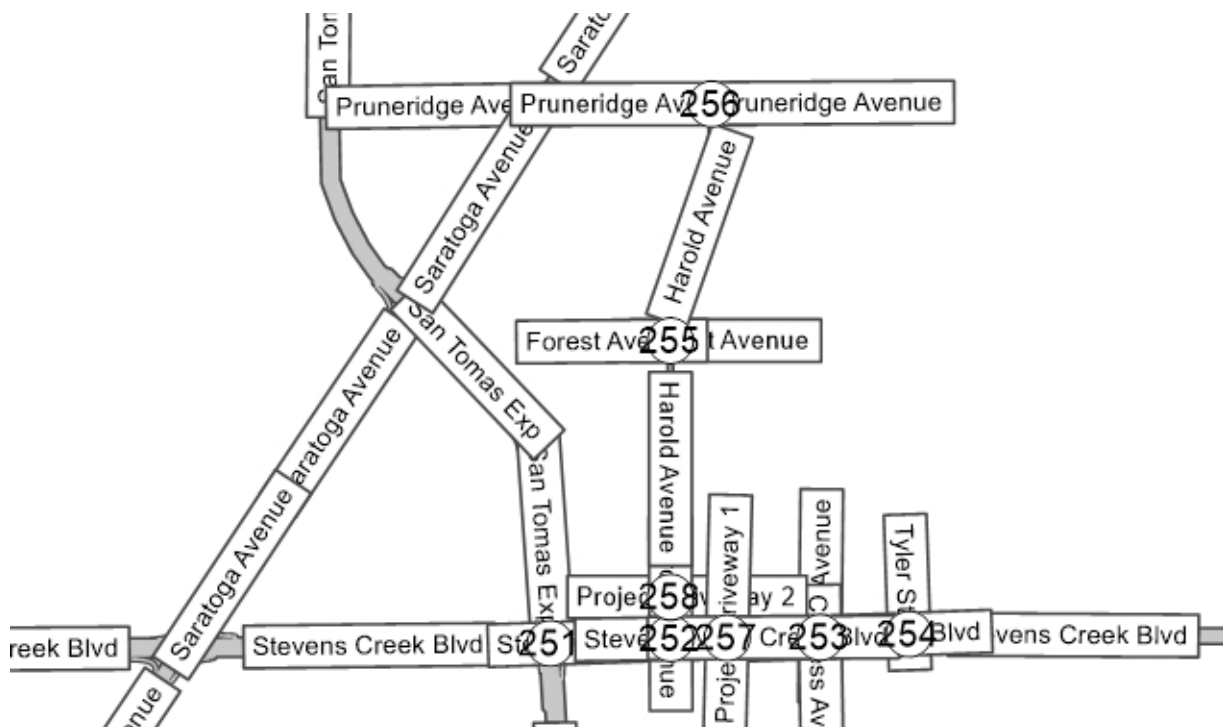
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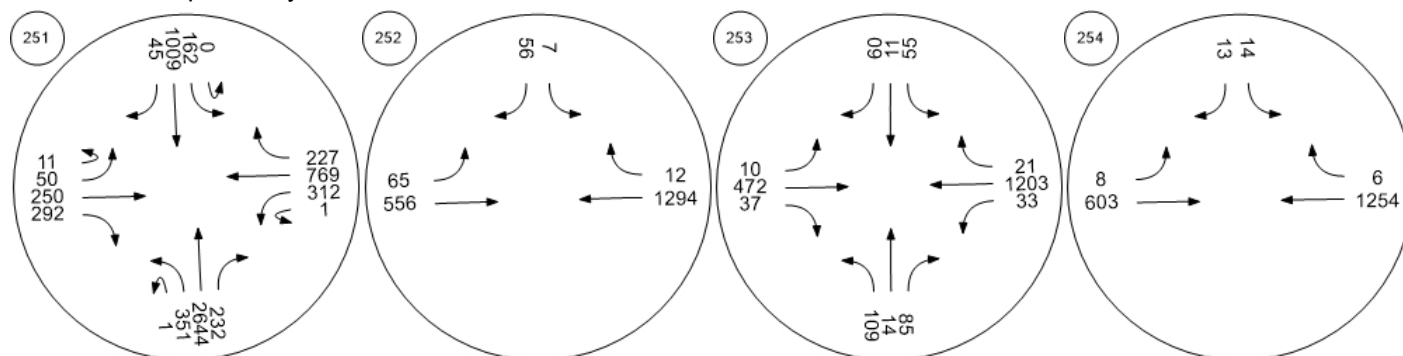
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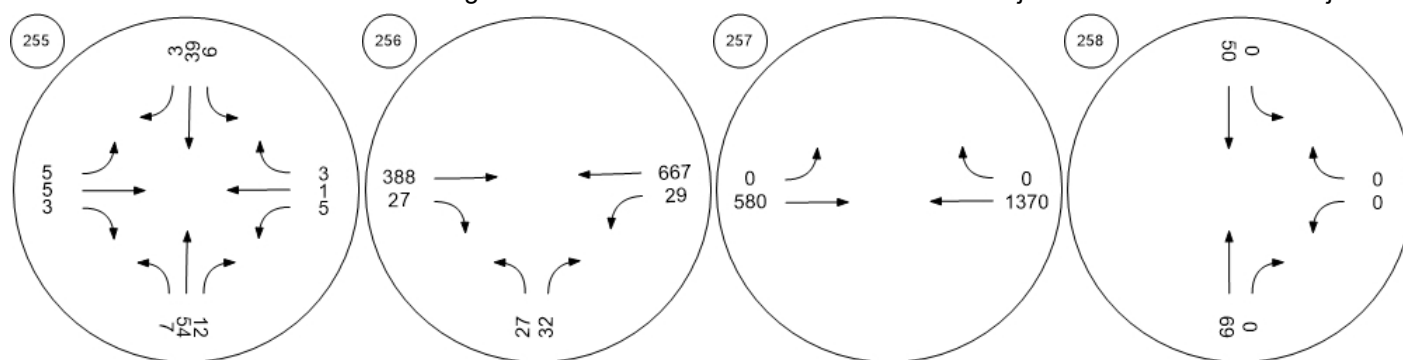
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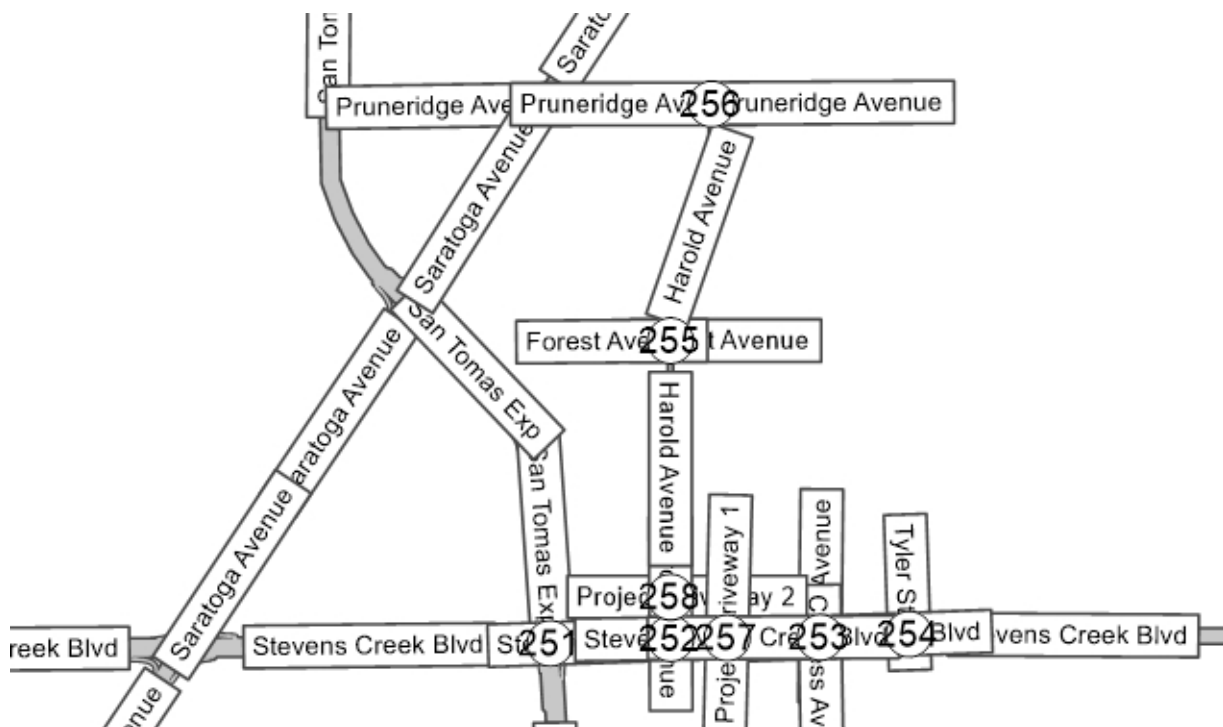
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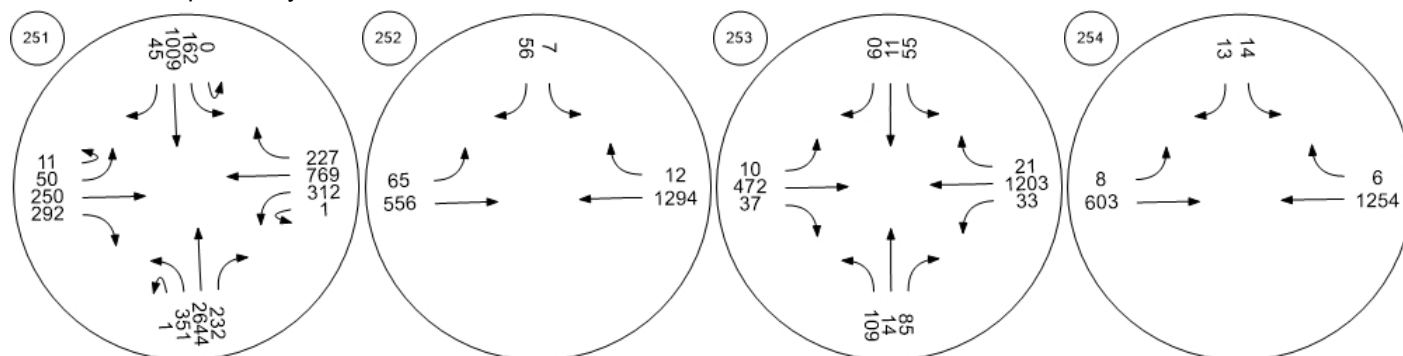
Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Blvd & Project Harold Avenue & Project Dri



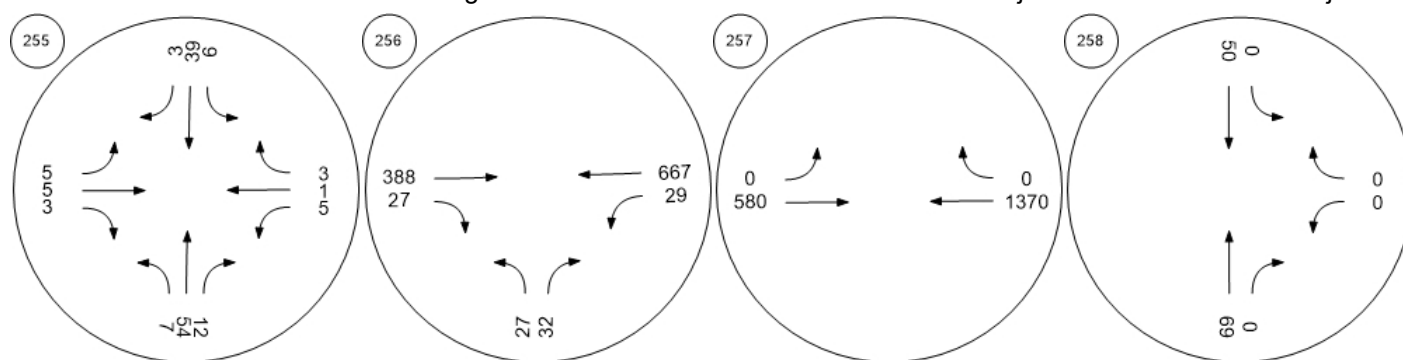
Traffic Volume - Future Total Volume



San Tomas Expressway & St Stevens Creek Boulevard & Stevens Creek Boulevard & Stevens Creek Boulevard & T



Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Blvd & Project Harold Avenue & Project Dri



Starbucks Stevens Creek Boulevard

Vistro File: J:\...\Starbucks Stevens Creek_07082024.vistro

Scenario 6 Existing Conditions PM - Stevens Creek Blvd

Report File: J:\...\Existing PM.pdf

7/10/2024

Intersection Analysis Summary





ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
251	San Tomas Expressway & Stevens Creek Boulevard	Signalized	HCM 6th Edition	SB Thru	1.046	70.5	E
252	Stevens Creek Boulevard & Harold Avenue	Two-way stop	HCM 6th Edition	SB Left	0.141	51.8	F
253	Stevens Creek Boulevard & Cypress Avenue	Signalized	HCM 6th Edition	EB Left	0.355	12.1	B
254	Stevens Creek Boulevard & Tyler Street	Two-way stop	HCM 6th Edition	SB Left	0.114	30.6	D
255	Harold Avenue & Forest Avenue	Two-way stop	HCM 6th Edition	EB Thru	0.001	10.1	B
256	Pruneridge Avenue & Harold Avenue	Two-way stop	HCM 6th Edition	NB Left	0.142	35.9	E
257	Stevens Creek Boulevard & Project Driveway 1	Two-way stop	HCM 6th Edition	EB Thru	0.014	0.0	A
258	Harold Avenue & Project Driveway 2	Two-way stop	HCM 6th Edition	NB Thru	0.001	0.0	A

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report**Intersection 251: San Tomas Expressway & Stevens Creek Boulevard**

Control Type:	Signalized	Delay (sec / veh):	70.5
Analysis Method:	HCM 6th Edition	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	1.046

Intersection Setup

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Approach	Northbound				Southbound				Eastbound				Westbound			
Lane Configuration																
Turning Movement	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right
Lane Width [ft]	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
No. of Lanes in Entry Pocket	2	0	0	1	2	0	0	1	1	0	0	0	2	0	0	0
Entry Pocket Length [ft]	330.	100.	100.	470.	340.	100.	100.	250.	170.	100.	100.	100.	350.	100.	100.	100.
No. of Lanes in Exit Pocket	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	230.	0.00	0.00	0.00	70.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	45.00				45.00				35.00				35.00			
Grade [%]	0.00				0.00				0.00				0.00			
Curb Present	No				No				No				No			
Crosswalk	Yes				Yes				Yes				Yes			

Volumes

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Base Volume Input [veh/h]	1	210	1094	281	7	336	2288	106	19	68	875	490	17	251	428	183
Base Volume Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1	210	1094	281	7	336	2288	106	19	68	875	490	17	251	428	183
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Other Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Total 15-Minute Volume [veh/h]	0	55	285	73	2	88	596	28	5	18	228	128	4	65	111	48
Total Analysis Volume [veh/h]	1	219	1140	293	7	350	2383	110	20	71	911	510	18	261	446	191
Presence of On-Street Parking	No			No	No			No	No			No	No			No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0				0				0				0			
v_di, Inbound Pedestrian Volume crossing major street	0				0				0				0			
v_co, Outbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ci, Inbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ab, Corner Pedestrian Volume [ped/h]	0				0				0				0			
Bicycle Volume [bicycles/h]	0				0				0				0			

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	190
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	1.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	12.00

Phasing & Timing

Control Type	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Perm	Perm	Perm
Signal Group	0	5	2	0	0	1	6	0	0	3	8	0	0	0	4	0
Auxiliary Signal Groups																
Lead / Lag	-	Lead	-	-	-	Lead	-	-	-	Lead	-	-	-	-	-	-
Minimum Green [s]	0	10	12	0	0	10	12	0	0	10	9	0	0	0	11	0
Maximum Green [s]	0	30	80	0	0	30	80	0	0	30	40	0	0	0	40	0
Amber [s]	0.0	3.6	4.8	0.0	0.0	3.6	4.8	0.0	0.0	3.6	4.1	0.0	0.0	0.0	4.1	0.0
All red [s]	0.0	2.0	1.0	0.0	0.0	1.9	1.0	0.0	0.0	1.7	1.0	0.0	0.0	0.0	1.3	0.0
Split [s]	0	21	72	0	0	24	95	0	0	25	48	0	0	0	49	0
Vehicle Extension [s]	0.0	3.0	6.0	0.0	0.0	3.0	6.0	0.0	0.0	3.0	4.0	0.0	0.0	0.0	4.0	0.0
Walk [s]	0	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0
Pedestrian Clearance [s]	0	0	27	0	0	0	26	0	0	0	37	0	0	0	38	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk			No				No				No				No	
I1, Start-Up Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I2, Clearance Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Minimum Recall		No	Yes			No	Yes			No	No				No	
Maximum Recall		No	No			No	No			No	No				No	
Pedestrian Recall		No	No			No	No			No	No				No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	R	L	C	C	L	C	C
C, Cycle Length [s]	190	190	190	190	190	190	190	190	190	190	190	190
L, Total Lost Time per Cycle [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
g_i, Effective Green Time [s]	19	93	93	24	104	104	15	62	62	52	52	52
g / C, Green / Cycle	0.10	0.49	0.49	0.13	0.55	0.55	0.08	0.33	0.33	0.27	0.27	0.27
(v / s)_i Volume / Saturation Flow Rate	0.07	0.30	0.17	0.11	0.63	0.06	0.05	0.24	0.28	0.09	0.11	0.11
s, saturation flow rate [veh/h]	3150	3800	1750	3150	3800	1750	1750	3800	1800	3150	3800	1800
c, Capacity [veh/h]	311	1862	857	398	2078	957	141	1237	586	0	1042	494
d1, Uniform Delay [s]	86.07	48.78	40.74	77.79	25.73	12.14	84.76	56.83	60.29	0.00	56.55	56.32
k, delay calibration	0.11	0.50	0.50	0.11	0.50	0.50	0.11	0.15	0.38	0.15	0.15	0.15
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	2.96	1.51	1.09	7.36	72.21	0.24	4.93	1.24	12.77	0.00	0.38	0.77
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	0.67	0.67	0.67	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.71	0.61	0.34	0.90	1.15	0.11	0.65	0.74	0.87	10000.	0.42	0.41
d, Delay for Lane Group [s/veh]	89.03	50.29	41.83	85.15	97.94	12.38	89.70	58.07	73.06	0.00	56.93	57.08
Lane Group LOS	F	D	D	F	F	B	F	E	E	F	E	E
Critical Lane Group	Yes	No	No	No	Yes	No	No	No	Yes	No	No	No
50th-Percentile Queue Length [veh/ln]	5.54	24.02	11.19	8.64	57.46	1.46	4.55	19.66	25.18	0.00	8.74	8.04
50th-Percentile Queue Length [ft/ln]	138.42	600.42	279.87	215.90	1436.5	36.39	113.85	491.61	629.58	0.00	218.40	200.91
95th-Percentile Queue Length [veh/ln]	9.40	32.05	16.68	13.46	77.98	2.62	8.05	26.94	33.41	0.00	13.58	12.69
95th-Percentile Queue Length [ft/ln]	234.89	801.35	417.05	336.39	1949.6	65.50	201.34	673.42	835.33	0.00	339.58	317.13

Movement, Approach, & Intersection Results

d_M, Delay for Movement [s/veh]	89.0	89.0	50.2	41.8	85.1	85.1	97.9	12.3	89.7	89.7	58.0	73.0	0.00	0.00	56.9	57.0
Movement LOS	F	F	D	D	F	F	F	B	F	F	E	E	A	A	E	E
d_A, Approach Delay [s/veh]	53.95				93.04				65.03				39.62			
Approach LOS	D				F				E				D			
d_I, Intersection Delay [s/veh]	70.55															
Intersection LOS	E															
Intersection V/C	1.046															

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0				11.0				11.0				11.0			
M_corner, Corner Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
d_p, Pedestrian Delay [s]	84.32				84.32				84.32				84.32			
I_p,int, Pedestrian LOS Score for Intersection	4.036				3.538				3.001				3.509			
Crosswalk LOS	D				D				C				D			
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000				2000				2000				2000			
c_b, Capacity of the bicycle lane [bicycles/h]	697				939				452				459			
d_b, Bicycle Delay [s]	40.33				26.74				56.94				56.40			
I_b,int, Bicycle LOS Score for Intersection	2.923				3.622				2.352				1.920			
Bicycle LOS	C				D				B				A			

Sequence



Ring 1	1	2	9	3	4	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	-	7	8	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Intersection Level Of Service Report
Intersection 252: Stevens Creek Boulevard & Harold Avenue

Control Type:	Two-way stop	Delay (sec / veh):	51.8
Analysis Method:	HCM 6th Edition	Level Of Service:	F
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.141

Intersection Setup

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	60.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	11	46	120	1441	819	16
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	11	46	120	1441	819	16
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	3	13	33	392	223	4
Total Analysis Volume [veh/h]	12	50	130	1566	890	17
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0





Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.14	0.11	0.30	0.02	0.01	0.00
d_M, Delay for Movement [s/veh]	51.77	17.21	16.81	0.00	0.00	0.00
Movement LOS	F	C	C	A	A	A
95th-Percentile Queue Length [veh/ln]	0.94	0.94	1.24	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	23.56	23.56	31.06	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	23.90		1.29		0.00	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	1.38					
Intersection LOS	F					

Intersection Level Of Service Report**Intersection 253: Stevens Creek Boulevard & Cypress Avenue**

Control Type:	Signalized	Delay (sec / veh):	12.1
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.355

Intersection Setup

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	1	0	1	1	0	0	1	0	0	1	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	85.00	100.00	100.00	150.00	100.00	100.00	150.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			25.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Curb Present	No			No			No			No		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Base Volume Input [veh/h]	83	14	49	31	30	32	46	1287	96	59	703	53
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	83	14	49	31	30	32	46	1287	96	59	703	53
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	23	4	13	8	8	9	13	350	26	16	191	14
Total Analysis Volume [veh/h]	90	15	53	34	33	35	50	1399	104	64	764	58
Presence of On-Street Parking	No		No	No		No	No		No	No		No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0			0			0			0		
v_di, Inbound Pedestrian Volume crossing major street	0			0			0			0		
v_co, Outbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ci, Inbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ab, Corner Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	120
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	0.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	0.00

Phasing & Timing

Control Type	Permis	Permis	Permis	Permis	Permis	Permis	Protect	Permis	Permis	Protect	Permis	Permis
Signal Group	0	8	0	0	4	0	5	2	0	1	6	0
Auxiliary Signal Groups												
Lead / Lag	-	-	-	-	-	-	Lead	-	-	Lead	-	-
Minimum Green [s]	0	7	0	0	7	0	5	10	0	5	10	0
Maximum Green [s]	0	30	0	0	30	0	25	50	0	25	50	0
Amber [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.6	3.6	0.0	3.6	3.6	0.0
All red [s]	0.0	1.0	0.0	0.0	1.0	0.0	1.0	1.0	0.0	1.0	1.0	0.0
Split [s]	0	40	0	0	40	0	20	60	0	20	60	0
Vehicle Extension [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.0	3.0	0.0	3.0	3.0	0.0
Walk [s]	0	7	0	0	7	0	0	7	0	0	7	0
Pedestrian Clearance [s]	0	31	0	0	31	0	0	16	0	0	16	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk		No			No			No			No	
I1, Start-Up Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.0	2.0	0.0	2.0	2.0	0.0
I2, Clearance Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.6	2.6	0.0	2.6	2.6	0.0
Minimum Recall		No			No		No	Yes		No	Yes	
Maximum Recall		No			No		No	No		No	No	
Pedestrian Recall		No			No		No	No		No	No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	L	C	C	L	C	C
C, Cycle Length [s]	120	120	120	120	120	120	120	120	120	120	120
L, Total Lost Time per Cycle [s]	4.00	4.00	4.00	4.00	4.00	4.60	4.60	4.60	4.60	4.60	4.60
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	2.00	2.00	2.00	2.00	2.60	2.60	2.60	2.60	2.60	2.60
g_i, Effective Green Time [s]	9	8	8	7	7	4	94	94	6	94	94
g / C, Green / Cycle	0.07	0.07	0.07	0.06	0.06	0.04	0.79	0.79	0.05	0.78	0.78
(v / s)_i Volume / Saturation Flow Rate	0.05	0.01	0.03	0.02	0.04	0.03	0.26	0.28	0.04	0.14	0.15
s, saturation flow rate [veh/h]	1750	1900	1750	1750	1800	1750	3800	1800	1750	3800	1800
c, Capacity [veh/h]	153	133	123	124	103	65	2985	1414	83	2974	1409
d1, Uniform Delay [s]	54.68	52.28	53.48	54.37	55.41	57.27	3.75	3.84	56.53	3.31	3.35
k, delay calibration	0.11	0.11	0.11	0.11	0.11	0.11	0.50	0.50	0.11	0.50	0.50
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	3.60	0.37	2.37	1.19	6.96	17.27	0.30	0.71	14.17	0.14	0.31
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.59	0.11	0.43	0.27	0.66	0.77	0.33	0.36	0.77	0.18	0.20
d, Delay for Lane Group [s/veh]	58.27	52.65	55.86	55.56	62.37	74.54	4.05	4.55	70.70	3.44	3.66
Lane Group LOS	E	D	E	E	E	E	A	A	E	A	A
Critical Lane Group	No	No	No	No	Yes	No	No	Yes	Yes	No	No
50th-Percentile Queue Length [veh/ln]	2.84	0.44	1.63	1.04	2.23	1.80	2.84	3.10	2.23	1.37	1.47
50th-Percentile Queue Length [ft/ln]	71.04	11.05	40.75	25.97	55.84	45.09	71.12	77.62	55.72	34.13	36.82
95th-Percentile Queue Length [veh/ln]	5.11	0.80	2.93	1.87	4.02	3.25	5.12	5.59	4.01	2.46	2.65
95th-Percentile Queue Length [ft/ln]	127.87	19.90	73.36	46.74	100.51	81.16	128.01	139.72	100.29	61.43	66.28

Movement, Approach, & Intersection Results

d_M, Delay for Movement [s/veh]	58.27	52.65	55.86	55.56	62.37	62.37	74.54	4.19	4.55	70.70	3.51	3.66
Movement LOS	E	D	E	E	E	E	E	A	A	E	A	A
d_A, Approach Delay [s/veh]	56.93			60.10			6.48			8.37		
Approach LOS	E			E			A			A		
d_I, Intersection Delay [s/veh]	12.08											
Intersection LOS	B											
Intersection V/C	0.355											

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0			11.0			11.0			11.0		
M_corner, Corner Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
d_p, Pedestrian Delay [s]	49.50			49.50			49.50			49.50		
I_p,int, Pedestrian LOS Score for Intersection	2.218			2.015			3.101			3.042		
Crosswalk LOS	B			B			C			C		
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000			2000			2000			2000		
c_b, Capacity of the bicycle lane [bicycles/h]	600			600			923			923		
d_b, Bicycle Delay [s]	29.40			29.40			17.39			17.39		
I_b,int, Bicycle LOS Score for Intersection	1.820			1.728			2.414			2.047		
Bicycle LOS	A			A			B			B		

Sequence




Ring 1	1	2	-	4	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	-	8	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Intersection Level Of Service Report
Intersection 254: Stevens Creek Boulevard & Tyler Street

Control Type:	Two-way stop	Delay (sec / veh):	30.6
Analysis Method:	HCM 6th Edition	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.114

Intersection Setup

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	17	28	31	1343	778	16
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	17	28	31	1343	778	16
Peak Hour Factor	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	5	8	8	361	209	4
Total Analysis Volume [veh/h]	18	30	33	1444	837	17
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results





V/C, Movement V/C Ratio	0.11	0.06	0.07	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	30.63	15.08	13.43	0.00	0.00	0.00
Movement LOS	D	C	B	A	A	A
95th-Percentile Queue Length [veh/ln]	0.62	0.62	0.23	0.08	0.00	0.00
95th-Percentile Queue Length [ft/ln]	15.59	15.59	5.77	1.92	0.00	0.00
d_A, Approach Delay [s/veh]	20.91		0.30		0.00	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	0.61					
Intersection LOS	D					

Intersection Level Of Service Report
Intersection 255: Harold Avenue & Forest Avenue

Control Type: Two-way stop
 Analysis Method: HCM 6th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 10.1
 Level Of Service: B
 Volume to Capacity (v/c): 0.001

Intersection Setup

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			30.00			25.00			25.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			No		

Volumes

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Base Volume Input [veh/h]	6	61	34	3	36	5	2	1	4	4	3	1
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	6	61	34	3	36	5	2	1	4	4	3	1
Peak Hour Factor	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	18	10	1	11	2	1	0	1	1	1	0
Total Analysis Volume [veh/h]	7	73	41	4	43	6	2	1	5	5	4	1
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	No
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			No	No
Number of Storage Spaces in Median	0	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	7.32	0.00	0.00	7.45	0.00	0.00	9.58	10.13	8.55	9.61	10.04	8.80
Movement LOS	A	A	A	A	A	A	A	B	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.01	0.01	0.01	0.01	0.01	0.01	0.03	0.03	0.03	0.04	0.04	0.04
95th-Percentile Queue Length [ft/ln]	0.34	0.34	0.34	0.20	0.20	0.20	0.67	0.67	0.67	0.98	0.98	0.98
d_A, Approach Delay [s/veh]	0.42			0.56			9.01			9.70		
Approach LOS	A			A			A			A		
d_I, Intersection Delay [s/veh]	1.30											
Intersection LOS	B											

Intersection Level Of Service Report
Intersection 256: Pruneridge Avenue & Harold Avenue

Control Type:	Two-way stop	Delay (sec / veh):	35.9
Analysis Method:	HCM 6th Edition	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.142

Intersection Setup

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Approach	Northbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Thru	Right	Left	Thru
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Base Volume Input [veh/h]	17	51	895	28	30	456
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	17	51	895	28	30	456
Peak Hour Factor	0.8900	0.8900	0.8900	0.8900	0.8900	0.8900
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	5	14	251	8	8	128
Total Analysis Volume [veh/h]	19	57	1006	31	34	512
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0



Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.14	0.11	0.01	0.00	0.05	0.01
d_M, Delay for Movement [s/veh]	35.92	16.26	0.00	0.00	10.70	0.00
Movement LOS	E	C	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.99	0.99	0.00	0.00	0.16	0.08
95th-Percentile Queue Length [ft/ln]	24.80	24.80	0.00	0.00	4.03	2.01
d_A, Approach Delay [s/veh]	21.18		0.00		0.67	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	1.19					
Intersection LOS	E					

Intersection Level Of Service Report**Intersection 257: Stevens Creek Boulevard & Project Driveway 1**

Control Type:	Two-way stop	Delay (sec / veh):	0.0
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.014

Intersection Setup

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	50.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	30.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	0	10	0	1429	808	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	0	10	0	1429	808	0
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	0	3	0	357	202	0
Total Analysis Volume [veh/h]	0	10	0	1429	808	0
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			
Number of Storage Spaces in Median	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	12.44	0.00	0.00	0.00
Movement LOS			B	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	0.00		0.00		0.00	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	0.00					
Intersection LOS	A					

Intersection Level Of Service Report
Intersection 258: Harold Avenue & Project Driveway 2

Control Type:	Two-way stop	Delay (sec / veh):	0.0
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.001

Intersection Setup

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		25.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Base Volume Input [veh/h]	76	0	0	38	0	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	76	0	0	38	0	0
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	19	0	0	10	0	0
Total Analysis Volume [veh/h]	76	0	0	38	0	0
Pedestrian Volume [ped/h]	0		0		0	

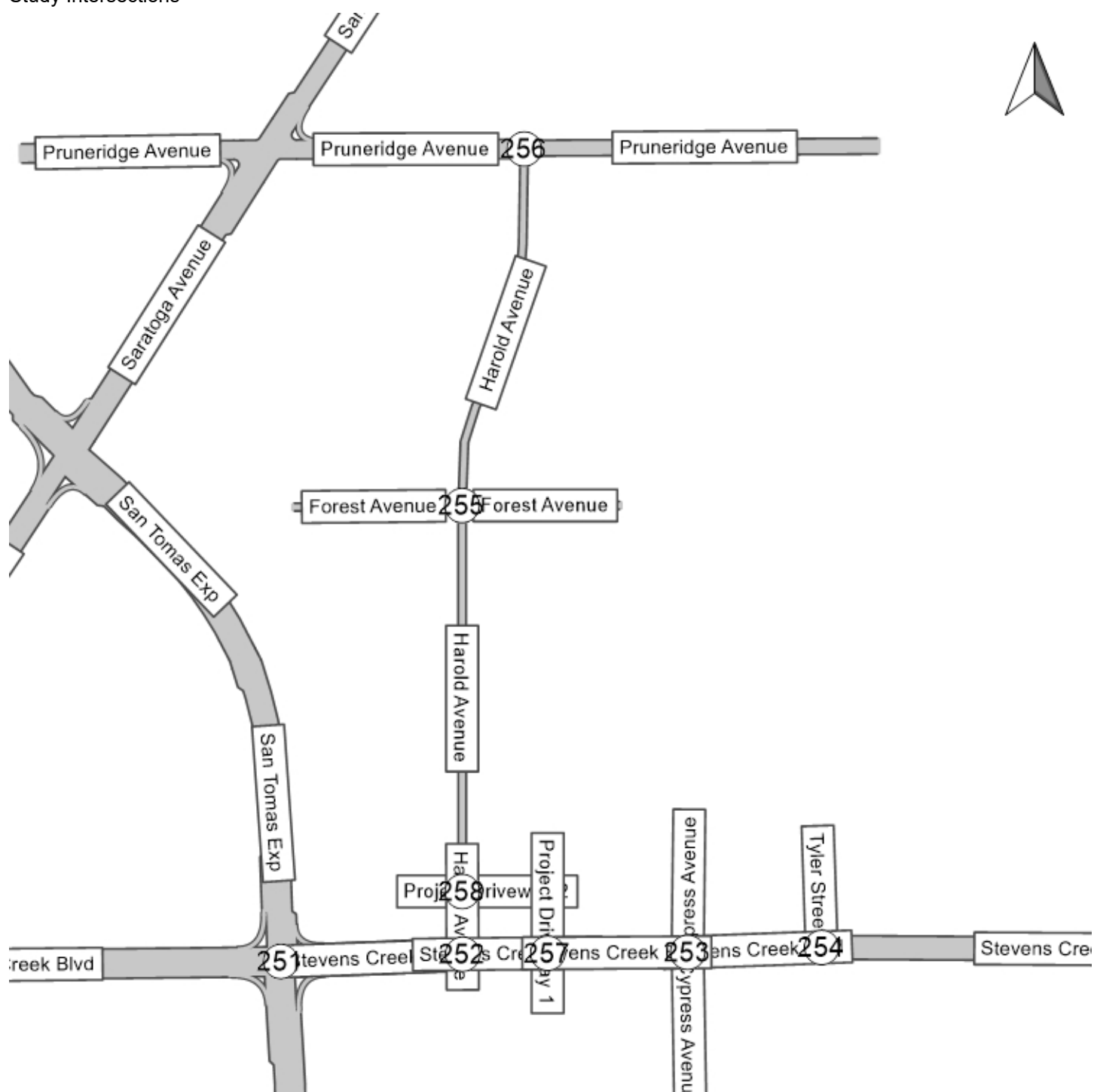
Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

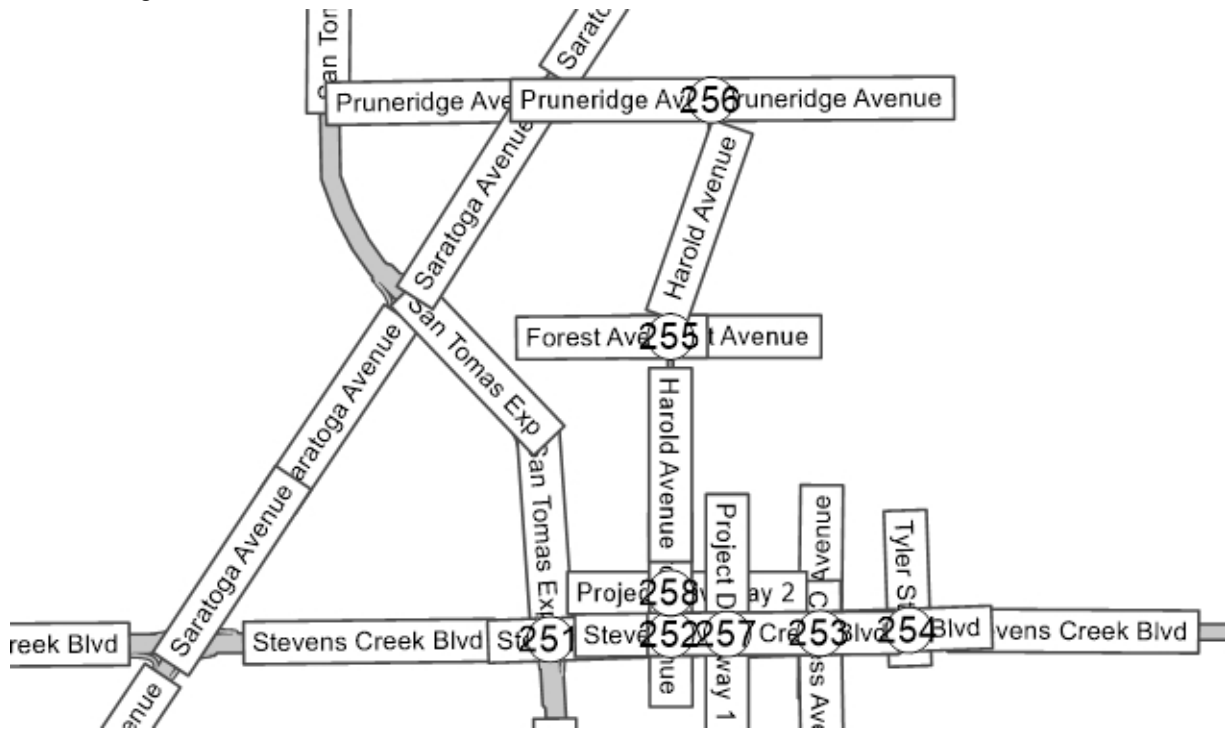
Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.00	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.36	0.00	9.08	8.65
Movement LOS	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	0.00		0.00		8.87	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	0.00					
Intersection LOS	A					

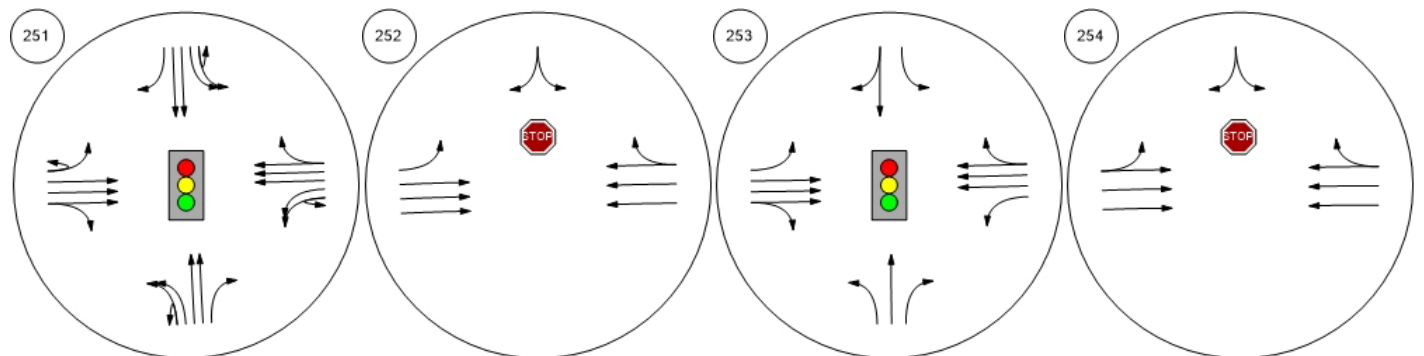
Study Intersections



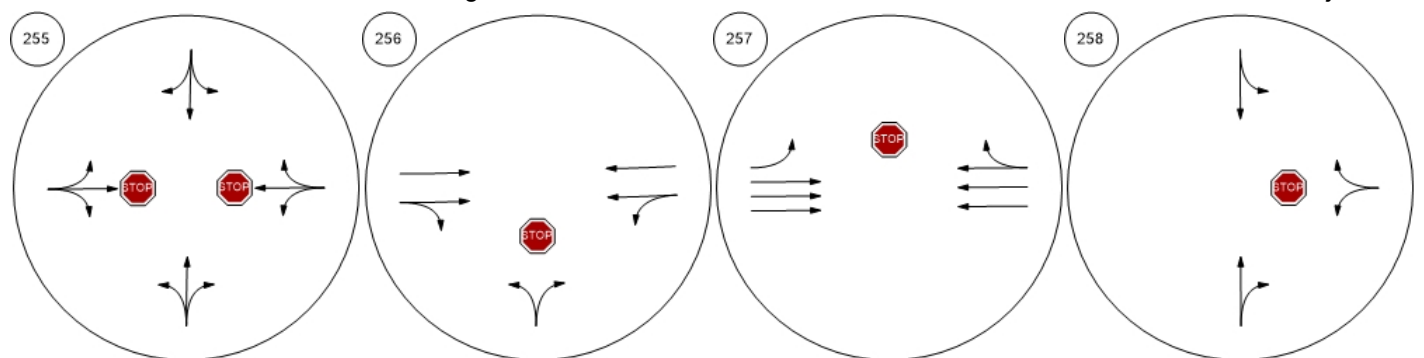
Lane Configuration and Traffic Control



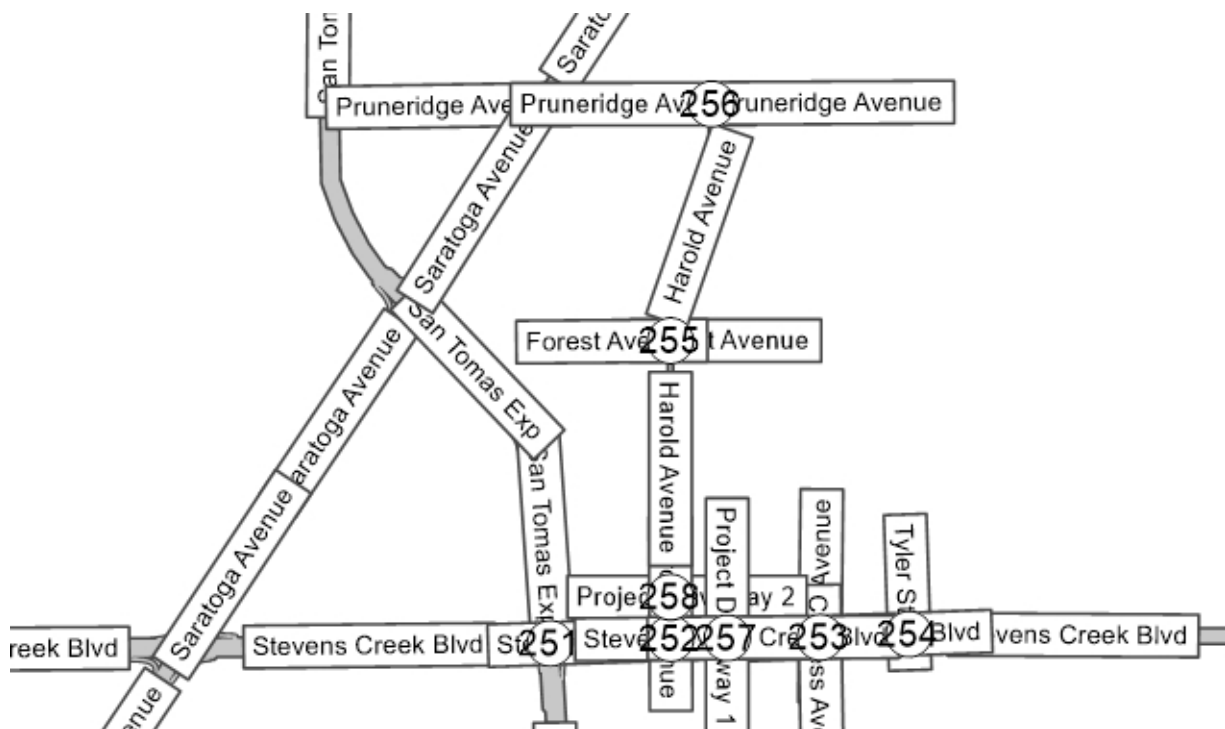
San Tomas Expressway & St Stevens Creek Boulevard & Stevens Creek Boulevard & Stevens Creek Boulevard & T



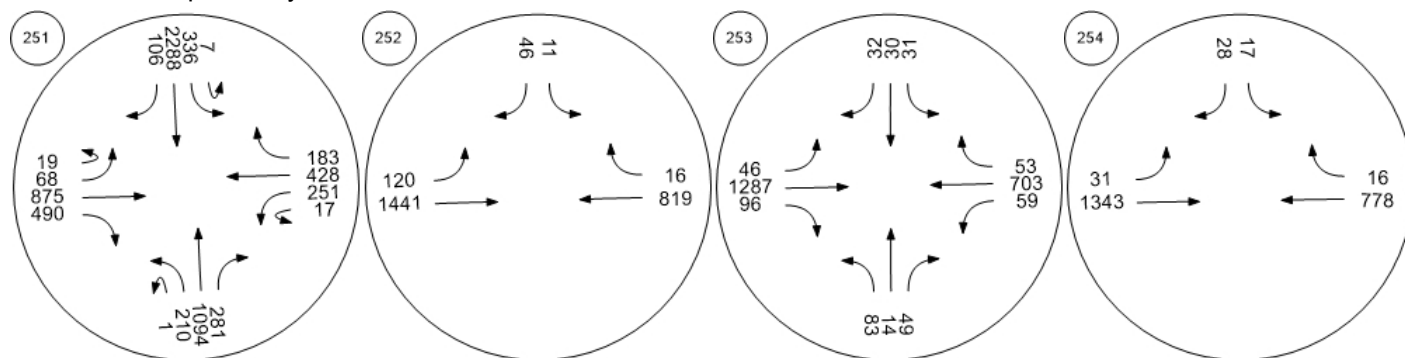
Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



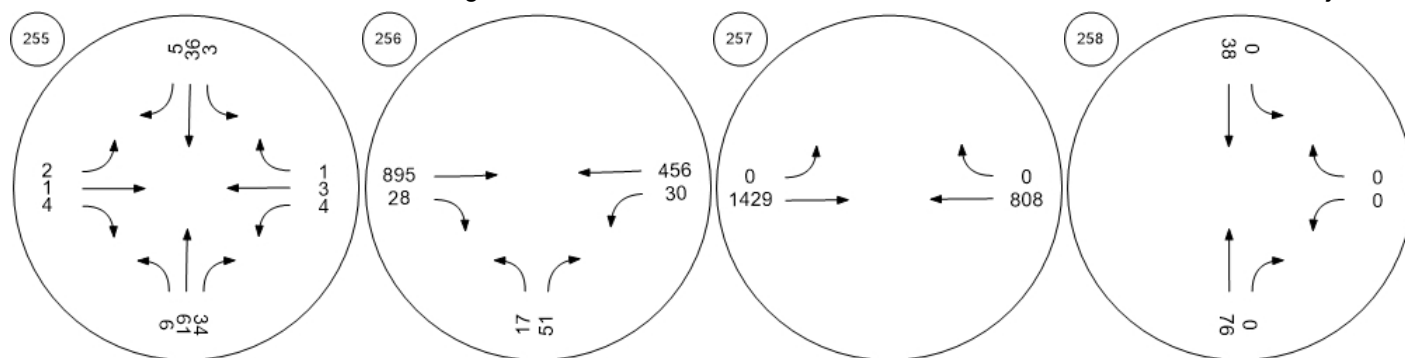
Traffic Volume - Base Volume



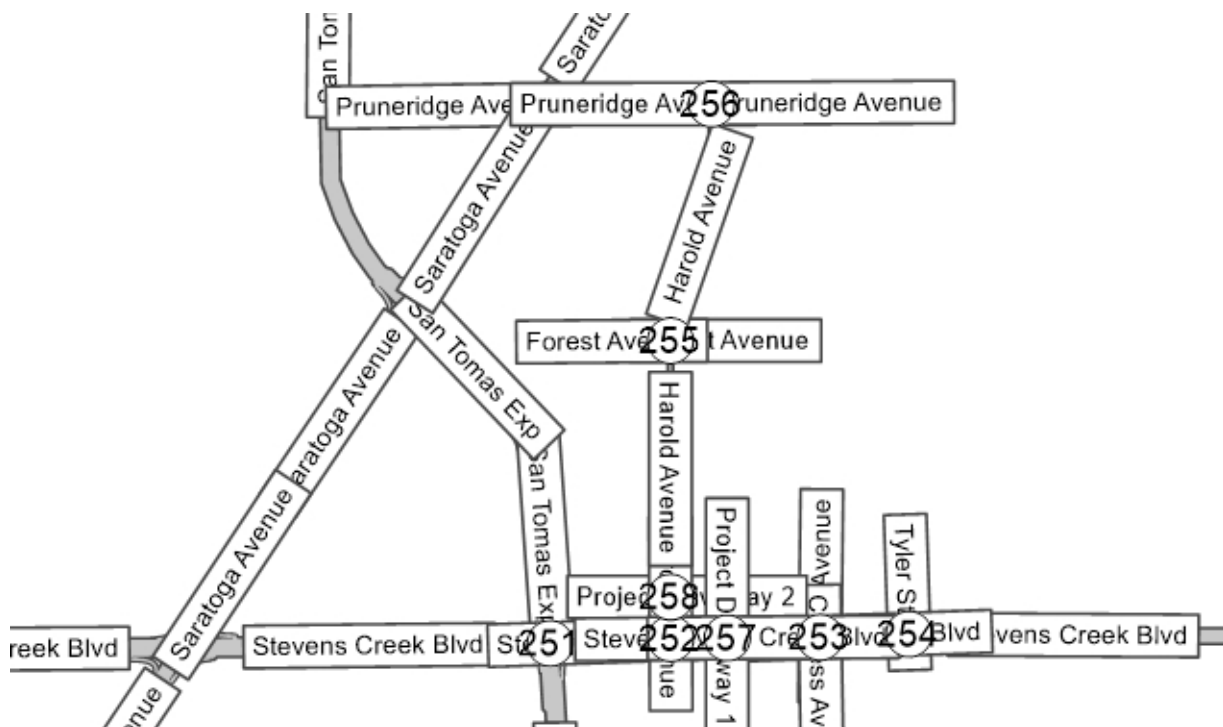
San Tomas Expressway & St Stevens Creek Boulevard & Stevens Creek Boulevard & Stevens Creek Boulevard & T



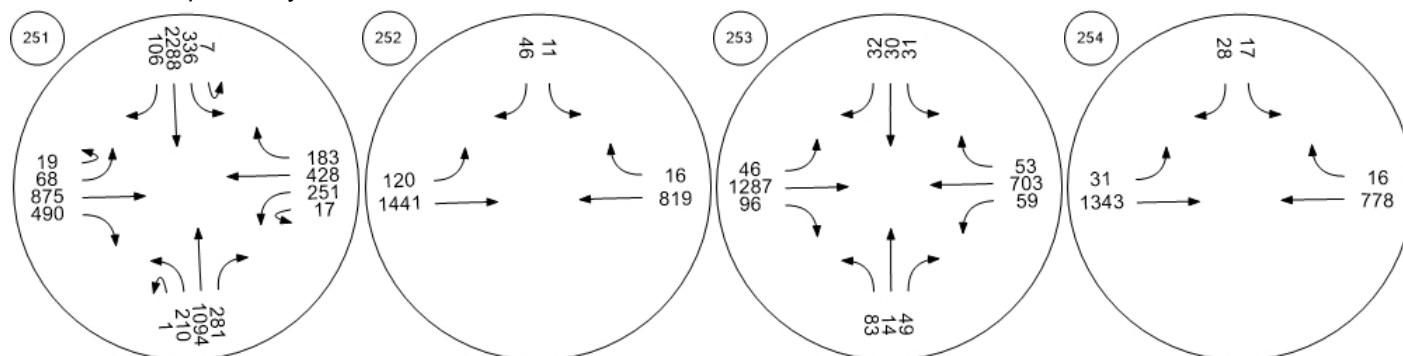
Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



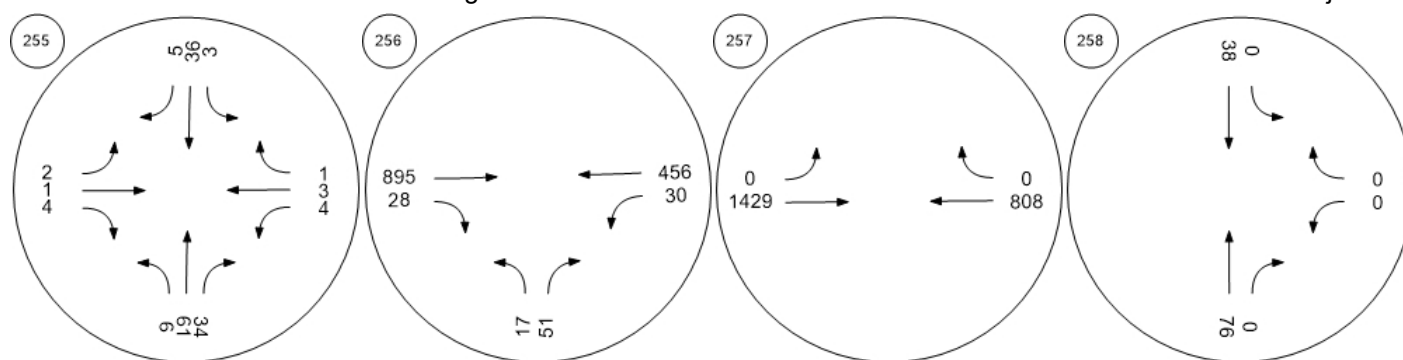
Traffic Volume - Future Total Volume



San Tomas Expressway & St Stevens Creek Boulevard & Stevens Creek Boulevard & Stevens Creek Boulevard & T



Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



Appendix C – Existing plus Project Conditions Level of Service Worksheets

Starbucks Stevens Creek Boulevard

Vistro File: J:\...\Starbucks Stevens Creek_07082024.vistro Scenario 7 7 Existing Conditions plus Project AM - Stevens Creek Blvd

Report File: J:\...\Existing plus Project AM.pdf

7/10/2024

Intersection Analysis Summary





ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
251	San Tomas Expressway & Stevens Creek Boulevard	Signalized	HCM 6th Edition	NB Thru	1.225	124.8	F
252	Stevens Creek Boulevard & Harold Avenue	Two-way stop	HCM 6th Edition	SB Left	0.397	97.9	F
253	Stevens Creek Boulevard & Cypress Avenue	Signalized	HCM 6th Edition	WB Left	0.344	13.9	B
254	Stevens Creek Boulevard & Tyler Street	Two-way stop	HCM 6th Edition	SB Left	0.158	44.7	E
255	Harold Avenue & Forest Avenue	Two-way stop	HCM 6th Edition	EB Thru	0.008	10.2	B
256	Pruneridge Avenue & Harold Avenue	Two-way stop	HCM 6th Edition	NB Left	0.107	19.0	C
257	Stevens Creek Boulevard & Project Driveway 1	Two-way stop	HCM 6th Edition	WB Thru	0.014	0.0	A
258	Harold Avenue & Project Driveway 2	Two-way stop	HCM 6th Edition	WB Left	0.112	9.9	A

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report**Intersection 251: San Tomas Expressway & Stevens Creek Boulevard**

Control Type:	Signalized	Delay (sec / veh):	124.8
Analysis Method:	HCM 6th Edition	Level Of Service:	F
Analysis Period:	15 minutes	Volume to Capacity (v/c):	1.225

Intersection Setup

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Approach	Northbound				Southbound				Eastbound				Westbound			
Lane Configuration																
Turning Movement	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right
Lane Width [ft]	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
No. of Lanes in Entry Pocket	2	0	0	1	2	0	0	1	1	0	0	0	2	0	0	0
Entry Pocket Length [ft]	330.	100.	100.	470.	340.	100.	100.	250.	170.	100.	100.	100.	350.	100.	100.	100.
No. of Lanes in Exit Pocket	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	230.	0.00	0.00	0.00	70.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	45.00				45.00				35.00				35.00			
Grade [%]	0.00				0.00				0.00				0.00			
Curb Present	No				No				No				No			
Crosswalk	Yes				Yes				Yes				Yes			

Volumes

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Base Volume Input [veh/h]	1	351	2644	232	0	162	1009	45	11	50	250	292	1	312	769	227
Base Volume Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	13	0	13	0	0	0	0	7	0	0	12	7	13
Pass-by Trips [veh/h]	0	0	-13	13	0	13	-13	0	0	0	0	0	0	12	-1	12
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1	351	2631	258	0	188	996	45	11	50	257	292	1	336	775	252
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Other Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Total 15-Minute Volume [veh/h]	0	99	739	72	0	53	280	13	3	14	72	82	0	94	218	71
Total Analysis Volume [veh/h]	1	394	2956	290	0	211	1119	51	12	56	289	328	1	378	871	283
Presence of On-Street Parking	No			No	No			No	No			No	No			No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0				0				0				0			
v_di, Inbound Pedestrian Volume crossing major street	0				0				0				0			
v_co, Outbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ci, Inbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ab, Corner Pedestrian Volume [ped/h]	0				0				0				0			
Bicycle Volume [bicycles/h]	0				0				0				0			

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	190
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	117.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	12.00

Phasing & Timing

Control Type	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm
Signal Group	0	5	2	0	0	1	6	0	0	3	8	0	0	7	4	0
Auxiliary Signal Groups																
Lead / Lag	-	Lead	-	-	-	Lag	-	-	-	Lead	-	-	-	Lead	-	-
Minimum Green [s]	0	10	12	0	0	10	12	0	0	10	9	0	0	10	11	0
Maximum Green [s]	0	30	80	0	0	30	80	0	0	30	40	0	0	30	40	0
Amber [s]	0.0	3.6	4.8	0.0	0.0	3.6	4.8	0.0	0.0	3.6	4.1	0.0	0.0	3.6	4.1	0.0
All red [s]	0.0	2.0	1.0	0.0	0.0	1.9	1.0	0.0	0.0	1.7	1.0	0.0	0.0	1.8	1.3	0.0
Split [s]	0	37	106	0	0	18	87	0	0	21	45	0	0	21	45	0
Vehicle Extension [s]	0.0	3.0	6.0	0.0	0.0	3.0	6.0	0.0	0.0	3.0	4.0	0.0	0.0	4.0	4.0	0.0
Walk [s]	0	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0
Pedestrian Clearance [s]	0	0	27	0	0	0	26	0	0	0	37	0	0	0	38	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk			No				No				No				No	
I1, Start-Up Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I2, Clearance Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Minimum Recall		No	Yes			No	Yes			No	No			No	No	
Maximum Recall		No	No			No	No			No	No			No	No	
Pedestrian Recall		No	No			No	No			No	No			No	No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	R	L	C	C	L	C	C
C, Cycle Length [s]	190	190	190	190	190	190	190	190	190	190	190	190
L, Total Lost Time per Cycle [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
g_i, Effective Green Time [s]	30	111	111	18	99	99	15	41	41	21	47	47
g / C, Green / Cycle	0.16	0.58	0.58	0.09	0.52	0.52	0.08	0.21	0.21	0.11	0.25	0.25
(v / s)_i Volume / Saturation Flow Rate	0.13	0.78	0.17	0.07	0.29	0.03	0.04	0.08	0.18	0.12	0.21	0.20
s, saturation flow rate [veh/h]	3150	3800	1750	3150	3800	1750	1750	3800	1800	3150	3800	1800
c, Capacity [veh/h]	493	2212	1019	294	1972	908	139	813	385	348	931	441
d1, Uniform Delay [s]	82.22	58.14	30.93	80.75	18.44	14.34	83.74	63.52	71.77	84.50	68.35	67.92
k, delay calibration	0.11	0.50	0.50	0.11	0.50	0.50	0.11	0.15	0.38	0.15	0.15	0.37
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	3.09	154.60	0.70	3.26	1.19	0.12	2.64	0.38	16.30	54.24	3.17	12.37
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	0.67	0.67	0.67	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.80	1.34	0.28	0.72	0.57	0.06	0.49	0.36	0.85	1.09	0.85	0.83
d, Delay for Lane Group [s/veh]	85.30	212.74	31.63	84.01	19.62	14.46	86.37	63.89	88.06	138.74	71.52	80.29
Lane Group LOS	F	F	C	F	B	B	F	E	F	F	E	F
Critical Lane Group	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No	No
50th-Percentile Queue Length [veh/ln]	9.89	101.56	9.95	4.96	10.91	0.76	3.32	6.04	17.13	11.20	18.70	18.31
50th-Percentile Queue Length [ft/ln]	247.22	2539.0	248.86	123.92	272.71	18.88	82.99	151.08	428.33	280.04	467.53	457.81
95th-Percentile Queue Length [veh/ln]	15.05	146.21	15.13	8.61	16.32	1.36	5.98	10.07	23.92	17.28	25.79	25.33
95th-Percentile Queue Length [ft/ln]	376.15	3655.1	378.21	215.20	408.12	33.98	149.39	251.87	598.04	432.11	644.83	633.26

Movement, Approach, & Intersection Results

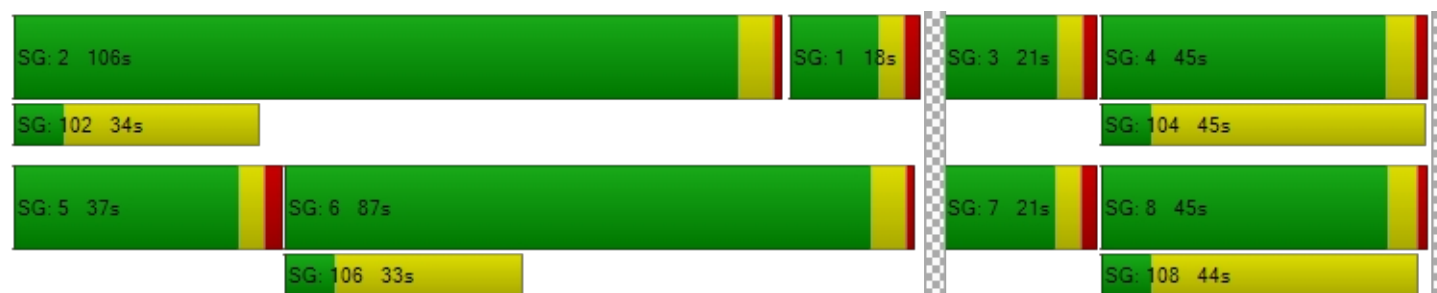
d_M, Delay for Movement [s/veh]	85.3	85.3	212.	31.6	84.0	84.0	19.6	14.4	86.3	86.3	63.8	88.0	138.	138.	72.3	80.2
Movement LOS	F	F	F	C	F	F	B	B	F	F	E	F	F	F	E	F
d_A, Approach Delay [s/veh]	184.49				29.27				77.70				90.23			
Approach LOS	F				C				E				F			
d_I, Intersection Delay [s/veh]	124.82															
Intersection LOS	F															
Intersection V/C	1.225															

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0				11.0				11.0				11.0			
M_corner, Corner Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
d_p, Pedestrian Delay [s]	84.32				84.32				84.32				84.32			
I_p,int, Pedestrian LOS Score for Intersection	3.760				3.615				2.954				3.091			
Crosswalk LOS	D				D				C				C			
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000				2000				2000				2000			
c_b, Capacity of the bicycle lane [bicycles/h]	1055				855				420				417			
d_b, Bicycle Delay [s]	21.22				31.15				59.29				59.53			
I_b,int, Bicycle LOS Score for Intersection	4.563				2.525				1.906				2.195			
Bicycle LOS	E				B				A				B			

Sequence




Ring 1	2	1	3	4	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	7	8	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Intersection Level Of Service Report**Intersection 252: Stevens Creek Boulevard & Harold Avenue**

Control Type:	Two-way stop	Delay (sec / veh):	97.9
Analysis Method:	HCM 6th Edition	Level Of Service:	F
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.397

Intersection Setup

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	60.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	7	56	65	556	1294	12
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	12	32	33	0	0	0
Pass-by Trips [veh/h]	12	36	38	-13	-13	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	31	124	136	543	1281	12
Peak Hour Factor	0.9000	0.9000	0.9000	0.9000	0.9000	0.9000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	9	34	38	151	356	3
Total Analysis Volume [veh/h]	34	138	151	603	1423	13
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	Yes		
Number of Storage Spaces in Median	1	0	0





Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.40	0.43	0.63	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	97.88	67.17	42.54	0.00	0.00	0.00
Movement LOS	F	F	E	A	A	A
95th-Percentile Queue Length [veh/ln]	6.12	6.12	3.80	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	153.08	153.08	95.08	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	73.24		8.52		0.00	
Approach LOS	F		A		A	
d_I, Intersection Delay [s/veh]	8.05					
Intersection LOS	F					

Intersection Level Of Service Report**Intersection 253: Stevens Creek Boulevard & Cypress Avenue**

Control Type:	Signalized	Delay (sec / veh):	13.9
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.344

Intersection Setup

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	1	0	1	1	0	0	1	0	0	1	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	85.00	100.00	100.00	150.00	100.00	100.00	150.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			25.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Curb Present	No			No			No			No		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Base Volume Input [veh/h]	109	14	85	55	11	60	10	472	37	33	1203	21
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	12	0	0	12	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	-1	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	109	14	85	55	11	60	10	483	37	33	1215	21
Peak Hour Factor	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400	0.8400
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	32	4	25	16	3	18	3	144	11	10	362	6
Total Analysis Volume [veh/h]	130	17	101	65	13	71	12	575	44	39	1446	25
Presence of On-Street Parking	No		No	No		No	No		No	No		No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0			0			0			0		
v_di, Inbound Pedestrian Volume crossing major street	0			0			0			0		
v_co, Outbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ci, Inbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ab, Corner Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	120
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	0.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	0.00

Phasing & Timing

Control Type	Permis	Permis	Permis	Permis	Permis	Permis	Protect	Permis	Permis	Protect	Permis	Permis
Signal Group	0	8	0	0	4	0	5	2	0	1	6	0
Auxiliary Signal Groups												
Lead / Lag	-	-	-	-	-	-	Lead	-	-	Lead	-	-
Minimum Green [s]	0	7	0	0	7	0	5	10	0	5	10	0
Maximum Green [s]	0	30	0	0	30	0	25	50	0	25	50	0
Amber [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.6	3.6	0.0	3.6	3.6	0.0
All red [s]	0.0	1.0	0.0	0.0	1.0	0.0	1.0	1.0	0.0	1.0	1.0	0.0
Split [s]	0	40	0	0	40	0	20	60	0	20	60	0
Vehicle Extension [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.0	3.0	0.0	3.0	3.0	0.0
Walk [s]	0	7	0	0	7	0	0	7	0	0	7	0
Pedestrian Clearance [s]	0	31	0	0	31	0	0	16	0	0	16	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk		No			No			No			No	
I1, Start-Up Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.0	2.0	0.0	2.0	2.0	0.0
I2, Clearance Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.6	2.6	0.0	2.6	2.6	0.0
Minimum Recall		No			No		No	Yes		No	Yes	
Maximum Recall		No			No		No	No		No	No	
Pedestrian Recall		No			No		No	No		No	No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	L	C	C	L	C	C
C, Cycle Length [s]	120	120	120	120	120	120	120	120	120	120	120
L, Total Lost Time per Cycle [s]	4.00	4.00	4.00	4.00	4.00	4.60	4.60	4.60	4.60	4.60	4.60
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	2.00	2.00	2.00	2.00	2.60	2.60	2.60	2.60	2.60	2.60
g_i, Effective Green Time [s]	11	11	11	8	8	2	95	95	4	95	95
g / C, Green / Cycle	0.09	0.09	0.09	0.06	0.06	0.01	0.79	0.79	0.03	0.79	0.79
(v / s)_i Volume / Saturation Flow Rate	0.07	0.01	0.06	0.04	0.05	0.01	0.11	0.12	0.02	0.25	0.28
s, saturation flow rate [veh/h]	1750	1900	1750	1750	1800	1750	3800	1800	1750	3800	1800
c, Capacity [veh/h]	168	168	155	135	117	25	3018	1430	54	2992	1417
d1, Uniform Delay [s]	53.85	50.30	52.90	54.47	55.01	58.71	2.85	2.88	57.66	3.64	3.77
k, delay calibration	0.11	0.11	0.11	0.11	0.11	0.11	0.50	0.50	0.11	0.50	0.50
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	7.30	0.26	4.57	2.64	7.93	13.84	0.09	0.22	16.88	0.29	0.70
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.77	0.10	0.65	0.48	0.72	0.48	0.14	0.15	0.73	0.32	0.36
d, Delay for Lane Group [s/veh]	61.14	50.56	57.47	57.11	62.95	72.55	2.94	3.09	74.54	3.93	4.47
Lane Group LOS	E	D	E	E	E	E	A	A	E	A	A
Critical Lane Group	No	No	Yes	No	No	Yes	No	No	No	No	Yes
50th-Percentile Queue Length [veh/ln]	4.24	0.49	3.17	2.02	2.77	0.45	0.89	0.97	1.42	2.69	3.05
50th-Percentile Queue Length [ft/ln]	105.91	12.20	79.24	50.61	69.27	11.37	22.37	24.28	35.42	67.24	76.13
95th-Percentile Queue Length [veh/ln]	7.61	0.88	5.71	3.64	4.99	0.82	1.61	1.75	2.55	4.84	5.48
95th-Percentile Queue Length [ft/ln]	190.29	21.96	142.63	91.09	124.68	20.47	40.26	43.71	63.76	121.03	137.03

Movement, Approach, & Intersection Results

d_M, Delay for Movement [s/veh]	61.14	50.56	57.47	57.11	62.95	62.95	72.55	2.98	3.09	74.54	4.11	4.47
Movement LOS	E	D	E	E	E	E	E	A	A	E	A	A
d_A, Approach Delay [s/veh]	58.92			60.40			4.31			5.93		
Approach LOS	E			E			A			A		
d_I, Intersection Delay [s/veh]	13.91											
Intersection LOS	B											
Intersection V/C	0.344											

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0			11.0			11.0			11.0		
M_corner, Corner Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
d_p, Pedestrian Delay [s]	49.50			49.50			49.50			49.50		
I_p,int, Pedestrian LOS Score for Intersection	2.215			2.009			3.104			3.066		
Crosswalk LOS	B			B			C			C		
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000			2000			2000			2000		
c_b, Capacity of the bicycle lane [bicycles/h]	600			600			923			923		
d_b, Bicycle Delay [s]	29.40			29.40			17.39			17.39		
I_b,int, Bicycle LOS Score for Intersection	1.969			1.805			1.907			2.390		
Bicycle LOS	A			A			A			B		

Sequence



Ring 1	1	2	-	4	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	-	8	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Intersection Level Of Service Report
Intersection 254: Stevens Creek Boulevard & Tyler Street

Control Type:	Two-way stop	Delay (sec / veh):	44.7
Analysis Method:	HCM 6th Edition	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.158

Intersection Setup

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	14	13	8	603	1254	6
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	12	12	0
Pass-by Trips [veh/h]	0	0	0	-1	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	14	13	8	614	1266	6
Peak Hour Factor	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	4	4	2	185	381	2
Total Analysis Volume [veh/h]	17	16	10	740	1525	7
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0





Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.16	0.05	0.05	0.01	0.02	0.00
d_M, Delay for Movement [s/veh]	44.69	23.29	22.57	0.00	0.00	0.00
Movement LOS	E	C	C	A	A	A
95th-Percentile Queue Length [veh/ln]	0.77	0.77	0.15	0.05	0.00	0.00
95th-Percentile Queue Length [ft/ln]	19.26	19.26	3.64	1.21	0.00	0.00
d_A, Approach Delay [s/veh]	34.31		0.30		0.00	
Approach LOS	D		A		A	
d_I, Intersection Delay [s/veh]	0.59					
Intersection LOS	E					

Intersection Level Of Service Report
Intersection 255: Harold Avenue & Forest Avenue

Control Type:	Two-way stop	Delay (sec / veh):	10.2
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.008

Intersection Setup

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			30.00			25.00			25.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			No		

Volumes

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Base Volume Input [veh/h]	7	54	12	6	39	3	5	5	3	5	1	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	4	1	0	4	0	0	0	0	1	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	7	58	13	6	43	3	5	5	3	6	1	3
Peak Hour Factor	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900	0.7900
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	18	4	2	14	1	2	2	1	2	0	1
Total Analysis Volume [veh/h]	9	73	16	8	54	4	6	6	4	8	1	4
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	No
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			No	No
Number of Storage Spaces in Median	0	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.00	0.00	0.01	0.00	0.00	0.01	0.01	0.00	0.01	0.00	0.00
d_M, Delay for Movement [s/veh]	7.34	0.00	0.00	7.40	0.00	0.00	9.72	10.19	8.66	9.74	10.13	8.75
Movement LOS	A	A	A	A	A	A	A	B	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.02	0.02	0.02	0.02	0.02	0.02	0.06	0.06	0.06	0.05	0.05	0.05
95th-Percentile Queue Length [ft/ln]	0.44	0.44	0.44	0.40	0.40	0.40	1.54	1.54	1.54	1.21	1.21	1.21
d_A, Approach Delay [s/veh]	0.67			0.90			9.63			9.46		
Approach LOS	A			A			A			A		
d_I, Intersection Delay [s/veh]	2.08											
Intersection LOS	B											

Intersection Level Of Service Report
Intersection 256: Pruneridge Avenue & Harold Avenue

Control Type:	Two-way stop	Delay (sec / veh):	19.0
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.107

Intersection Setup

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Approach	Northbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Thru	Right	Left	Thru
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Base Volume Input [veh/h]	27	32	388	27	29	667
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	2	2	0	2	2	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	29	34	388	29	31	667
Peak Hour Factor	0.9400	0.9400	0.9400	0.9400	0.9400	0.9400
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	8	9	103	8	8	177
Total Analysis Volume [veh/h]	31	36	413	31	33	710
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0



Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.11	0.05	0.00	0.00	0.03	0.01
d_M, Delay for Movement [s/veh]	18.96	11.09	0.00	0.00	8.33	0.00
Movement LOS	C	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.54	0.54	0.00	0.00	0.09	0.05
95th-Percentile Queue Length [ft/ln]	13.44	13.44	0.00	0.00	2.29	1.15
d_A, Approach Delay [s/veh]	14.73		0.00		0.37	
Approach LOS	B		A		A	
d_I, Intersection Delay [s/veh]	1.01					
Intersection LOS	C					

Intersection Level Of Service Report**Intersection 257: Stevens Creek Boulevard & Project Driveway 1**

Control Type:	Two-way stop	Delay (sec / veh):	0.0
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.014

Intersection Setup

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	50.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	30.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	0	3	0	580	1370	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	12	0	12
Pass-by Trips [veh/h]	0	0	0	-1	-13	13
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	0	3	0	591	1357	25
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	0	1	0	148	339	6
Total Analysis Volume [veh/h]	0	3	0	591	1357	25
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			
Number of Storage Spaces in Median	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	19.13	0.00	0.00	0.00
Movement LOS			C	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	0.00		0.00		0.00	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	0.00					
Intersection LOS	A					

Intersection Level Of Service Report
Intersection 258: Harold Avenue & Project Driveway 2

Control Type:	Two-way stop	Delay (sec / veh):	9.9
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.112

Intersection Setup

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		25.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Base Volume Input [veh/h]	69	0	0	50	0	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	33	5	0	44	5
Pass-by Trips [veh/h]	0	38	0	0	48	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	69	71	5	50	92	5
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	17	18	1	13	23	1
Total Analysis Volume [veh/h]	69	71	5	50	92	5
Pedestrian Volume [ped/h]	0		0		0	

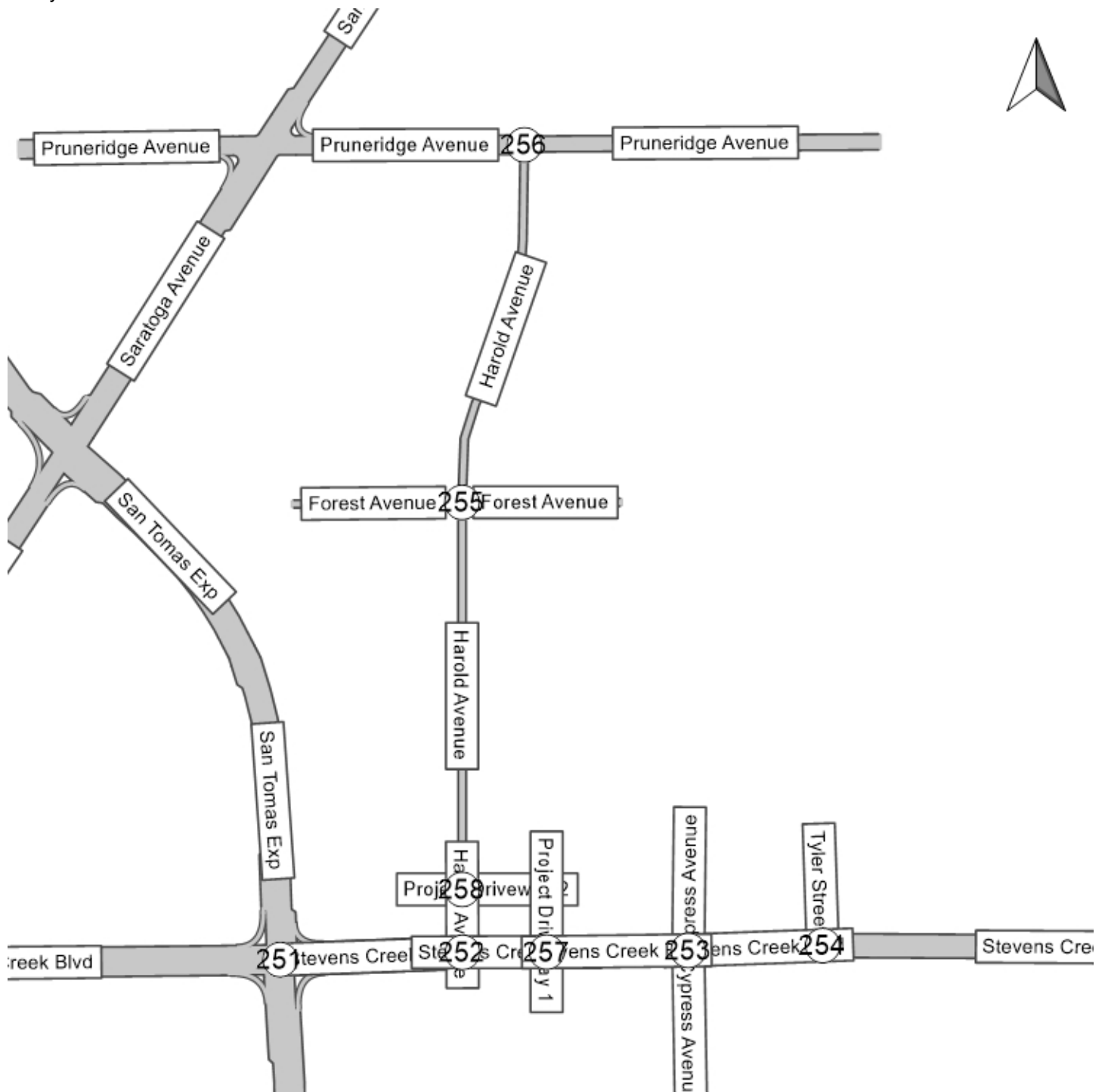
Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

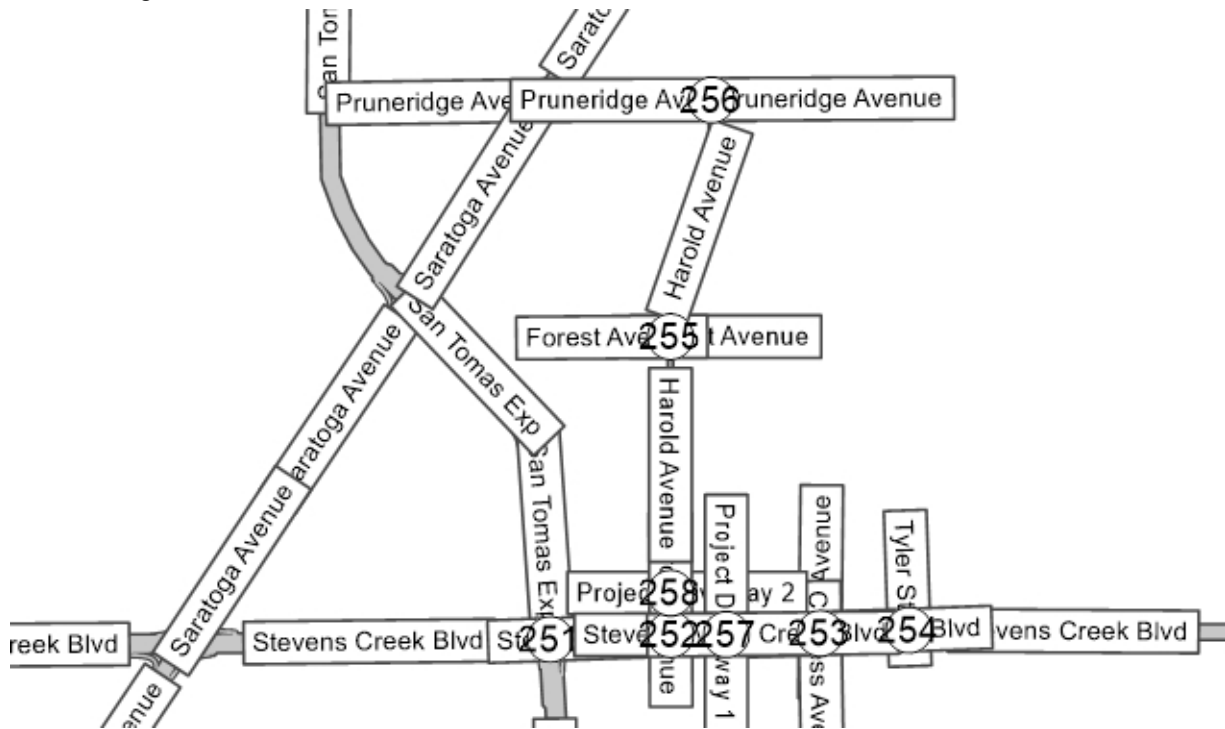
Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.11	0.01
d_M, Delay for Movement [s/veh]	0.00	0.00	7.50	0.00	9.95	9.36
Movement LOS	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.01	0.01	0.40	0.40
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.26	0.26	9.90	9.90
d_A, Approach Delay [s/veh]	0.00		0.68		9.92	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	3.42					
Intersection LOS	A					

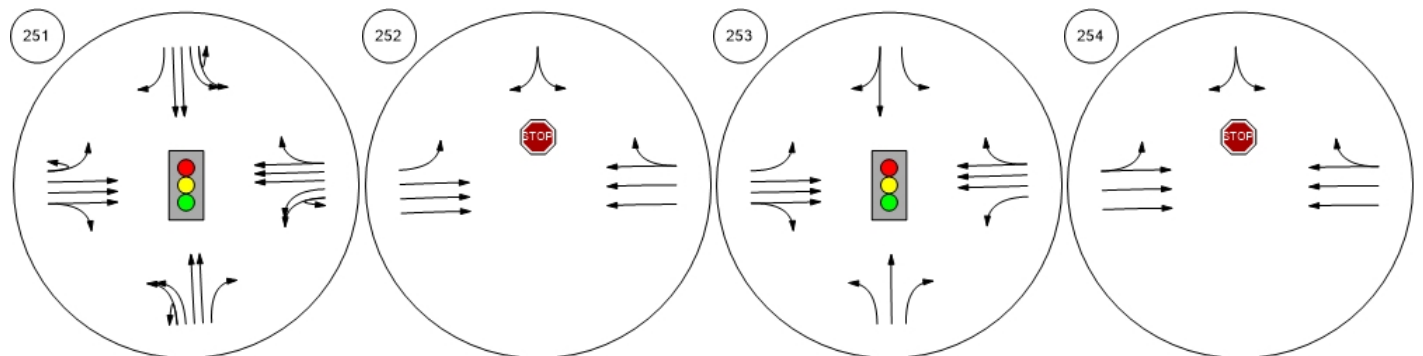
Study Intersections



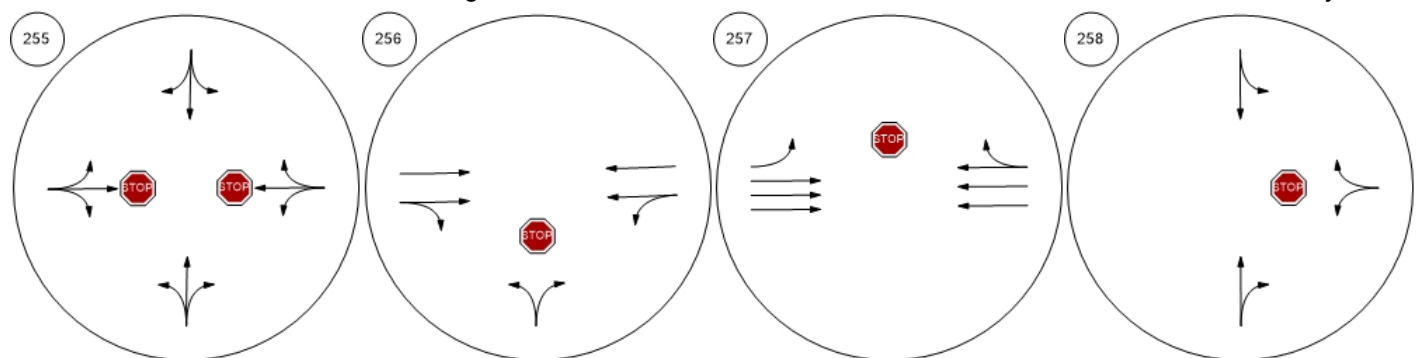
Lane Configuration and Traffic Control



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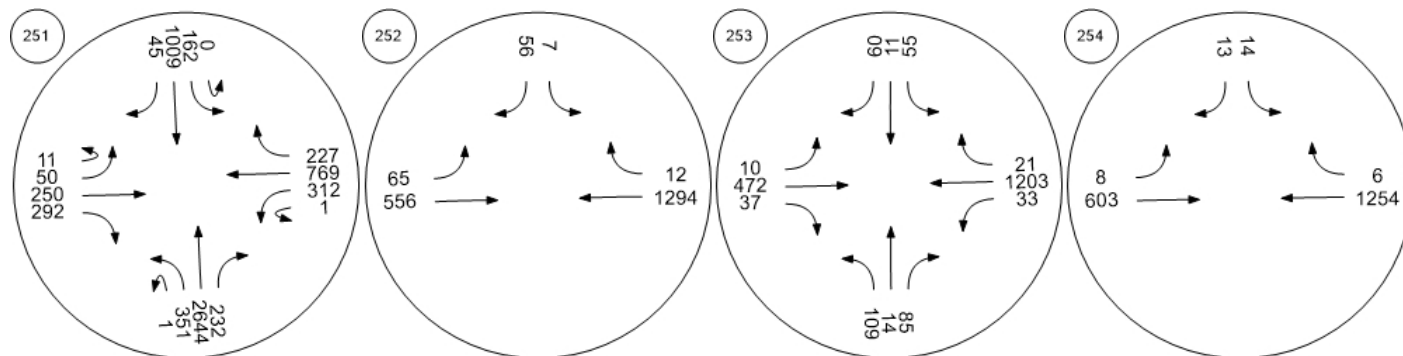
Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



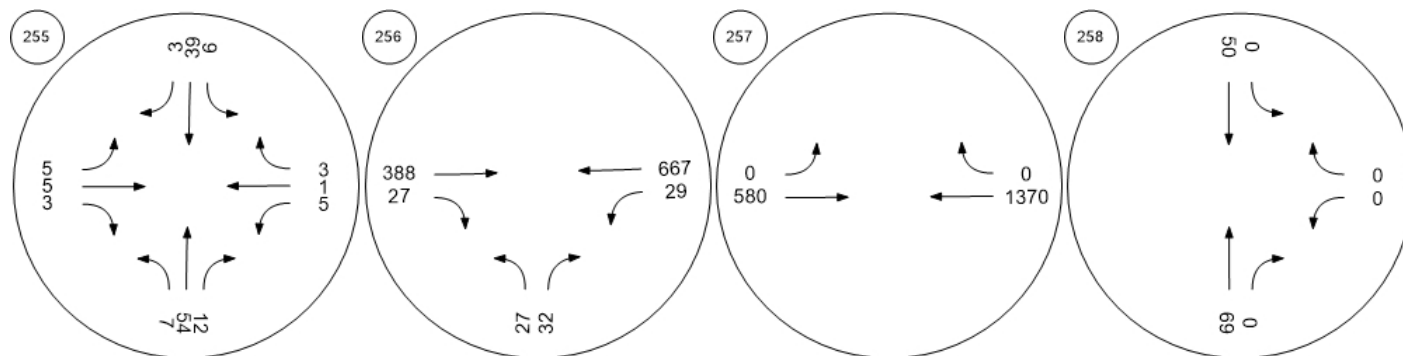
Traffic Volume - Base Volume



San Tomas Expressway & St Stevens Creek Boulevard & Stevens Creek Boulevard & Stevens Creek Boulevard & T



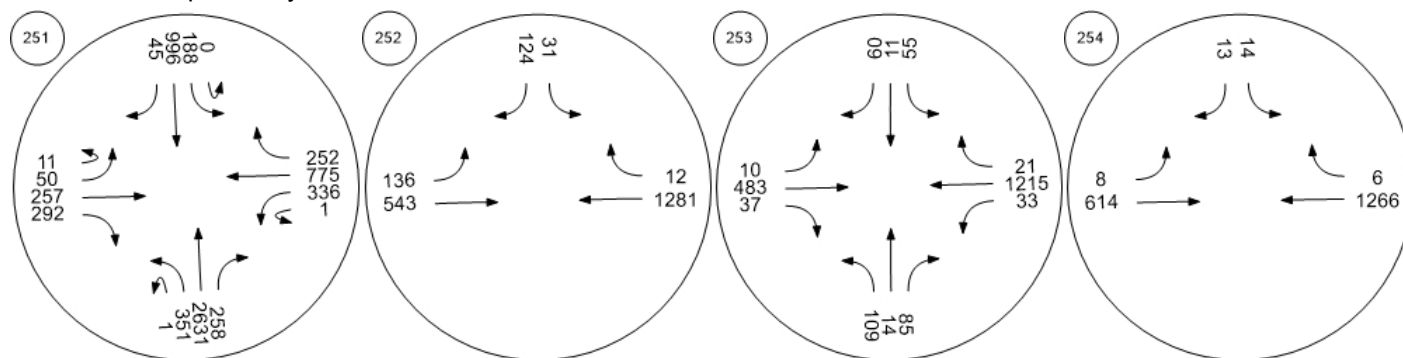
Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



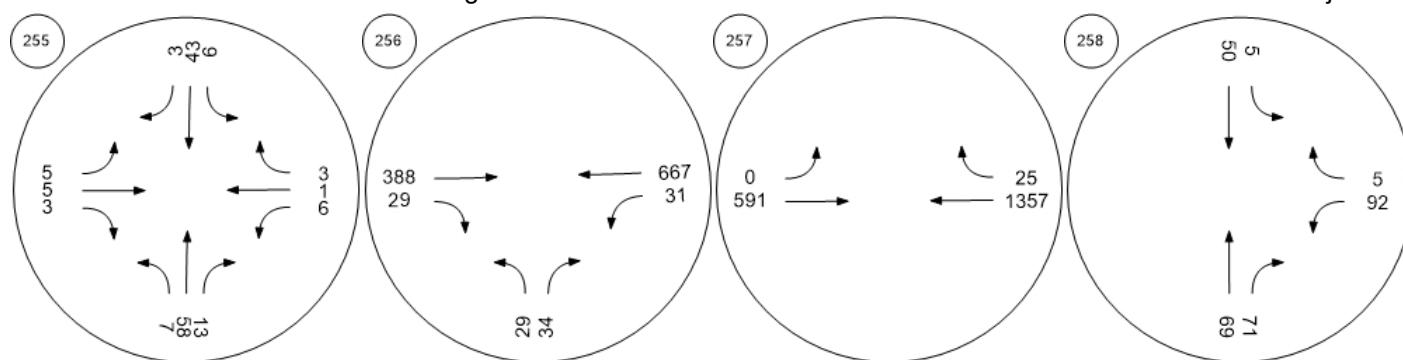
Traffic Volume - Future Total Volume



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Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



Starbucks Stevens Creek Boulevard

Vistro File: J:\...\Starbucks Stevens Creek_07082024.vistro Scenario 8 8 Existing Conditions plus Project PM - Stevens Creek Blvd

Report File: J:\...\Existing plus Project PM.pdf

7/10/2024

Intersection Analysis Summary





ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
251	San Tomas Expressway & Stevens Creek Boulevard	Signalized	HCM 6th Edition	SB Thru	1.045	70.1	E
252	Stevens Creek Boulevard & Harold Avenue	Two-way stop	HCM 6th Edition	SB Left	0.341	73.4	F
253	Stevens Creek Boulevard & Cypress Avenue	Signalized	HCM 6th Edition	EB Left	0.356	12.1	B
254	Stevens Creek Boulevard & Tyler Street	Two-way stop	HCM 6th Edition	SB Left	0.115	30.9	D
255	Harold Avenue & Forest Avenue	Two-way stop	HCM 6th Edition	EB Thru	0.001	10.2	B
256	Pruneridge Avenue & Harold Avenue	Two-way stop	HCM 6th Edition	NB Left	0.150	36.4	E
257	Stevens Creek Boulevard & Project Driveway 1	Two-way stop	HCM 6th Edition	EB Thru	0.014	0.0	A
258	Harold Avenue & Project Driveway 2	Two-way stop	HCM 6th Edition	WB Left	0.050	9.4	A

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report**Intersection 251: San Tomas Expressway & Stevens Creek Boulevard**

Control Type:	Signalized	Delay (sec / veh):	70.1
Analysis Method:	HCM 6th Edition	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	1.045

Intersection Setup

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Approach	Northbound				Southbound				Eastbound				Westbound			
Lane Configuration																
Turning Movement	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right	U-tu	Left	Thru	Right
Lane Width [ft]	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
No. of Lanes in Entry Pocket	2	0	0	1	2	0	0	1	1	0	0	0	2	0	0	0
Entry Pocket Length [ft]	330.	100.	100.	470.	340.	100.	100.	250.	170.	100.	100.	100.	350.	100.	100.	100.
No. of Lanes in Exit Pocket	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	230.	0.00	0.00	0.00	70.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	45.00				45.00				35.00				35.00			
Grade [%]	0.00				0.00				0.00				0.00			
Curb Present	No				No				No				No			
Crosswalk	Yes				Yes				Yes				Yes			

Volumes

Name	San Tomas Exp				San Tomas Exp				Stevens Creek Blvd				Stevens Creek Blvd			
Base Volume Input [veh/h]	1	210	1094	281	7	336	2288	106	19	68	875	490	17	251	428	183
Base Volume Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	5	0	5	0	0	0	0	3	0	0	5	3	5
Pass-by Trips [veh/h]	0	0	-7	7	0	6	-6	0	0	0	0	0	0	6	0	7
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1	210	1087	293	7	347	2282	106	19	68	878	490	17	262	431	195
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Other Adjustment Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Total 15-Minute Volume [veh/h]	0	55	283	76	2	90	594	28	5	18	229	128	4	68	112	51
Total Analysis Volume [veh/h]	1	219	1132	305	7	361	2377	110	20	71	915	510	18	273	449	203
Presence of On-Street Parking	No			No	No			No	No			No	No			No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0				0				0				0			
v_di, Inbound Pedestrian Volume crossing major street	0				0				0				0			
v_co, Outbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ci, Inbound Pedestrian Volume crossing minor street	0				0				0				0			
v_ab, Corner Pedestrian Volume [ped/h]	0				0				0				0			
Bicycle Volume [bicycles/h]	0				0				0				0			

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	190
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	1.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	12.00

Phasing & Timing

Control Type	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Prote	Perm	Perm	Perm	Perm	Perm	Perm
Signal Group	0	5	2	0	0	1	6	0	0	3	8	0	0	0	4	0
Auxiliary Signal Groups																
Lead / Lag	-	Lead	-	-	-	Lead	-	-	-	Lead	-	-	-	-	-	-
Minimum Green [s]	0	10	12	0	0	10	12	0	0	10	9	0	0	0	11	0
Maximum Green [s]	0	30	80	0	0	30	80	0	0	30	40	0	0	0	40	0
Amber [s]	0.0	3.6	4.8	0.0	0.0	3.6	4.8	0.0	0.0	3.6	4.1	0.0	0.0	0.0	4.1	0.0
All red [s]	0.0	2.0	1.0	0.0	0.0	1.9	1.0	0.0	0.0	1.7	1.0	0.0	0.0	0.0	1.3	0.0
Split [s]	0	21	72	0	0	24	95	0	0	25	48	0	0	0	49	0
Vehicle Extension [s]	0.0	3.0	6.0	0.0	0.0	3.0	6.0	0.0	0.0	3.0	4.0	0.0	0.0	0.0	4.0	0.0
Walk [s]	0	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0
Pedestrian Clearance [s]	0	0	27	0	0	0	26	0	0	0	37	0	0	0	38	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk			No				No				No				No	
I1, Start-Up Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I2, Clearance Lost Time [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Minimum Recall		No	Yes			No	Yes			No	No				No	
Maximum Recall		No	No			No	No			No	No				No	
Pedestrian Recall		No	No			No	No			No	No				No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	R	L	C	C	L	C	C
C, Cycle Length [s]	190	190	190	190	190	190	190	190	190	190	190	190
L, Total Lost Time per Cycle [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
g_i, Effective Green Time [s]	19	93	93	24	104	104	15	62	62	52	52	52
g / C, Green / Cycle	0.10	0.49	0.49	0.13	0.55	0.55	0.08	0.33	0.33	0.27	0.27	0.27
(v / s)_i Volume / Saturation Flow Rate	0.07	0.30	0.17	0.12	0.63	0.06	0.05	0.24	0.28	0.09	0.12	0.11
s, saturation flow rate [veh/h]	3150	3800	1750	3150	3800	1750	1750	3800	1800	3150	3800	1800
c, Capacity [veh/h]	311	1862	857	398	2078	957	141	1238	586	0	1042	494
d1, Uniform Delay [s]	86.07	48.65	41.13	78.11	25.74	12.15	84.76	56.89	60.27	0.00	56.72	56.43
k, delay calibration	0.11	0.50	0.50	0.11	0.50	0.50	0.11	0.15	0.38	0.15	0.15	0.15
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	2.96	1.49	1.15	9.41	71.09	0.24	4.93	1.26	12.75	0.00	0.40	0.79
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	0.67	0.67	0.67	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.71	0.61	0.36	0.92	1.14	0.11	0.65	0.74	0.87	10000.	0.43	0.41
d, Delay for Lane Group [s/veh]	89.03	50.14	42.29	87.52	96.83	12.39	89.70	58.15	73.02	0.00	57.12	57.22
Lane Group LOS	F	D	D	F	F	B	F	E	E	F	E	E
Critical Lane Group	Yes	No	No	No	Yes	No	No	No	Yes	No	No	No
50th-Percentile Queue Length [veh/ln]	5.54	23.81	11.72	9.05	57.14	1.46	4.55	19.78	25.18	0.00	8.99	8.20
50th-Percentile Queue Length [ft/ln]	138.42	595.15	292.98	226.24	1428.4	36.41	113.85	494.42	629.40	0.00	224.82	205.03
95th-Percentile Queue Length [veh/ln]	9.40	31.81	17.33	13.98	77.45	2.62	8.05	27.07	33.40	0.00	13.91	12.90
95th-Percentile Queue Length [ft/ln]	234.89	795.19	433.34	349.58	1936.2	65.54	201.34	676.75	835.12	0.00	347.77	322.45

Movement, Approach, & Intersection Results

d_M, Delay for Movement [s/veh]	89.0	89.0	50.1	42.2	87.5	87.5	96.8	12.3	89.7	89.7	58.1	73.0	0.00	0.00	57.1	57.2
Movement LOS	F	F	D	D	F	F	F	B	F	F	E	E	A	A	E	E
d_A, Approach Delay [s/veh]	53.86				92.38				65.04				39.52			
Approach LOS	D				F				E				D			
d_I, Intersection Delay [s/veh]	70.13															
Intersection LOS	E															
Intersection V/C	1.045															

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0				11.0				11.0				11.0			
M_corner, Corner Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00				0.00				0.00				0.00			
d_p, Pedestrian Delay [s]	84.32				84.32				84.32				84.32			
I_p,int, Pedestrian LOS Score for Intersection	4.055				3.540				3.002				3.533			
Crosswalk LOS	D				D				C				D			
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000				2000				2000				2000			
c_b, Capacity of the bicycle lane [bicycles/h]	697				939				452				459			
d_b, Bicycle Delay [s]	40.33				26.74				56.94				56.40			
I_b,int, Bicycle LOS Score for Intersection	2.926				3.617				2.354				1.928			
Bicycle LOS	C				D				B				A			

Sequence




Ring 1	1	2	9	3	4	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	-	7	8	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Intersection Level Of Service Report**Intersection 252: Stevens Creek Boulevard & Harold Avenue**

Control Type:	Two-way stop	Delay (sec / veh):	73.4
Analysis Method:	HCM 6th Edition	Level Of Service:	F
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.341

Intersection Setup

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	60.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	11	46	120	1441	819	16
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	5	13	13	0	0	0
Pass-by Trips [veh/h]	6	19	19	-6	-6	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	22	78	152	1435	813	16
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	6	21	41	390	221	4
Total Analysis Volume [veh/h]	24	85	165	1560	884	17
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0





Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.34	0.18	0.38	0.02	0.01	0.00
d_M, Delay for Movement [s/veh]	73.43	29.81	18.16	0.00	0.00	0.00
Movement LOS	F	D	C	A	A	A
95th-Percentile Queue Length [veh/ln]	2.68	2.68	1.73	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	66.99	66.99	43.32	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	39.41		1.74		0.00	
Approach LOS	E		A		A	
d_I, Intersection Delay [s/veh]	2.67					
Intersection LOS	F					

Intersection Level Of Service Report**Intersection 253: Stevens Creek Boulevard & Cypress Avenue**

Control Type:	Signalized	Delay (sec / veh):	12.1
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.356

Intersection Setup

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	1	0	1	1	0	0	1	0	0	1	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	85.00	100.00	100.00	150.00	100.00	100.00	150.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			25.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Curb Present	No			No			No			No		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Cypress Avenue			Cypress Avenue			Stevens Creek Blvd			Stevens Creek Blvd		
Base Volume Input [veh/h]	83	14	49	31	30	32	46	1287	96	59	703	53
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	5	0	0	5	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	83	14	49	31	30	32	46	1292	96	59	708	53
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	23	4	13	8	8	9	13	351	26	16	192	14
Total Analysis Volume [veh/h]	90	15	53	34	33	35	50	1404	104	64	770	58
Presence of On-Street Parking	No		No	No		No	No		No	No		No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street	0			0			0			0		
v_di, Inbound Pedestrian Volume crossing major street	0			0			0			0		
v_co, Outbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ci, Inbound Pedestrian Volume crossing minor street	0			0			0			0		
v_ab, Corner Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	120
Coordination Type	Time of Day Pattern Coordinated
Actuation Type	Semi-actuated
Offset [s]	0.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	0.00

Phasing & Timing

Control Type	Permis	Permis	Permis	Permis	Permis	Permis	Protect	Permis	Permis	Protect	Permis	Permis
Signal Group	0	8	0	0	4	0	5	2	0	1	6	0
Auxiliary Signal Groups												
Lead / Lag	-	-	-	-	-	-	Lead	-	-	Lead	-	-
Minimum Green [s]	0	7	0	0	7	0	5	10	0	5	10	0
Maximum Green [s]	0	30	0	0	30	0	25	50	0	25	50	0
Amber [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.6	3.6	0.0	3.6	3.6	0.0
All red [s]	0.0	1.0	0.0	0.0	1.0	0.0	1.0	1.0	0.0	1.0	1.0	0.0
Split [s]	0	40	0	0	40	0	20	60	0	20	60	0
Vehicle Extension [s]	0.0	3.0	0.0	0.0	3.0	0.0	3.0	3.0	0.0	3.0	3.0	0.0
Walk [s]	0	7	0	0	7	0	0	7	0	0	7	0
Pedestrian Clearance [s]	0	31	0	0	31	0	0	16	0	0	16	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk		No			No			No			No	
I1, Start-Up Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.0	2.0	0.0	2.0	2.0	0.0
I2, Clearance Lost Time [s]	0.0	2.0	0.0	0.0	2.0	0.0	2.6	2.6	0.0	2.6	2.6	0.0
Minimum Recall		No			No		No	Yes		No	Yes	
Maximum Recall		No			No		No	No		No	No	
Pedestrian Recall		No			No		No	No		No	No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	L	C	C	L	C	C
C, Cycle Length [s]	120	120	120	120	120	120	120	120	120	120	120
L, Total Lost Time per Cycle [s]	4.00	4.00	4.00	4.00	4.00	4.60	4.60	4.60	4.60	4.60	4.60
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	0.00	2.00	2.00	2.00	2.00	2.60	2.60	2.60	2.60	2.60	2.60
g_i, Effective Green Time [s]	9	8	8	7	7	4	94	94	6	94	94
g / C, Green / Cycle	0.07	0.07	0.07	0.06	0.06	0.04	0.79	0.79	0.05	0.78	0.78
(v / s)_i Volume / Saturation Flow Rate	0.05	0.01	0.03	0.02	0.04	0.03	0.26	0.28	0.04	0.14	0.16
s, saturation flow rate [veh/h]	1750	1900	1750	1750	1800	1750	3800	1800	1750	3800	1800
c, Capacity [veh/h]	153	133	123	124	103	65	2985	1414	83	2974	1409
d1, Uniform Delay [s]	54.68	52.28	53.48	54.37	55.41	57.27	3.75	3.85	56.53	3.31	3.35
k, delay calibration	0.11	0.11	0.11	0.11	0.11	0.11	0.50	0.50	0.11	0.50	0.50
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	3.60	0.37	2.37	1.19	6.96	17.27	0.30	0.71	14.17	0.14	0.32
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.59	0.11	0.43	0.27	0.66	0.77	0.34	0.36	0.77	0.18	0.20
d, Delay for Lane Group [s/veh]	58.27	52.65	55.86	55.56	62.37	74.54	4.05	4.56	70.70	3.45	3.67
Lane Group LOS	E	D	E	E	E	E	A	A	E	A	A
Critical Lane Group	No	No	No	No	Yes	No	No	Yes	Yes	No	No
50th-Percentile Queue Length [veh/ln]	2.84	0.44	1.63	1.04	2.23	1.80	2.86	3.12	2.23	1.38	1.49
50th-Percentile Queue Length [ft/ln]	71.04	11.05	40.75	25.97	55.84	45.09	71.43	78.00	55.72	34.42	37.15
95th-Percentile Queue Length [veh/ln]	5.11	0.80	2.93	1.87	4.02	3.25	5.14	5.62	4.01	2.48	2.67
95th-Percentile Queue Length [ft/ln]	127.87	19.90	73.36	46.74	100.51	81.16	128.58	140.39	100.29	61.95	66.86

Movement, Approach, & Intersection Results

d_M, Delay for Movement [s/veh]	58.27	52.65	55.86	55.56	62.37	62.37	74.54	4.20	4.56	70.70	3.51	3.67
Movement LOS	E	D	E	E	E	E	E	A	A	E	A	A
d_A, Approach Delay [s/veh]	56.93			60.10			6.48			8.34		
Approach LOS	E			E			A			A		
d_I, Intersection Delay [s/veh]	12.05											
Intersection LOS	B											
Intersection V/C	0.356											

Other Modes

g_Walk,mi, Effective Walk Time [s]	11.0			11.0			11.0			11.0		
M_corner, Corner Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
d_p, Pedestrian Delay [s]	49.50			49.50			49.50			49.50		
I_p,int, Pedestrian LOS Score for Intersection	2.218			2.015			3.103			3.043		
Crosswalk LOS	B			B			C			C		
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000			2000			2000			2000		
c_b, Capacity of the bicycle lane [bicycles/h]	600			600			923			923		
d_b, Bicycle Delay [s]	29.40			29.40			17.39			17.39		
I_b,int, Bicycle LOS Score for Intersection	1.820			1.728			2.417			2.050		
Bicycle LOS	A			A			B			B		

Sequence




Ring 1	1	2	-	4	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	-	8	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Intersection Level Of Service Report
Intersection 254: Stevens Creek Boulevard & Tyler Street

Control Type:	Two-way stop	Delay (sec / veh):	30.9
Analysis Method:	HCM 6th Edition	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.115

Intersection Setup

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Tyler Street		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	17	28	31	1343	778	16
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	5	5	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	17	28	31	1348	783	16
Peak Hour Factor	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	5	8	8	362	210	4
Total Analysis Volume [veh/h]	18	30	33	1449	842	17
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results





V/C, Movement V/C Ratio	0.12	0.06	0.07	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	30.89	15.16	13.48	0.00	0.00	0.00
Movement LOS	D	C	B	A	A	A
95th-Percentile Queue Length [veh/ln]	0.63	0.63	0.23	0.08	0.00	0.00
95th-Percentile Queue Length [ft/ln]	15.72	15.72	5.80	1.93	0.00	0.00
d_A, Approach Delay [s/veh]	21.05		0.30		0.00	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	0.61					
Intersection LOS	D					

Intersection Level Of Service Report
Intersection 255: Harold Avenue & Forest Avenue

Control Type: Two-way stop
 Analysis Method: HCM 6th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 10.2
 Level Of Service: B
 Volume to Capacity (v/c): 0.001

Intersection Setup

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			30.00			25.00			25.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			No		

Volumes

Name	Harold Avenue			Harold Avenue			Forest Avenue			Forest Avenue		
Base Volume Input [veh/h]	6	61	34	3	36	5	2	1	4	4	3	1
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	2	0	0	2	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	6	63	34	3	38	5	2	1	4	4	3	1
Peak Hour Factor	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300	0.8300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	19	10	1	11	2	1	0	1	1	1	0
Total Analysis Volume [veh/h]	7	76	41	4	46	6	2	1	5	5	4	1
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	No
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			No	No
Number of Storage Spaces in Median	0	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	7.33	0.00	0.00	7.45	0.00	0.00	9.62	10.17	8.57	9.66	10.08	8.81
Movement LOS	A	A	A	A	A	A	A	B	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.01	0.01	0.01	0.01	0.01	0.01	0.03	0.03	0.03	0.04	0.04	0.04
95th-Percentile Queue Length [ft/ln]	0.34	0.34	0.34	0.20	0.20	0.20	0.67	0.67	0.67	0.99	0.99	0.99
d_A, Approach Delay [s/veh]	0.41			0.53			9.03			9.74		
Approach LOS	A			A			A			A		
d_I, Intersection Delay [s/veh]	1.27											
Intersection LOS	B											

Intersection Level Of Service Report
Intersection 256: Pruneridge Avenue & Harold Avenue

Control Type:	Two-way stop	Delay (sec / veh):	36.4
Analysis Method:	HCM 6th Edition	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.150

Intersection Setup

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Approach	Northbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Thru	Right	Left	Thru
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		No		No	

Volumes

Name	Harold Avenue		Pruneridge Avenue		Pruneridge Avenue	
Base Volume Input [veh/h]	17	51	895	28	30	456
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	1	1	0	1	1	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	18	52	895	29	31	456
Peak Hour Factor	0.8900	0.8900	0.8900	0.8900	0.8900	0.8900
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	5	15	251	8	9	128
Total Analysis Volume [veh/h]	20	58	1006	33	35	512
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane	No		
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0



Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.15	0.12	0.01	0.00	0.05	0.01
d_M, Delay for Movement [s/veh]	36.39	16.56	0.00	0.00	10.71	0.00
Movement LOS	E	C	A	A	B	A
95th-Percentile Queue Length [veh/ln]	1.05	1.05	0.00	0.00	0.17	0.08
95th-Percentile Queue Length [ft/ln]	26.13	26.13	0.00	0.00	4.16	2.08
d_A, Approach Delay [s/veh]	21.65		0.00		0.69	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	1.24					
Intersection LOS	E					

Intersection Level Of Service Report**Intersection 257: Stevens Creek Boulevard & Project Driveway 1**

Control Type:	Two-way stop	Delay (sec / veh):	0.0
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.014

Intersection Setup

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	50.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	30.00		35.00		35.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	Project Driveway 1		Stevens Creek Blvd		Stevens Creek Blvd	
Base Volume Input [veh/h]	0	10	0	1429	808	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	5	0	5
Pass-by Trips [veh/h]	0	0	0	0	-6	6
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	0	10	0	1434	802	11
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	0	3	0	359	201	3
Total Analysis Volume [veh/h]	0	10	0	1434	802	11
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			
Number of Storage Spaces in Median	0	0	0




Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.01	0.01	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	12.48	0.00	0.00	0.00
Movement LOS			B	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	0.00		0.00		0.00	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	0.00					
Intersection LOS	A					

Intersection Level Of Service Report
Intersection 258: Harold Avenue & Project Driveway 2

Control Type:	Two-way stop	Delay (sec / veh):	9.4
Analysis Method:	HCM 6th Edition	Level Of Service:	A
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.050

Intersection Setup

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00		25.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name	Harold Avenue		Harold Avenue		Project Driveway 2	
Base Volume Input [veh/h]	76	0	0	38	0	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	13	2	0	18	2
Pass-by Trips [veh/h]	0	19	0	0	25	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	76	32	2	38	43	2
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	19	8	1	10	11	1
Total Analysis Volume [veh/h]	76	32	2	38	43	2
Pedestrian Volume [ped/h]	0		0		0	

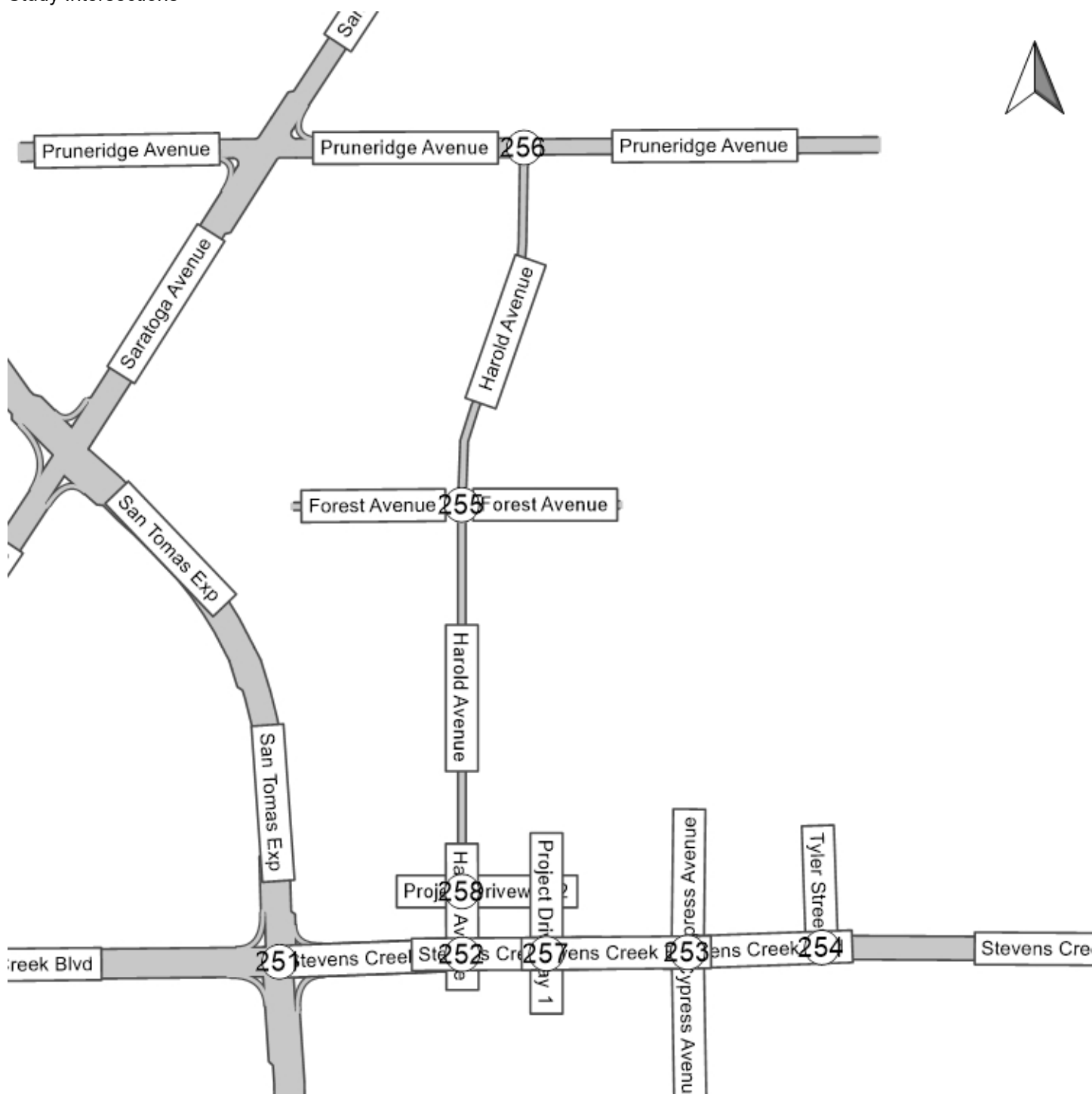
Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

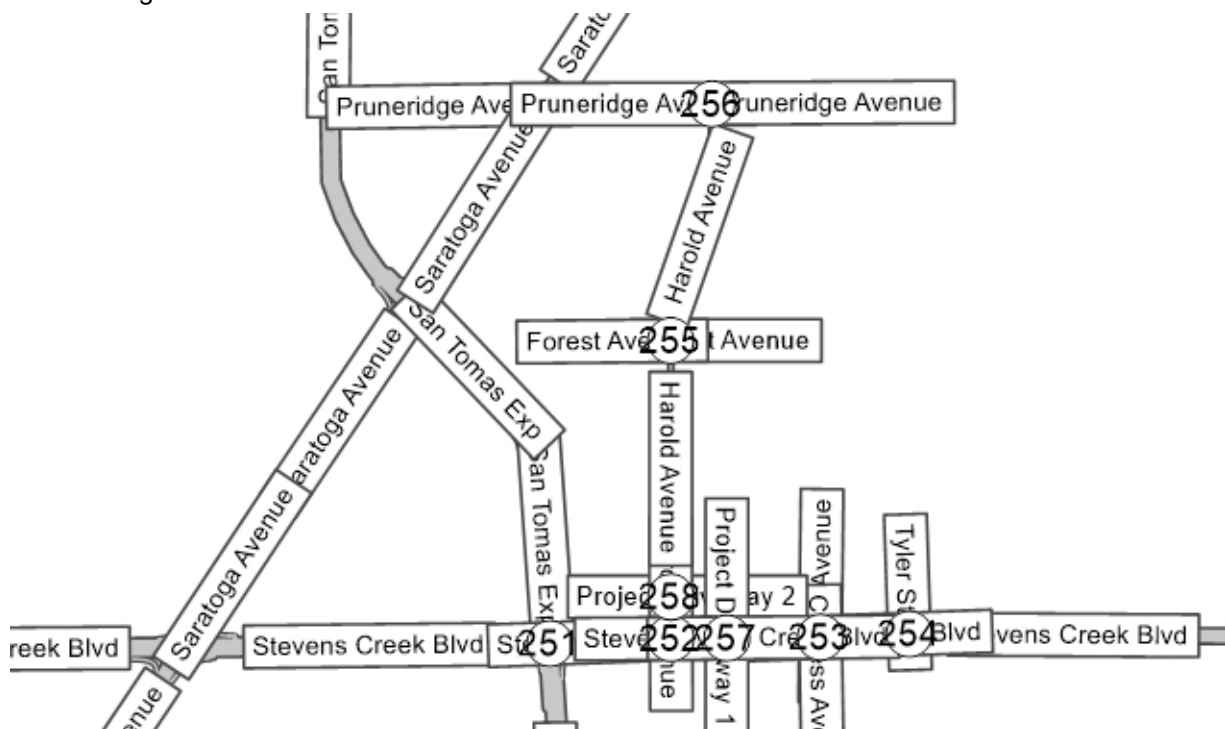
Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.05	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.43	0.00	9.42	8.96
Movement LOS	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.16	0.16
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.10	0.10	4.12	4.12
d_A, Approach Delay [s/veh]	0.00		0.37		9.40	
Approach LOS	A		A		A	
d_I, Intersection Delay [s/veh]	2.27					
Intersection LOS	A					

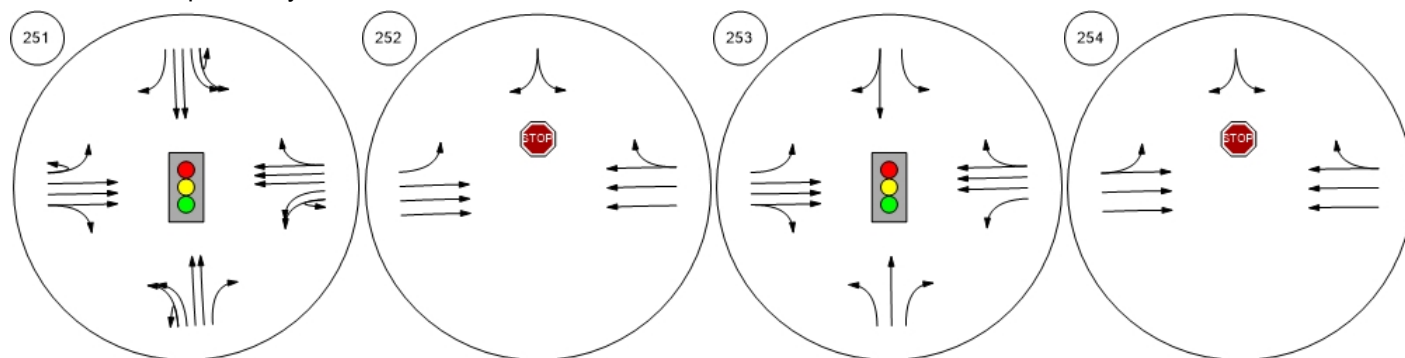
Study Intersections



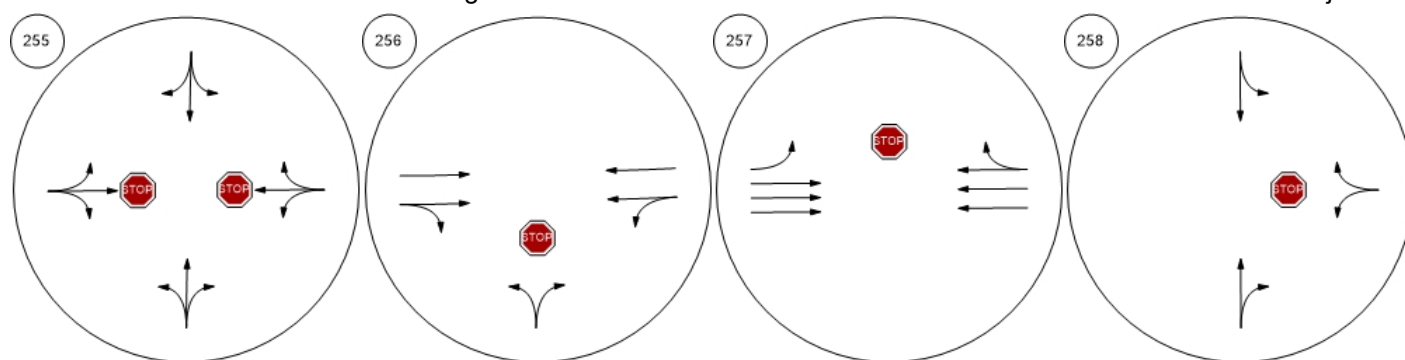
Lane Configuration and Traffic Control



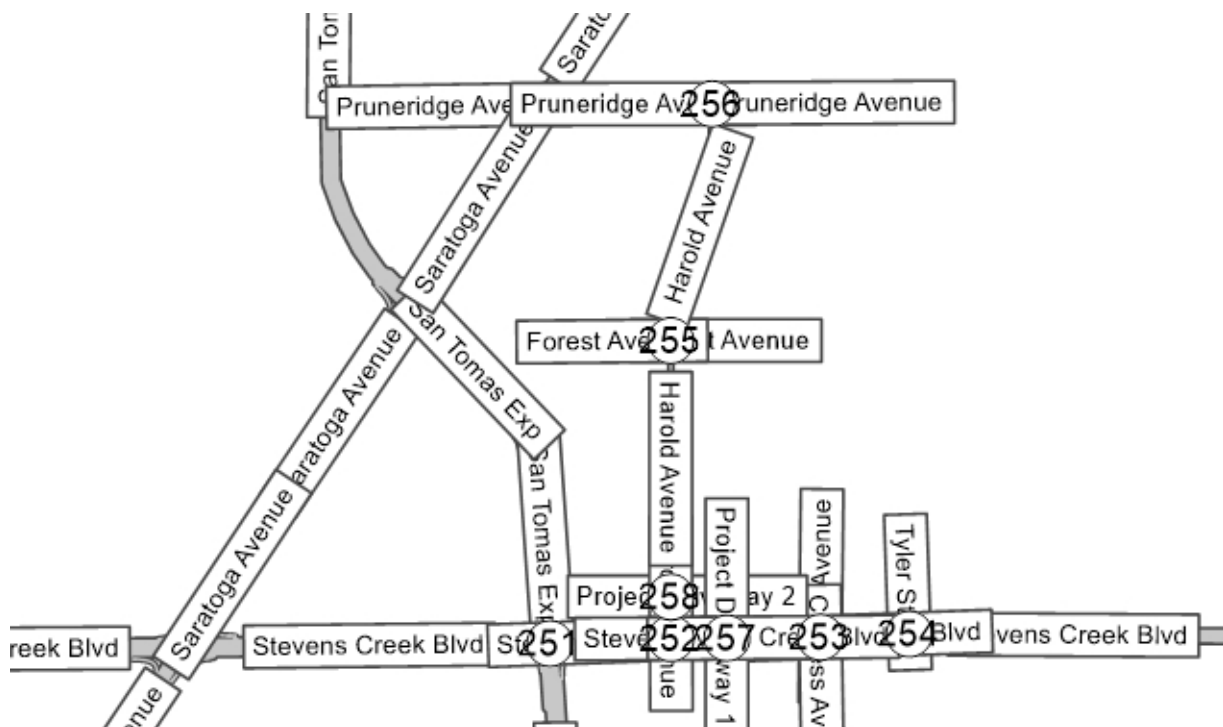
San Tomas Expressway & St Stevens Creek Boulevard & Stevens Creek Boulevard & Stevens Creek Boulevard & T



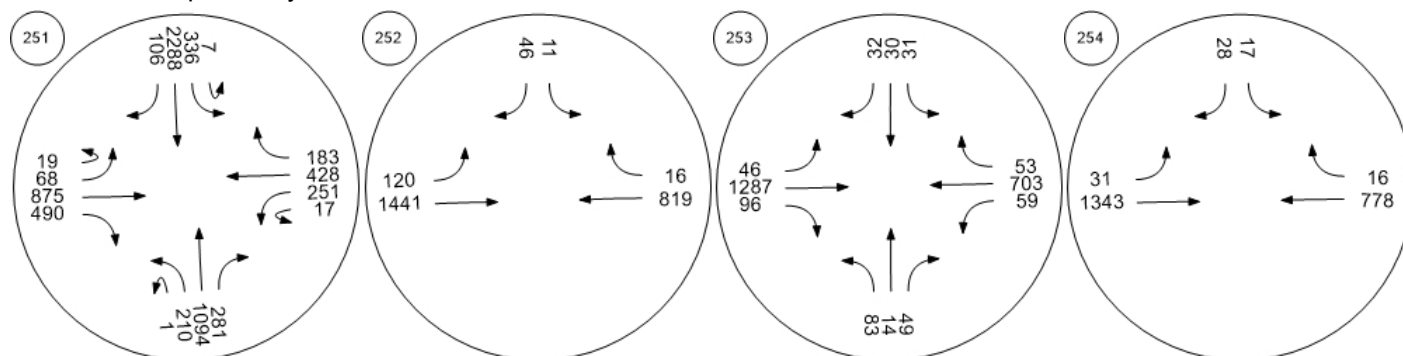
Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



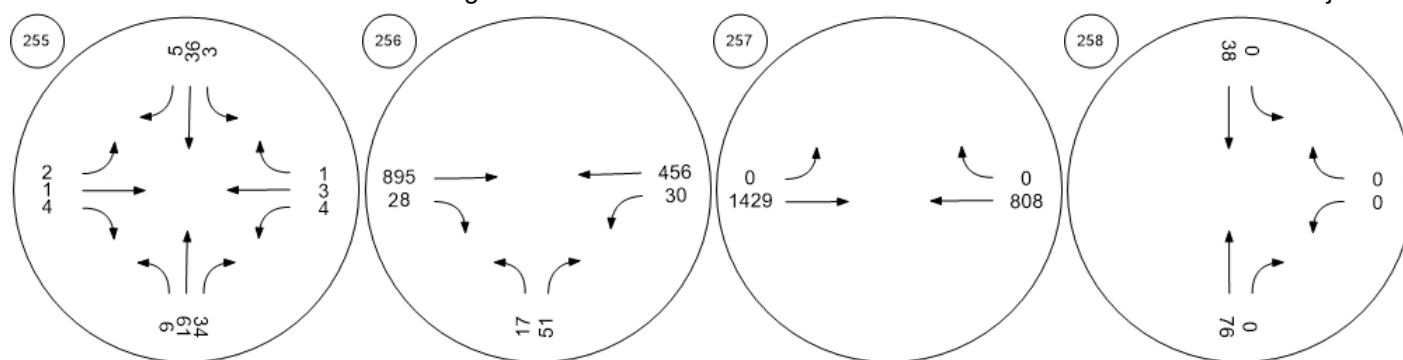
Traffic Volume - Base Volume



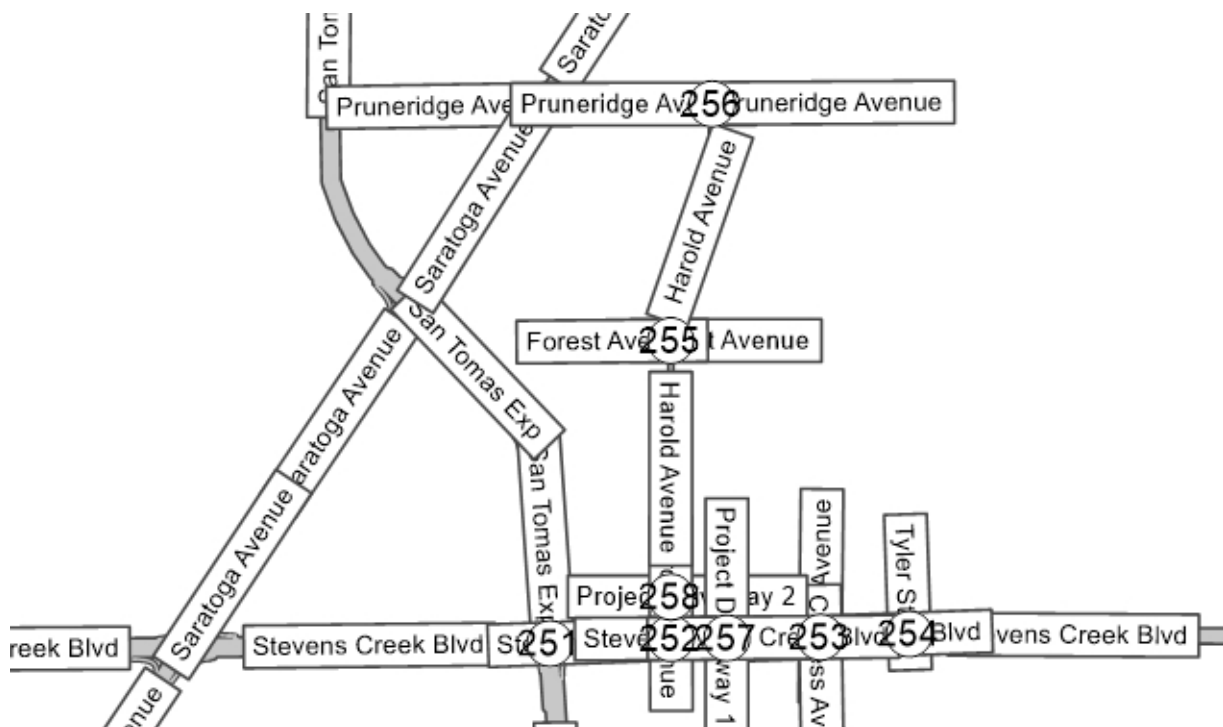
San Tomas Expressway & St Stevens Creek Boulevard & Stevens Creek Boulevard & Stevens Creek Boulevard & T



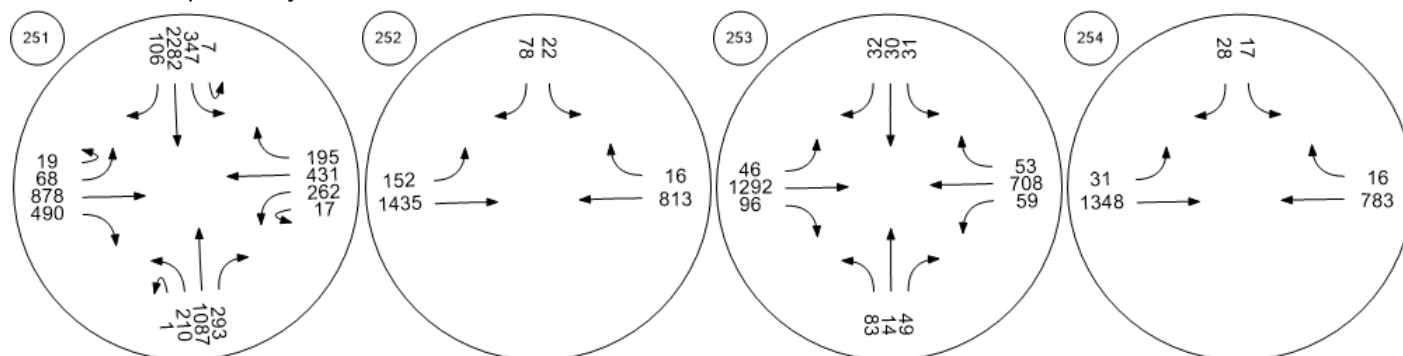
Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Dri



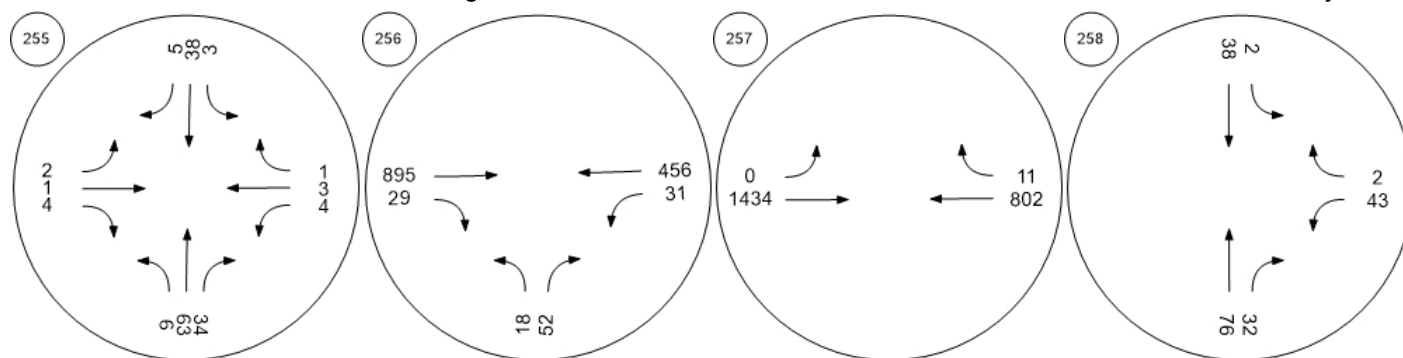
Traffic Volume - Future Total Volume



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Harold Avenue & Forest Ave Pruneridge Avenue & Harold Stevens Creek Boulevard & Harold Avenue & Project Drive



Appendix D – Existing Conditions Queuing Worksheets

Queuing and Blocking Report
Existing Conditions

Existing Conditions
Existing AM

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	WB	NB	NB	NB
Directions Served	UL	T	T	TR	UL	L	T	T	TR	UL	L	T
Maximum Queue (ft)	136	160	143	28	277	296	251	263	351	305	415	934
Average Queue (ft)	97	118	109	14	192	229	220	230	305	255	385	700
95th Queue (ft)	164	174	179	34	294	316	257	269	361	298	483	987
Link Distance (ft)		1168	1168	1168			474	474	474			918
Upstream Blk Time (%)												4
Queuing Penalty (veh)												0
Storage Bay Dist (ft)	150				275	275				295	295	
Storage Blk Time (%)	0	4			1	7				0		33
Queuing Penalty (veh)	0	3			2	17				1		116

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	NB	NB	NB	SB	SB	SB	SB	SB
Directions Served	T	T	R	L	L	T	T	T
Maximum Queue (ft)	879	756	420	146	180	380	322	275
Average Queue (ft)	678	574	168	52	125	301	250	200
95th Queue (ft)	946	755	507	139	176	458	419	329
Link Distance (ft)	918	918				856	856	856
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)			300	280	280			
Storage Blk Time (%)		31				16		1
Queuing Penalty (veh)		71				25		0

Intersection: 2: Stevens Creek Blvd & Harold Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	76	56
Average Queue (ft)	42	28
95th Queue (ft)	83	57
Link Distance (ft)		95
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	60	
Storage Blk Time (%)	5	
Queuing Penalty (veh)	8	

Queuing and Blocking Report
Existing Conditions

Existing Conditions
Existing AM

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB	SB
Directions Served	L	T	T	TR	L	T	T	TR	L	T	R	L
Maximum Queue (ft)	28	30	76	94	24	174	110	40	132	30	52	71
Average Queue (ft)	6	12	42	70	23	95	37	26	63	6	34	47
95th Queue (ft)	24	36	84	94	24	169	101	44	126	26	49	73
Link Distance (ft)		437	437	437		332	332	332		567		
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	150				145				100		100	85
Storage Blk Time (%)						2			2			0
Queuing Penalty (veh)						1			2			0

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	SB
Directions Served	TR
Maximum Queue (ft)	52
Average Queue (ft)	33
95th Queue (ft)	65
Link Distance (ft)	318
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 4: Stevens Creek Blvd & Typer Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	30	53
Average Queue (ft)	12	23
95th Queue (ft)	36	57
Link Distance (ft)		286
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)	0	
Queuing Penalty (veh)	0	

Queuing and Blocking Report
Existing Conditions

Existing Conditions
Existing AM

Intersection: 5: Harold Ave & Forest Ave

Movement	EB
Directions Served	LTR
Maximum Queue (ft)	30
Average Queue (ft)	6
95th Queue (ft)	26
Link Distance (ft)	291
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Harold Ave & Pruneridge Avenue

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	31	49
Average Queue (ft)	12	34
95th Queue (ft)	37	53
Link Distance (ft)	295	988
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 7: Stevens Creek Blvd & Project Driveway 1

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Intersection: 8: Harold Ave & Project Driveway 2

Movement

Directions Served

Maximum Queue (ft)

Average Queue (ft)

95th Queue (ft)

Link Distance (ft)

Upstream Blk Time (%)

Queuing Penalty (veh)

Storage Bay Dist (ft)

Storage Blk Time (%)

Queuing Penalty (veh)

Zone Summary

Zone wide Queuing Penalty: 245

Queuing and Blocking Report
Existing Conditions

Existing Conditions
Existing PM

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	WB	NB	NB	NB
Directions Served	UL	T	T	TR	UL	L	T	T	TR	UL	L	T
Maximum Queue (ft)	224	524	489	548	123	139	183	161	252	190	230	475
Average Queue (ft)	130	433	397	412	98	125	103	107	158	83	140	349
95th Queue (ft)	259	557	502	533	123	154	191	187	246	195	221	464
Link Distance (ft)		1168	1168	1168			474	474	474			918
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	150				275	275				295	295	
Storage Blk Time (%)		69										24
Queuing Penalty (veh)		60										51

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	NB	NB	NB	SB	SB	SB	SB	SB	SB
Directions Served	T	T	R	UL	L	T	T	T	R
Maximum Queue (ft)	406	331	87	211	420	901	759	613	410
Average Queue (ft)	320	260	56	147	419	692	587	479	82
95th Queue (ft)	422	386	106	219	421	881	755	608	352
Link Distance (ft)	918	918				856	856	856	
Upstream Blk Time (%)						3			
Queuing Penalty (veh)						0			
Storage Bay Dist (ft)			300	280	280			260	
Storage Blk Time (%)		1				36		22	
Queuing Penalty (veh)		3				123		24	

Intersection: 2: Stevens Creek Blvd & Harold Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	121	28
Average Queue (ft)	55	27
95th Queue (ft)	118	29
Link Distance (ft)		95
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	60	
Storage Blk Time (%)	7	
Queuing Penalty (veh)	32	

Queuing and Blocking Report
Existing Conditions

Existing Conditions
Existing PM

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB	SB
Directions Served	L	T	T	TR	L	T	T	TR	L	T	R	L
Maximum Queue (ft)	72	107	135	158	24	127	87	41	72	30	31	30
Average Queue (ft)	47	37	76	114	19	69	47	23	53	6	24	6
95th Queue (ft)	72	103	127	157	28	127	100	48	79	26	45	26
Link Distance (ft)		437	437	437		332	332	332		567		
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	150				145				100		100	85
Storage Blk Time (%)						0						
Queuing Penalty (veh)						0						

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	SB
Directions Served	TR
Maximum Queue (ft)	54
Average Queue (ft)	45
95th Queue (ft)	62
Link Distance (ft)	318
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 4: Stevens Creek Blvd & Typer Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	30	31
Average Queue (ft)	6	22
95th Queue (ft)	26	42
Link Distance (ft)		286
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)	0	
Queuing Penalty (veh)	0	

Queuing and Blocking Report
Existing Conditions

Existing Conditions
Existing PM

Intersection: 5: Harold Ave & Forest Ave

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	28	28
Average Queue (ft)	6	6
95th Queue (ft)	25	24
Link Distance (ft)	291	649
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 6: Harold Ave & Pruneridge Avenue

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	76	47
Average Queue (ft)	32	30
95th Queue (ft)	81	44
Link Distance (ft)	295	988
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 7: Stevens Creek Blvd & Project Driveway 1

Movement	EB	EB	EB
Directions Served	T	T	T
Maximum Queue (ft)	120	100	129
Average Queue (ft)	24	52	59
95th Queue (ft)	103	123	132
Link Distance (ft)	131	131	131
Upstream Blk Time (%)	0		1
Queuing Penalty (veh)	0		2
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 8: Harold Ave & Project Driveway 2

Movement

Directions Served

Maximum Queue (ft)

Average Queue (ft)

95th Queue (ft)

Link Distance (ft)

Upstream Blk Time (%)

Queuing Penalty (veh)

Storage Bay Dist (ft)

Storage Blk Time (%)

Queuing Penalty (veh)

Zone Summary

Zone wide Queuing Penalty: 295

Appendix E – Existing plus Project Conditions Queuing Worksheets

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	WB	NB	NB	NB
Directions Served	UL	T	T	TR	UL	L	T	T	TR	UL	L	T
Maximum Queue (ft)	142	200	179	132	230	239	376	438	484	230	414	827
Average Queue (ft)	71	175	147	34	133	159	275	305	352	180	331	594
95th Queue (ft)	155	214	196	116	219	235	370	428	499	227	491	877
Link Distance (ft)		1168	1168	1168			474	474	474			918
Upstream Blk Time (%)									1			
Queuing Penalty (veh)									6			
Storage Bay Dist (ft)	150				275	275				295	295	
Storage Blk Time (%)	3	19					11					34
Queuing Penalty (veh)	2	11					37					118

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	NB	NB	SB	SB	SB	SB	SB
Directions Served	T	T	L	L	T	T	T
Maximum Queue (ft)	752	654	73	115	365	301	188
Average Queue (ft)	588	407	64	77	279	251	156
95th Queue (ft)	783	677	79	111	401	342	241
Link Distance (ft)	918	918			856	856	856
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			280	280			
Storage Blk Time (%)		21			8		
Queuing Penalty (veh)		54			16		

Intersection: 2: Stevens Creek Blvd & Harold Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	86	56
Average Queue (ft)	59	46
95th Queue (ft)	97	62
Link Distance (ft)		95
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	60	
Storage Blk Time (%)	9	
Queuing Penalty (veh)	16	

Queuing and Blocking Report
Existing plus Project

Existing plus Project
Existing + Proj AM

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB	SB
Directions Served	L	T	T	TR	L	T	T	TR	L	T	R	L
Maximum Queue (ft)	73	51	73	148	23	146	171	83	71	30	31	50
Average Queue (ft)	15	13	48	82	22	92	72	52	48	6	30	33
95th Queue (ft)	63	45	97	146	23	149	161	89	90	25	32	47
Link Distance (ft)		437	437	437		332	332	332		567		
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	150				145				100		100	85
Storage Blk Time (%)						1						
Queuing Penalty (veh)						0						

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	SB
Directions Served	TR
Maximum Queue (ft)	79
Average Queue (ft)	50
95th Queue (ft)	79
Link Distance (ft)	318
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	1
Queuing Penalty (veh)	0

Intersection: 4: Stevens Creek Blvd & Typer Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	31	31
Average Queue (ft)	6	19
95th Queue (ft)	27	44
Link Distance (ft)		286
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)	0	
Queuing Penalty (veh)	0	

Queuing and Blocking Report
Existing plus Project

Existing plus Project
Existing + Proj AM

Intersection: 5: Harold Ave & Forest Ave

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	31	31
Average Queue (ft)	18	6
95th Queue (ft)	42	26
Link Distance (ft)	291	649
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 6: Harold Ave & Pruneridge Avenue

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	30	48
Average Queue (ft)	12	30
95th Queue (ft)	36	45
Link Distance (ft)	295	988
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 7: Stevens Creek Blvd & Project Driveway 1

Movement	EB
Directions Served	T
Maximum Queue (ft)	53
Average Queue (ft)	11
95th Queue (ft)	45
Link Distance (ft)	131
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 8: Harold Ave & Project Driveway 2

Movement	WB
Directions Served	LR
Maximum Queue (ft)	54
Average Queue (ft)	28
95th Queue (ft)	56
Link Distance (ft)	91
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Zone Summary

Zone wide Queuing Penalty: 262

Queuing and Blocking Report
Existing plus Project

Existing plus Project
Existing + Proj PM

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	WB	NB	NB	NB
Directions Served	UL	T	T	TR	UL	L	T	T	TR	UL	L	T
Maximum Queue (ft)	225	407	422	553	192	179	157	178	200	158	172	402
Average Queue (ft)	125	378	350	443	152	150	115	128	146	108	150	290
95th Queue (ft)	265	427	435	571	193	188	173	181	231	190	174	395
Link Distance (ft)		1168	1168	1168			474	474	474			918
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	150				275	275				295	295	
Storage Blk Time (%)	4	57										6
Queuing Penalty (veh)	13	50										13

Intersection: 1: San Tomas Expy & Stevens Creek Blvd

Movement	NB	NB	SB	SB	SB	SB	SB	SB
Directions Served	T	T	UL	L	T	T	T	R
Maximum Queue (ft)	292	261	113	420	871	871	716	410
Average Queue (ft)	249	190	59	278	673	625	522	164
95th Queue (ft)	314	316	110	564	843	865	686	495
Link Distance (ft)	918	918			856	856	856	
Upstream Blk Time (%)					10	3		
Queuing Penalty (veh)					0	0		
Storage Bay Dist (ft)			280	280				260
Storage Blk Time (%)					38		27	
Queuing Penalty (veh)					135		29	

Intersection: 2: Stevens Creek Blvd & Harold Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	79	51
Average Queue (ft)	43	36
95th Queue (ft)	92	69
Link Distance (ft)		95
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	60	
Storage Blk Time (%)	4	
Queuing Penalty (veh)	19	

Queuing and Blocking Report
Existing plus Project

Existing plus Project
Existing + Proj PM

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB	SB
Directions Served	L	T	T	TR	L	T	T	TR	L	T	R	L
Maximum Queue (ft)	92	166	230	248	65	110	87	61	95	53	50	30
Average Queue (ft)	52	84	119	146	53	77	40	30	59	23	28	22
95th Queue (ft)	94	184	229	264	80	126	87	58	94	56	55	41
Link Distance (ft)		437	437	437		332	332	332		567		
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	150				145				100		100	85
Storage Blk Time (%)		1							3			
Queuing Penalty (veh)		0							2			

Intersection: 3: Cypress Ave & Stevens Creek Blvd

Movement	SB
Directions Served	TR
Maximum Queue (ft)	79
Average Queue (ft)	44
95th Queue (ft)	75
Link Distance (ft)	318
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	1
Queuing Penalty (veh)	0

Intersection: 4: Stevens Creek Blvd & Typer Ave

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	31	50
Average Queue (ft)	18	34
95th Queue (ft)	42	48
Link Distance (ft)		286
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)	0	
Queuing Penalty (veh)	0	

Queuing and Blocking Report
Existing plus Project

Existing plus Project
Existing + Proj PM

Intersection: 5: Harold Ave & Forest Ave

Movement	EB
Directions Served	LTR
Maximum Queue (ft)	30
Average Queue (ft)	12
95th Queue (ft)	37
Link Distance (ft)	291
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Harold Ave & Pruneridge Avenue

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	53	26
Average Queue (ft)	23	26
95th Queue (ft)	56	26
Link Distance (ft)	295	988
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 7: Stevens Creek Blvd & Project Driveway 1

Movement	EB	EB
Directions Served	T	T
Maximum Queue (ft)	94	96
Average Queue (ft)	42	46
95th Queue (ft)	104	116
Link Distance (ft)	131	131
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

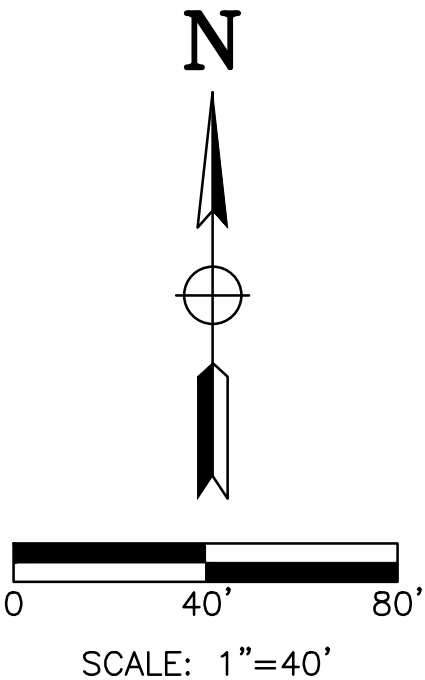
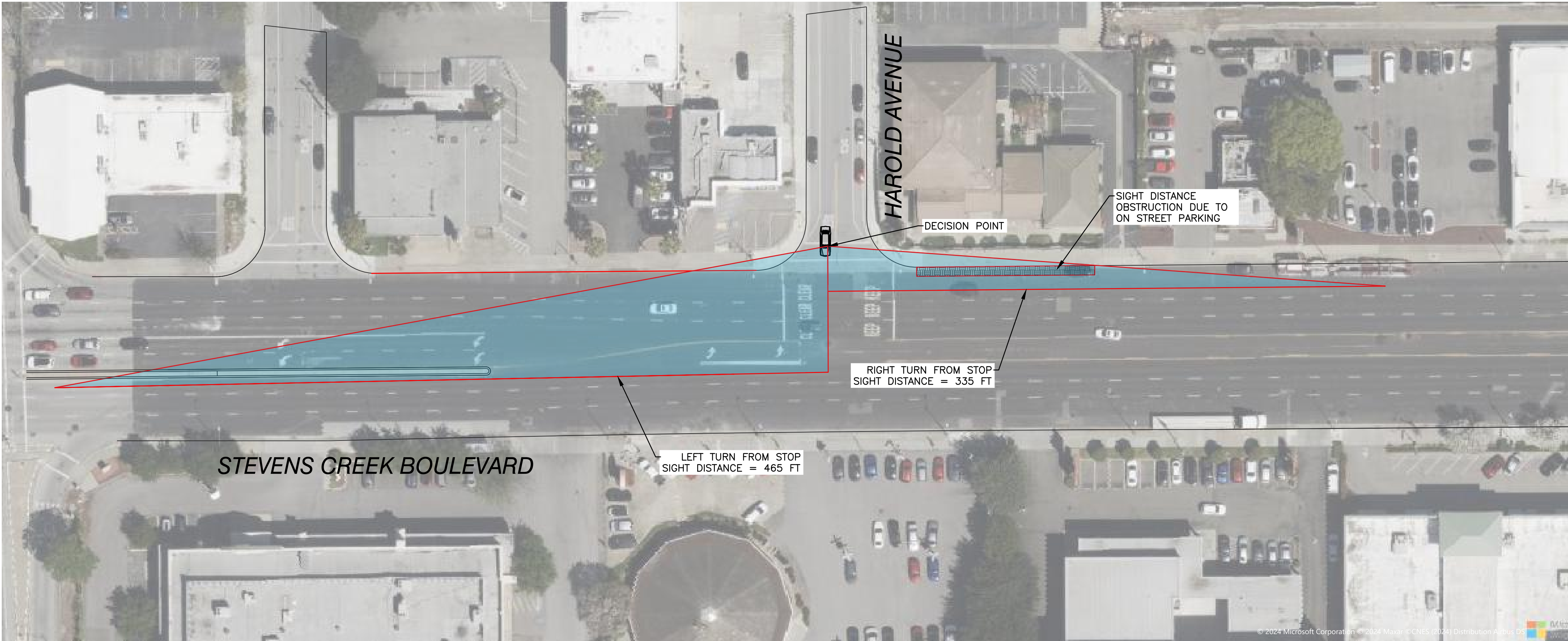
Intersection: 8: Harold Ave & Project Driveway 2

Movement	WB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	11
95th Queue (ft)	35
Link Distance (ft)	91
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Zone Summary

Zone wide Queuing Penalty: 261

Appendix F – Sight Distance Analysis



LEFT AND RIGHT TURN SIGHT DISTANCE ANALYSIS

TABLE 1: DESIGN SIGHT DISTANCE, LEFT TURN FROM HAROLD AVENUE
(SOURCE: A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, 2018 7TH EDITION
BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO)
SECTION 9.5.3.2 CASE B – INTERSECTIONS WITH STOP CONTROL ON THE MINOR ROAD)

DESIGN SPEED (MPH)	STOPPING SIGHT DISTANCE (FT)	STOPPING SIGHT DISTANCE FOR PASSENGER CARS	
		CALCULATED (FT)	DESIGN (FT)
35	465	463.1	465

TABLE 2: DESIGN SIGHT DISTANCE, RIGHT TURN FROM HAROLD AVENUE
(SOURCE: A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, 2018 7TH EDITION
BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO)
SECTION 9.5.3.2 CASE B – INTERSECTIONS WITH STOP CONTROL ON THE MINOR ROAD)

DESIGN SPEED (MPH)	STOPPING SIGHT DISTANCE (FT)	STOPPING SIGHT DISTANCE FOR PASSENGER CARS	
		CALCULATED (FT)	DESIGN (FT)
35	335	334.4	335

GENERAL NOTES:

- THE DESIGN SPEED USED TO DETERMINE STOPPING SIGHT DISTANCE IS BASED ON THE 35 MPH POSTED SPEED LIMIT SIGNS ON STEVENS CREEK BOULEVARD CLOSE TO THE INTERSECTION UNDER STUDY.
- THE PRELIMINARY SIGHT TRIANGLES ILLUSTRATED WERE DETERMINED ASSUMING A DRIVER POSITION DISTANCE 14.5' BEHIND THE EDGE OF MAJOR-ROAD TRAVELED WAY.

LEGEND

REQUIRED CLEAR SIGHT ZONE FOR 35 MPH SPEED LIMIT

FIGURE 1



Eilar Associates, Inc.
Acoustical and Environmental Consulting Services

Acoustical Analysis Report for Starbucks – Stevens Creek and Harold

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August 6, 2024

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Appendices

A.	Project Plans
B.	Applicable Noise Regulations
C.	Manufacturer Data Sheets
D.	Pertinent Sections of Project Traffic Study
E.	CadnaA Analysis Data and Results

1.0 Executive Summary

The proposed project, Starbucks – Stevens Creek and Harold, consists of the demolition of existing on-site structures and the construction of a new standalone Starbucks coffee store with drive-through services. The project site is located at the northeast corner of Stevens Creek Boulevard and Harold Avenue in the City of Santa Clara, California.

The City of Santa Clara City Code requires the assessment of permanent project-generated noise impacts to determine if additional project design features are necessary and feasible to reduce project-related noise impacts to comply with applicable noise limits. Calculations show that, as currently designed with the existing property line walls and fences in place, exterior noise levels from the proposed intercoms, rooftop equipment, and truck deliveries are expected to meet the applicable noise limits defined by the City of Santa Clara at all surrounding receivers. Additionally, project-generated traffic noise is also expected to be less than significant. Therefore, no mitigation is deemed necessary to attenuate project-generated noise impacts at neighboring receivers.

2.0 Introduction

This acoustical analysis report is submitted to satisfy the noise requirements of the City of Santa Clara. Its purpose is to assess noise impacts from potential project-related noise sources, such as drive-through intercoms, drive-through traffic, mechanical equipment, and truck deliveries. This analysis aims to determine if additional project design features are necessary and feasible to reduce these impacts to comply with the applicable noise regulations of the City of Santa Clara City Code.

All noise level or sound level values presented herein are expressed in terms of decibels (dB), with A-weighting, abbreviated “dBA,” to approximate the hearing sensitivity of humans. Time-averaged noise levels are expressed by the symbol L_{EQ} for a specified duration. Unless a different time period is specified, L_{EQ} is implied to mean a period of one hour. On-site noise measurements were performed using “fast” time averaging, as required by the City of Santa Clara City Code. These metrics are used to express noise levels for both measurement and municipal regulations, for land use guidelines, and for enforcement of noise ordinances.

Some of the data may also be presented as octave-band-filtered and/or 1/3-octave-band-filtered data, which are a series of sound spectra centered about each stated frequency, with half of the bandwidth above and half of the bandwidth below each stated frequency. This data is typically used for machinery noise analysis and barrier calculations. Sound pressure is the actual noise experienced by a human or registered by a sound level instrument. When sound pressure is used to describe a noise source, the distance from the noise source must be specified in order to provide complete information. Sound power, on the other hand, is a specialized analytical metric used to provide information without the distance requirement, but it may be used to calculate the sound pressure at any desired distance.

2.1 Project Description

The proposed project, Starbucks – Stevens Creek and Harold, consists of demolition of existing on-site structures and the construction of a new standalone coffee shop (2,300 square-foot gross area) with drive-through services. The hours of operation for the coffee shop are currently proposed to be 4:30 a.m. to 12 a.m., seven days a week. For additional project details, please refer to the project plans provided in Appendix A.

2.2 Project Location

The subject property is located at the northeast corner of Stevens Creek Boulevard and Harold Avenue in the City of Santa Clara, California. The Assessor's Parcel Number (APN) for the project site is 303-21-068. The site is currently occupied by a commercial building, to be demolished. The site is surrounded by commercial use to the north, east, west (across Harold Avenue), and south (across Stevens Creek Boulevard); there are single-family residential uses located to the northeast and northwest (across Harold Avenue). For a graphical representation of the site, please refer to the Vicinity Map, Assessor's Parcel Map, and Satellite Aerial Photograph, provided as Figures 1 through 3, respectively.

2.3 Applicable Noise Regulations

The City of Santa Clara requires that noise levels from project-generated sources, such as drive-through intercom equipment, rooftop HVAC equipment, and truck deliveries must be adequately controlled at surrounding receivers. According to the City of Santa Clara City Code Section 9.10.040, during the most restrictive nighttime hours of 10 p.m. to 7 a.m., noise levels from on-site noise sources should not exceed 50 dBA at single-family residential properties and 60 dBA at commercial properties.

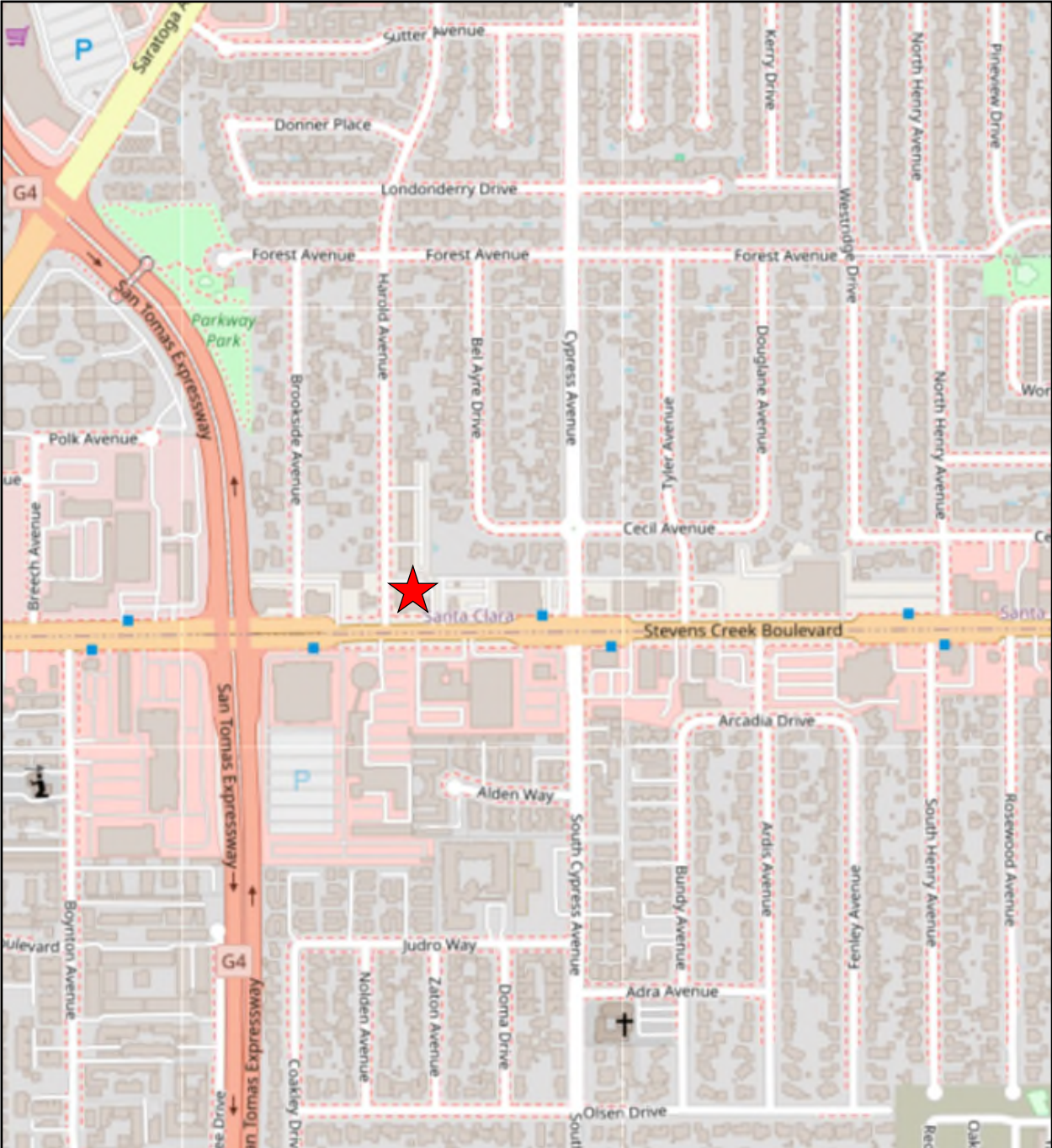
Pertinent sections of the City of Santa Clara City Code are provided as Appendix B.

3.0 Environmental Setting

3.1 Existing Noise Environment

An on-site inspection and long-term noise measurements were made beginning the morning of Monday, July 1, 2024 and running through the afternoon of Tuesday, July 2, 2024. The purpose of these measurements was to obtain information regarding existing ambient noise levels on site. The noise measurement performed is expected to be representative of the typical noise exposure on site (NML 1) and at off-site receivers (NML 2), and encompasses the primary source of noise, which is traffic noise. Two noise level monitors were placed on site. The first sound level meter (NML 1) was placed at approximately 95 feet north of the Stevens Creek Boulevard centerline and approximately 44 feet east of the Harold Avenue centerline; noise levels measured at NML 1 are expected to be representative of ambient noise impacts at proposed building facades. The second sound level meter (NML 2) was placed at approximately 221 feet north of the Stevens Creek Boulevard centerline and approximately 157 feet east of the Harold Avenue centerline; noise levels measured at NML 2 are expected to be representative of ambient noise impacts at the nearest single-family residential receivers to the northeast of the project site.

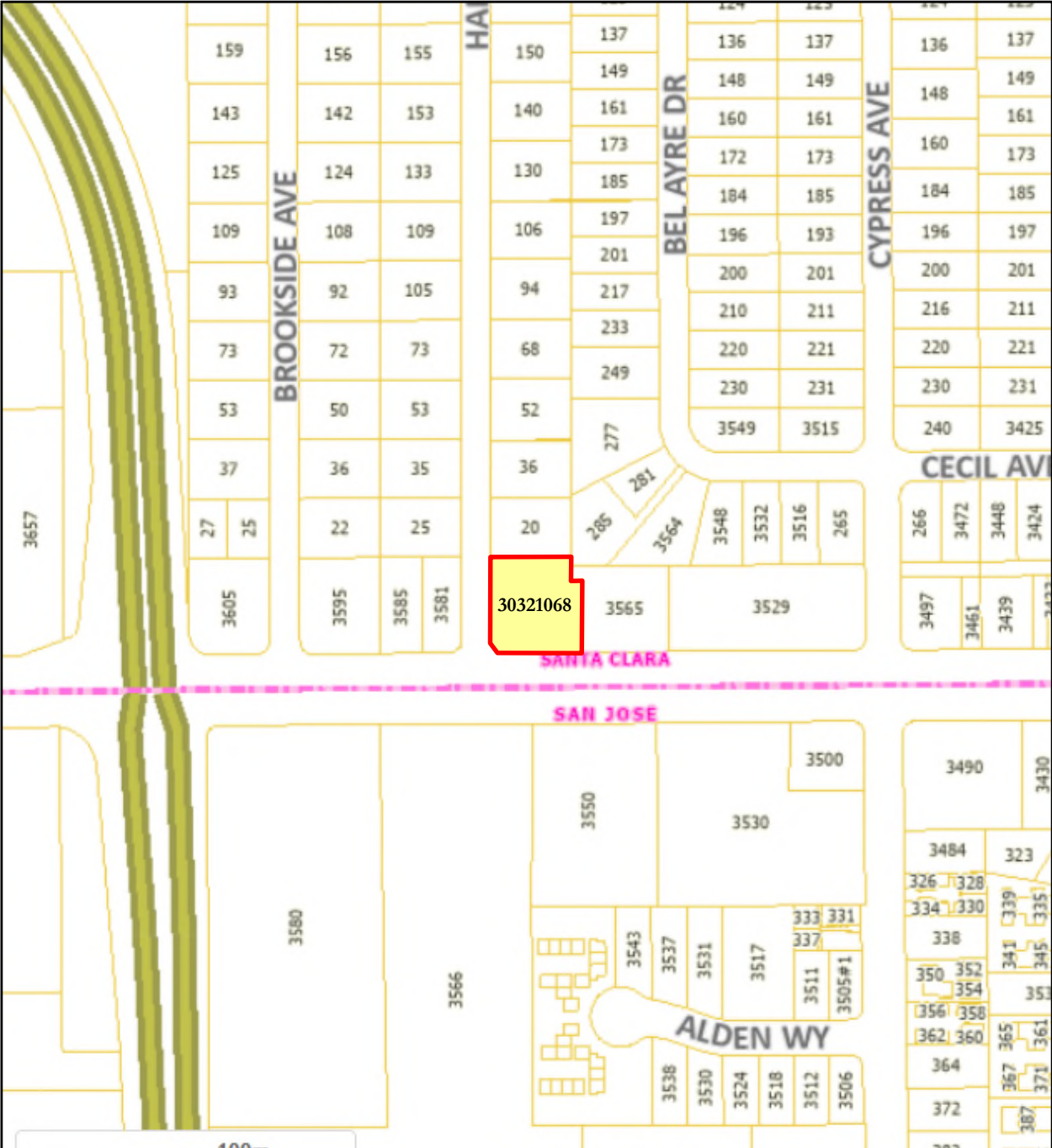
Each meter was placed at a height of approximately four feet above ground level, where each was placed in a bush for security purposes. Noise data obtained on site is shown in Table 1, and the measurement locations are shown graphically in Figure 3. On-site noise measurements were performed using "fast" time averaging, as required by the City of Santa Clara City Code.



Source: Open Street Map, 2024

 Project Location

Figure 1.
Vicinity Map

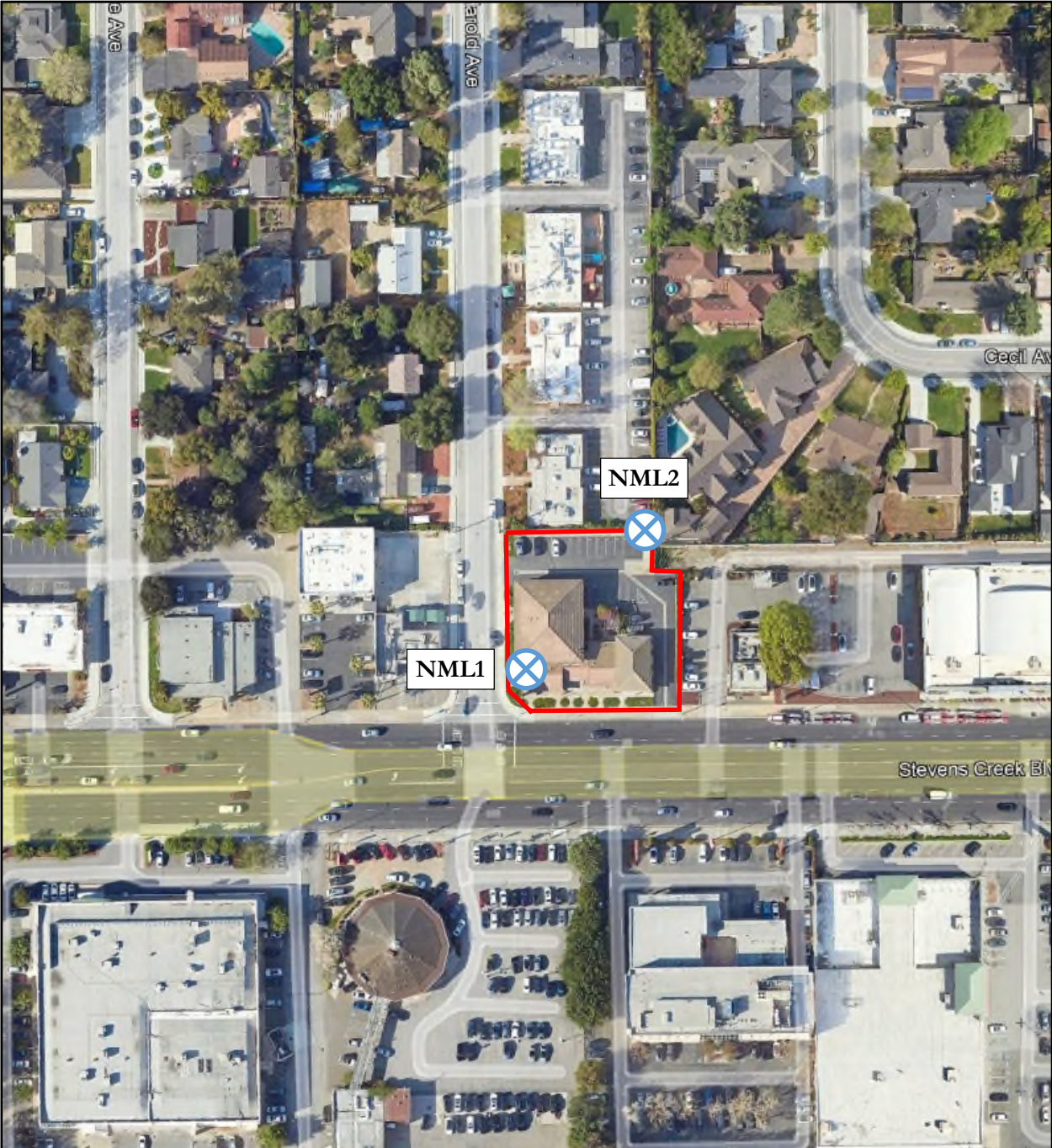


Source: SCCMap, 2024



 Project Location

Figure 2.
Assessor's Parcel Map



Source: Google Earth Pro, 2024





-  Noise Measurement Location
-  Project Location

Figure 3.
Satellite Aerial Photograph

Table 1. Long-Term Measured Noise Levels on Site			
Date	Time	Hourly Average Noise Level (dBA L _{EQ})	
		NML 1	NML 2
July 1, 2024	9 a.m. – 10 a.m.	62.4	52.8
	10 a.m. – 11 a.m.	63.5	53.7
	11 a.m. – 12 p.m.	62.0	53.2
	12 p.m. – 1 p.m.	62.7	51.3
	1 p.m. – 2 p.m.	63.3	52.3
	2 p.m. – 3 p.m.	62.0	53.2
	3 p.m. – 4 p.m.	61.5	54.4
	4 p.m. – 5 p.m.	61.9	52.6
	5 p.m. – 6 p.m.	63.1	53.6
	6 p.m. – 7 p.m.	61.5	51.7
	7 p.m. – 8 p.m.	71.5	55.0
	8 p.m. – 9 p.m.	61.5	50.9
	9 p.m. – 10 p.m.	62.3	51.2
	10 p.m. – 11 p.m.	61.5	52.2
	11 p.m. – 12 a.m.	57.2	46.6
July 2, 2024	12 a.m. – 1 a.m.	55.9	46.4
	1 a.m. – 2 a.m.	51.3	43.1
	2 a.m. – 3 a.m.	53.0	45.5
	3 a.m. – 4 a.m.	50.5	43.6
	4 a.m. – 5 a.m.	53.9	46.0
	5 a.m. – 6 a.m.	58.2	49.9
	6 a.m. – 7 a.m.	61.1	52.6
	7 a.m. – 8 a.m.	65.8	56.7
	8 a.m. – 9 a.m.	64.8	55.3
	9 a.m. – 10 a.m.	64.7	56.9
	10 a.m. – 11 a.m.	63.3	53.6
	11 a.m. – 12 p.m.	63.2	54.2
	12 p.m. – 1 p.m.	63.4	51.8

Measured noise levels at NML 1 were observed to range from a minimum of 50.5 dBA between the hours of 3 a.m. and 4 a.m. on July 2, 2024 to a maximum of 71.5 dBA between 7 p.m. and 8 p.m. on July 1, 2024. Measured noise levels at NML 2 were observed to range from a minimum of 43.1 dBA between the hours of 1 a.m. and 2 a.m. on July 2, 2024 to a maximum of 56.9 dBA between 9 a.m. and 10 a.m. on July 2, 2024.

3.2 Future Noise Environment

3.2.1 Operational Noise Sources

The future noise environment in the vicinity of the project site will be primarily a result of the same ambient noise sources, as well as the noise generated by activity on the project site. The primary sources of noise associated with the project site will be the proposed drive-through intercom equipment, rooftop HVAC equipment, and truck deliveries to the coffee shop.

The proposed drive-through intercom is expected to be manufactured by HME. Two intercoms will be located at the project site. The proposed HME Intercom System is documented to have a maximum noise level of 84 dBA at one foot from the speaker post. The system will also be equipped with an automatic volume control (AVC) system that will automatically reduce the sound level produced by the intercom as the ambient noise level decreases. It is likely that the actual sound level produced by the intercom system during hours with lower levels of business will be less than the projected 84 dBA, as the ambient noise level may be lower during these hours due to lower traffic volumes; however, the higher noise level was modeled for a worst-case analysis. For further details on the HME intercom system, please refer to Appendix C: Manufacturer Data Sheets.

Though detailed mechanical plans are not currently available, the proposed project building is expected to be served by a rooftop packaged HVAC unit. A typical unit expected to be used at the site is the 5-ton 50HCQA06 unit, manufactured by Carrier. Manufacturer sound power levels for the units are shown in Table 2. Additional information is provided in Appendix C.

Table 2. Sound Power Level of Carrier 50HCQ Rooftop HVAC Unit									
Source	Sound Power Level at Octave Band Frequency (dB)								Total (dBA)
	63	125	250	500	1K	2K	4K	8K	
Carrier 50HCQA06	88	83	76	74	71	67	64	60	77

Additionally, truck deliveries to the coffee shop were evaluated for a worst-case analysis of noise impacts to surrounding noise-sensitive properties. In order to approximate noise from this source, noise levels measured for a previous study conducted by Eilar Associates were implemented into calculations. The previous noise measurement was performed at an operational Henry's grocery store. The noise measurement was performed at a distance of 15 feet from an operational refrigerated truck (with both the engine and refrigeration unit running) and was one minute in duration. In order to determine worst-case noise levels at surrounding property lines, the L_{MAX} of this noise measurement was used in calculations (rather than the average noise level, or L_{EQ}) in order to evaluate operational noise levels of the refrigerated truck maneuvering in the parking lot with its refrigeration unit running. According to the project proponent, truck deliveries to the site are expected to occur two to three times a week; therefore, it was assumed that a maximum of one delivery per hour would be required for the project site. Based on the site layout, it is anticipated that delivery trucks will enter the project site from the driveway on Stevens Creek Boulevard, park near the restaurant building, then proceed to exit from the driveway to Harold Avenue. Noise measurement data is shown in Table 3.

Table 3. Sound Pressure Levels of Operational Refrigerated Truck at 15 feet									
Source	Sound Pressure at Octave Band Frequency (dBA)								Total (dBA L_{MAX})
	63	125	250	500	1K	2K	4K	8K	
Refrigerated Truck	91	85	80	81	80	77	72	66	84

Operational mechanical noise levels were calculated for the project site using the above information. Results of this analysis are provided in Section 5.0.

3.2.2 Project-Generated Traffic

Project-generated traffic volumes were provided in the traffic study for this project prepared by TJKM. The project traffic study gives information regarding the existing and project-generated peak-hour trips at surrounding intersections. The project-generated traffic impacts were evaluated for the intersection of Harold Avenue and Stevens Creek Boulevard and for the intersection of Harold Avenue and the project driveway. According to the project traffic study, the existing peak hour trips at the intersection of Harold Avenue and Stevens Creek Boulevard are 1,990 trips during the a.m. peak hour and 2,454 trips during the p.m. peak hour; the existing peak hour trips at the intersection of Harold Avenue and the project driveway are 1,990 trips during the a.m. peak hour and 2,454 trips during the p.m. peak hour. According to the project traffic study, the project-generated peak hour trips at the intersection of Harold Avenue and Stevens Creek Boulevard are expected to be 77 trips during the a.m. peak hour and 31 trips during the p.m. peak hour; the project-generated peak hour trips at the intersection of Harold Avenue and the project driveway are expected to be 87 trips during the a.m. peak hour and 35 trips during the p.m. peak hour.

This traffic information was incorporated into the analysis to determine worst-case noise exposure at surrounding receivers. Please refer to Section 5.2 for the results of this analysis. Pertinent sections of the project traffic study are provided as Appendix D.

4.0 Methodology and Equipment

4.1 Methodology

4.1.1 CadnaA Noise Modeling Software

Modeling of the outdoor noise environment is accomplished using CadnaA Version 2023 MR 2, which is a model-based computer program developed by DataKustik for predicting noise impacts in a wide variety of conditions. CadnaA (Computer Aided Noise Abatement) assists in the calculation, presentation, assessment, and alleviation of noise exposure. It allows for the input of project information such as noise source data, barriers, structures, and topography to create a detailed model and uses the most up-to-date calculation standards to predict outdoor noise impacts. Noise standards used by CadnaA that are particularly relevant to this analysis include ISO 9613-2 (Attenuation of sound during propagation outdoors). CadnaA provides results that are in line with basic acoustical calculations for distance attenuation and barrier insertion loss.

4.1.2 Formulas and Calculations

Changes in traffic noise levels can be predicted by inputting the ratio of the two scenarios into the following logarithmic equation:

$$\Delta = 10 \log (V_2/V_1)$$

where: Δ = Change in sound energy,
 V_1 = original or existing traffic volume, and
 V_2 = future or cumulative traffic volume.

4.2 Measurement Equipment

The following equipment was used at the site to measure existing noise levels:

- Soft dB Model Piccolo II Type 2 Sound Level Meter, Serial # P0220043006 & P0222040701
- Larson Davis Model CAL200 Type 1 Calibrator, Serial # 16455

The sound level meter was field-calibrated immediately prior to the noise measurement and checked afterward to ensure accuracy. All sound level measurements presented in this report, in accordance with the regulations, were conducted using a sound level meter that conforms to the American National Standards Institute specifications for sound level meters (ANSI S1.4). All instruments are maintained with National Institute of Standards and Technology (NIST) traceable calibration, per the manufacturers' standards.

5.0 Noise Impacts

5.1 Project-Generated Noise Impacts

Noise levels of the proposed drive-through intercoms, rooftop HVAC equipment, and truck deliveries were calculated using CadnaA at the nearest occupied receivers to the north, east, and west of the project site. All other noise-sensitive receivers are located at a further distance from the noise sources, and therefore are expected to have lower noise levels, due to distance attenuation and shielding from intervening structures. As per industry standard, the receivers were calculated at a height of five feet above project grade to represent the height of an average individual's ears above ground level; additionally, a second-floor receiver (R5) was calculated at a height of 15 feet above grade at the building facade of the nearest two-story residential building.

This calculation also makes conservative assumptions in that it was assumed that the intercom equipment would be in constant operation, with no breaks between orders, while in actuality, it will only operate for a fraction of an hour, thereby resulting in lower average hourly noise impacts than what have been calculated. Additionally, rooftop HVAC equipment was modeled as running constantly, though it is expected to cycle on and off throughout the day. This analysis considers noise shielding provided by the on-site building and the existing walls and fences along the north, east, and northeastern boundaries of the project site. Results of the analysis are shown in Table 4. Noise contours showing equipment noise levels and receiver locations are shown in Figure 4. Additional information can be found in Appendix E: CadnaA Analysis Data and Results.

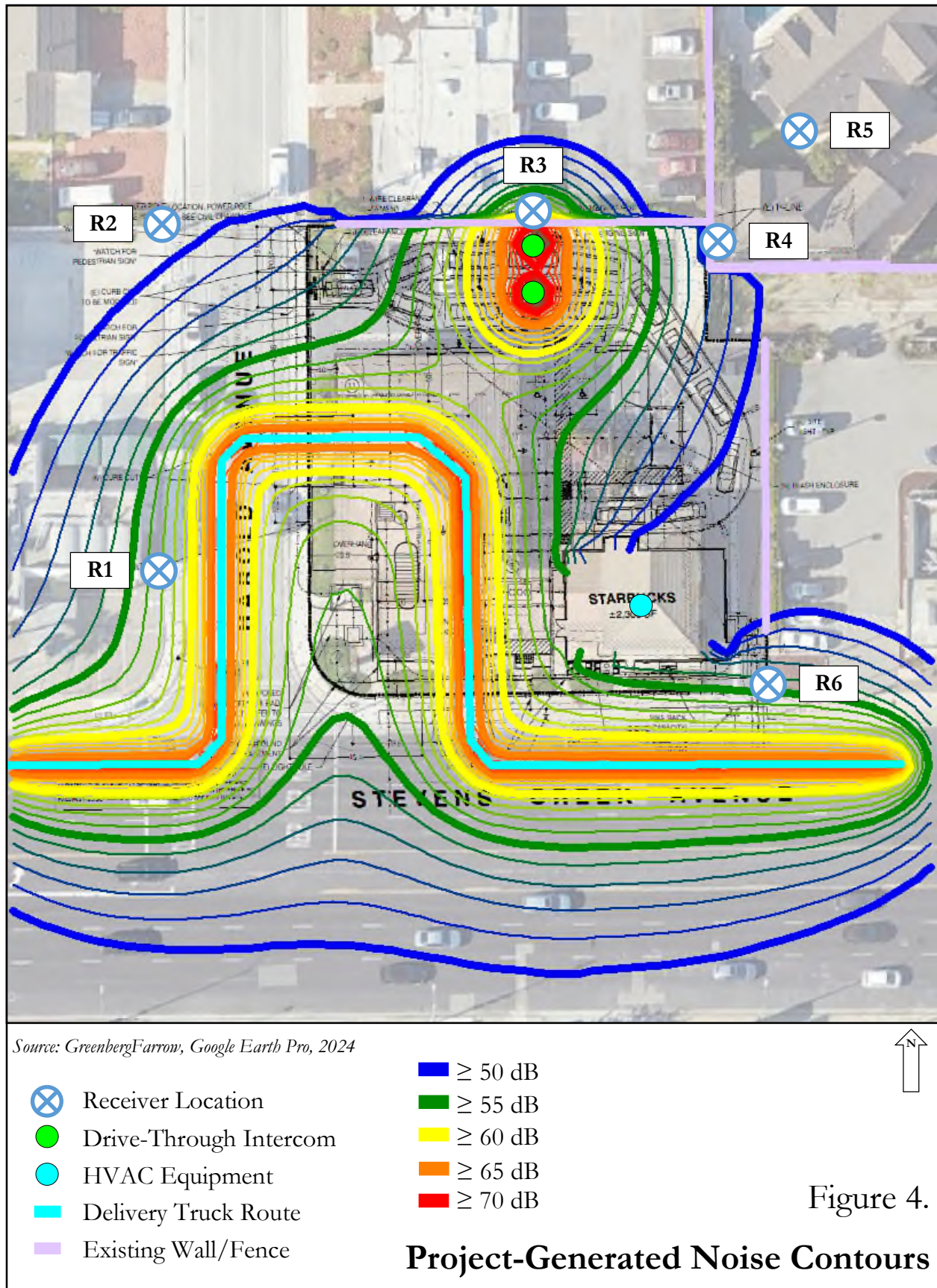


Table 4. Project-Generated Noise Levels at Surrounding Property Lines			
Receiver	Location	Noise Limit (dBA)	Hourly Average Noise Level (dBA)
R1	West – Commercial (Ground Floor)	60	56.8
R2	Northwest – Single-Family Residential (Ground Floor)	50	49.1
R3	North – Commercial (Ground Floor)	60	59.7
R4	Northeast – Single Family Residential (Ground Floor)	50	43.2
R5	Northeast – Single Family Residential (Second Floor)	50	46.8
R6	East – Commercial (Ground Floor)	60	54.7

As shown above, as currently designed, noise levels from on-site activity are expected to be in compliance with City of Santa Clara noise limits at all surrounding property lines. All other receivers are located at a greater distance from on-site noise sources and would therefore be expected to have lower noise levels due to shielding from intervening structures and distance attenuation. Additionally, the results of this analysis are expected to be conservative, as equipment was evaluated as being in operation constantly, though equipment is expected to cycle on and off during actual on-site conditions. For these reasons, no project design features are deemed necessary to control project-generated noise impacts from on-site equipment or project activity.

5.2 Project-Generated Traffic Noise

As detailed in Section 3.2.2, project-generated traffic impacts were evaluated to determine whether noise impacts from the project site would be significant. Calculations were performed using the formula shown in Section 4.1.2 to determine the approximate change in noise levels as a result of project-generated traffic. A significant direct impact occurs when project traffic combines with existing traffic and causes a doubling of sound energy, which is an increase of 3 dB. Project-generated traffic noise increases are shown in Table 5.

Table 5. Anticipated Traffic Noise Level Increase due to Project-Generated Traffic					
Intersection	Peak Hour	Peak Hour Traffic Volume (Trips)			Increase in Traffic Noise Level (dB)
		Existing	Project	Total	
Harold Avenue and Stevens Creek Boulevard	a.m.	1,990	77	2,067	0.2
	p.m.	2,454	31	2,485	0.1
Harold Avenue and Project Driveway	a.m.	139	87	226	2.1
	p.m.	166	35	201	0.8

As shown in Table 5, the noise level increase from project-generated traffic is expected to be less than 3 dB. For this reason, project-generated traffic noise levels are expected to be less than significant.

6.0 Conclusion

The City of Santa Clara City Code requires the assessment of permanent project-generated noise impacts to determine if additional project design features are necessary and feasible to reduce project-related noise impacts to comply with applicable noise limits. Calculations show that, as currently designed with the existing property line walls and fences in place, exterior noise levels from the proposed intercoms, rooftop equipment, and truck deliveries are expected to meet the applicable noise limits defined by the City of Santa Clara at all surrounding receivers. Additionally, project-generated traffic noise is also expected to be less than significant. Therefore, no mitigation is deemed necessary to attenuate project-generated noise impacts at neighboring receivers.

7.0 Certification

All recommendations for noise control are based on the best information available at the time our consulting services are provided. However, as there are many factors involved in sound transmission, and Eilar Associates has no control over the construction, workmanship, or materials, Eilar Associates is specifically not liable for final results of any recommendations or implementation of the recommendations.

This report is based on the related project information received and measured noise levels and represents a true and factual analysis of the acoustical impact issues associated with the Starbucks – Stevens Creek and Harold project, located in the City of Santa Clara, California. This report was prepared by Mo Ouwenga and Amy Hool.



Mo Ouwenga, INCE
Senior Acoustical Consultant



Amy Hool, INCE
President/CEO

8.0 References

City of Santa Clara City Code, Chater 9.10: Regulation of Noise and Vibration.

TJKM, Starbucks Stevens Creek – Traffic Study, 12 July 2024.

DataKustik, CadnaA (Computer Aided Noise Abatement), Version 2023 MR 2.



Eilar Associates, Inc.
Acoustical and Environmental Consulting Services

Appendix A

Project Plans

(E) POWER POLE TO BE REPLACED - SEE CIVIL DRAWINGS

(E) "WATCH FOR TRAFFIC SIGN"

(E) "WATCH FOR PEDESTRIAN SIGN"

(E) CURB CUT TO BE MODIFIED

(E) "WATCH FOR PEDESTRIAN SIGN"

(E) "WATCH FOR TRAFFIC SIGN"

(N) CURB CUT

(E) LIGHT POLE

EXISTING FIRE HYDRANT

PROPOSED TRANSFORMER, PAD, AND VAULT. REFER TO CIVIL DRAWINGS

(N) UNDERGROUND ELECTRIC EASEMENT

(E) LIGHT POLE

NOTE: THE PROPERTY TO BE FENCED OFF DURING DEMOLITION AND CONSTRUCTION AS A SAFETY BARRIER TO THE PUBLIC AND DETERRENT TO THEFT AND OTHER CRIME. NO SCREENING MATERIAL ON THE FENCE SO PASSING POLICE PATROL CHECKS WILL BE ABLE TO SEE INTO THE SITE.

(N) DIRECTIONAL SIGN

5' WIRE CLEARANCE EASEMENT

(N) PRE-MENU BOARDS

(N) MENU BOARDS AND ORDER POINTS

(E) PROPERTY LINES

(N) CLEARANCE BAR

MERGING SIGN

DW CL.

OVERHANG

DRIVEWAY CL.

OVERHANG

EV CAPABLE EV CAPABLE EV CAPABLE EV CAPABLE EVCS EVCS EVCS

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THANK YOU SIGN

(N) VAN ACCES.

(N) CURB CUT
(N) 10' SIDEWALK
(N) 4' LANDSCAPED AREA

OUTDOOR SEATING

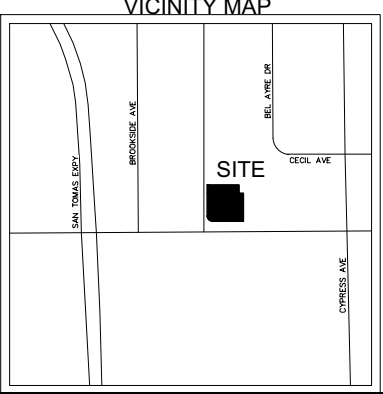
(N) BIKE RACK (2-BIKE CAPACITY)

(N) FIRE HYDRANT

(N) SITE LIGHT - TYP.

(N) TRASH ENCLOSURE

FOUND CUT CROSS IN CONC



LOCATION MAP N.T.S.

PROJECT INFORMATION

ASSESSOR'S PARCEL NUMBER (APN) 303-21-068

ZONING CLASSIFICATION

JURISDICTION CITY OF SANTA CLARA, CA
EXISTING ZONE THOROUGHFARE COMMERCIAL
REQUIRED ZONE THOROUGHFARE COMMERCIAL

PROJECT DATA MATRIX

LOT SQUARE FOOTAGE: ±0.558 AC (±24,295 SF)
PROPOSED SITE COVERAGE: 8.6%
EXISTING USE: 2-STORY OF RETAIL/PERSONAL SERVICE
EXISTING SQUARE FOOTAGE: ±7,266 SF
PROPOSED USE: RESTAURANT
PROPOSED SQUARE FOOTAGE: ±2,200 S.F.
REQUIRED AND PROPOSED PARKING SEE- PARKING SUMMARY BELOW SUMMARY*

PARKING SUMMARY

USER	SPACES PROVIDED
------	-----------------

- PROPOSED

STRABUCKS	
STANDARD	17
ACCESSIBLE	1VAN +1 VAN EVCS +1 STANDARD EVCS
TOTAL PARKING	20

-PER SANTA CLARA CITY CODE AMENDED SECTION 5.106.5.3.1 (EV CAPABLE SPACES) = 35 PERCENT OF PARKING SPACES = 7 SPACES
-PER SANTA CLARA CITY CODE AMENDED SECTION 5.106.5.3.2 (EVCS ELECTRICAL VEHICLE CHARGING STATIONS) = 35 PERCENT OF PARKING SPACES = 7 SPACES
- 1 VAN ACCESSIBLE AND 1 STANDARD ACCESSIBLE CHARGING STATION IS REQUIRED PER CBC TABLE 11B-228.3.2.1

TOTAL STACKING PROVIDED: 15 VEHICLES

SHORT TERM BICYCLE PARKING:
ONE TWO-BIKE CAPACITY RACK IS REQUIRED PER CGC 5.106.4.1.1
ONE TWO-BIKE CAPACITY RACK IS PROVIDED

PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY BY CLARK LAND SURVEYING, INC. DATED 04/25/2022

DRAWING ISSUE/REVISION RECORD

	NARRATIVE	INITIALS
04.25.2022	PREP SP-7	BP
03.22.2023	PREP SP-P	BP
04.19.2023	PREP SP-10	BP
04.24.2023	PREP SP-11	BP
05.15.2023	PREP SP-11.a	BP
07.03.2023	PREP SP-12	BP
09.29.2023	PREP SP-13	BP
01.18.2024	PREP SP-14	BP
01.25.2024	PREP SP-15	BP
04.02.2024	PREP SP-16	BP
07.16.2024	PREP SP-17	CD

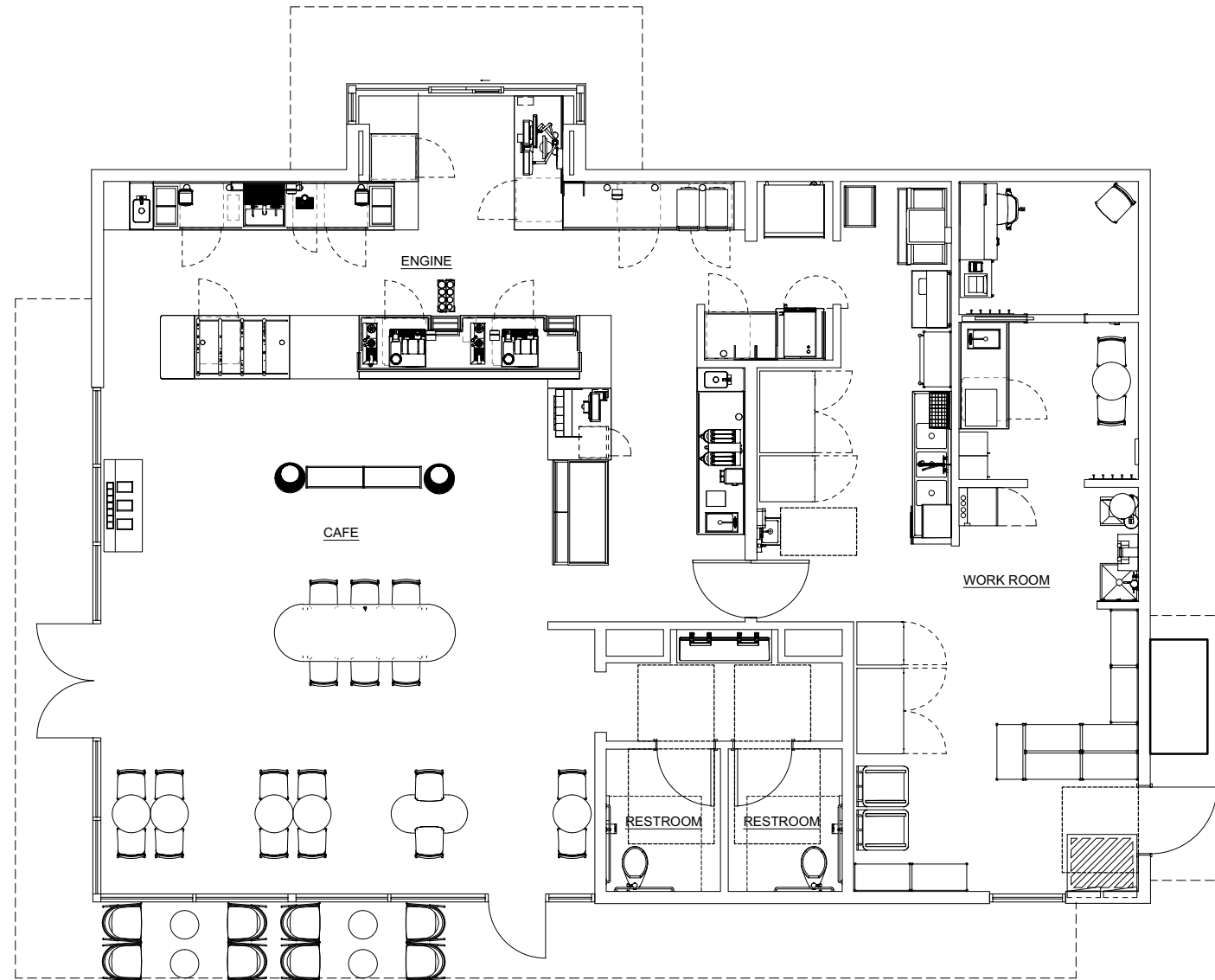
GREENBERG FARROW CONTACTS

PROJECT MANAGER I. IBRAHIMBEGOVIC
SITE DEV. COORDINATOR FRANK CODA



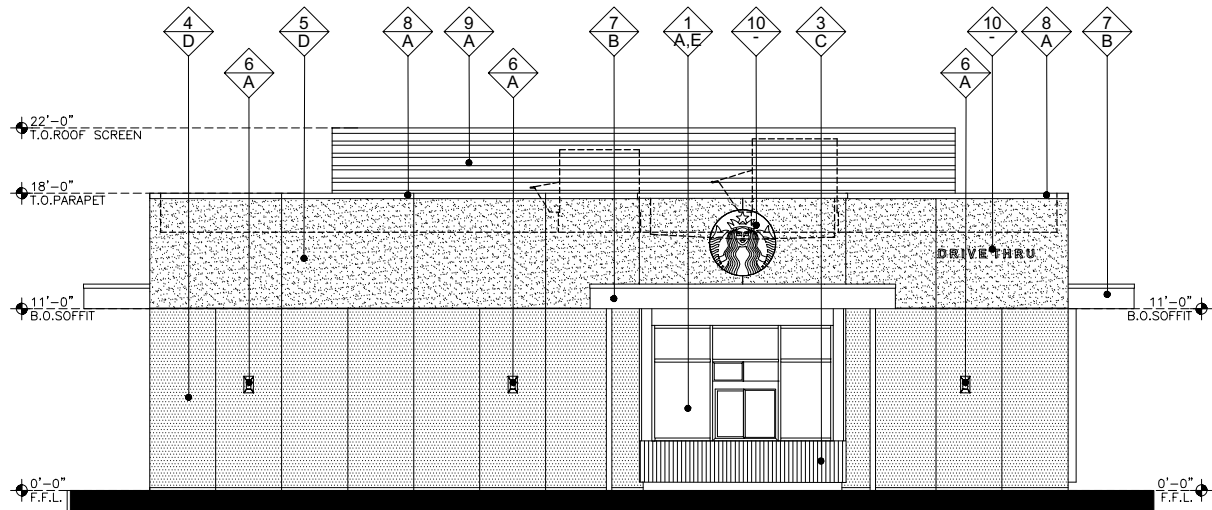
SCALE: 1"=10'-0"



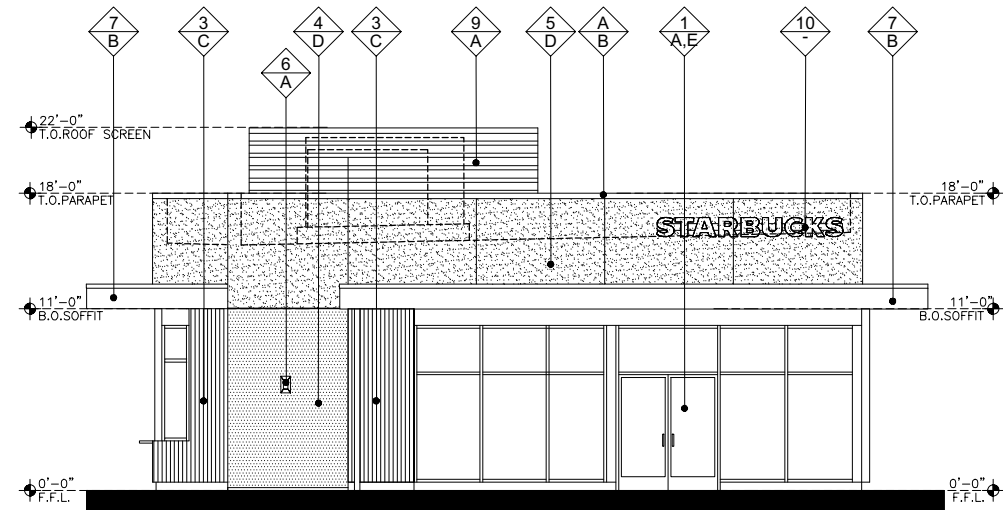


1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

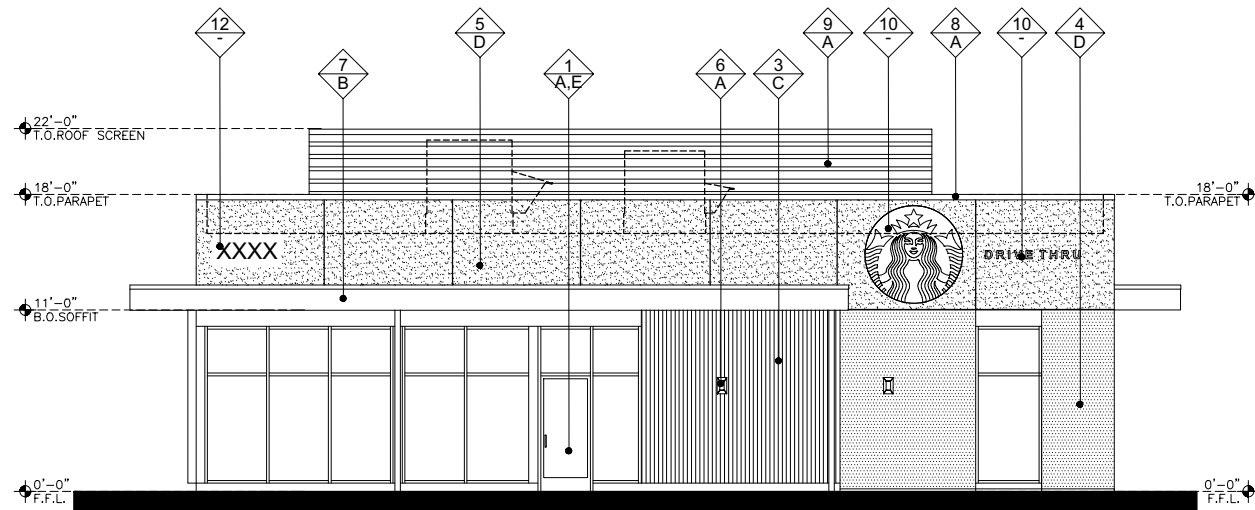




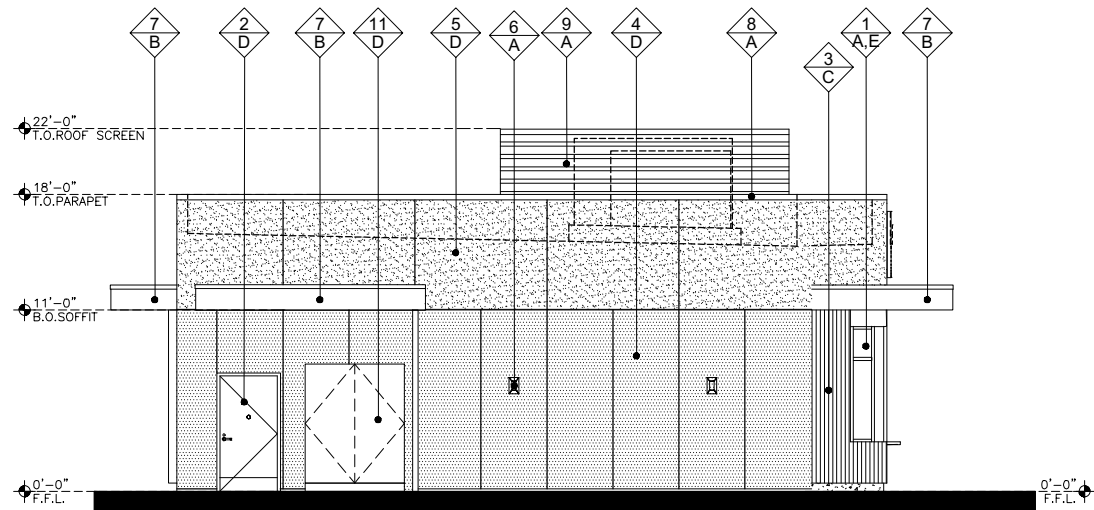
① WEST ELEVATION
SCALE: 3/16" = 1'-0"



② SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



③ EAST ELEVATION
SCALE: 3/16" = 1'-0"



④ NORTH ELEVATION
SCALE: 3/16" = 1'-0"

FINISH SCHEDULE		
FINISH MATERIAL	FINISH COLOR	
1 ALUMINUM STOREFRONT DOORS / WINDOWS SYSTEM	A	PRE-FINISHED - BLACK
2 HOLLOW METAL DOOR AND FRAME	B	POWDER COATED TO MATCH STOREFRONT COLOR
3 WOOD APPEARANCE VERTICAL SIDING	C	NICHHA VINTAGEWOOD SPRUCE
4 STUCCO FINISH: WITH INTEGRAL COLOR & TEXTURE - COARSE	D	OMEGA 69 TRUE GRAY
5 STUCCO FINISH: WITH INTEGRAL COLOR & TEXTURE - SMOOTH	E	DOUBLE PANE CLEAR GLASS
6 WALL SCOTCH		
7 METAL CANOPY BEAMS AND POSTS		
8 METAL COPING		
9 CORRUGATED METAL ROOF SCREEN		
10 SIGNAGE (UNDER SEPARATE PERMIT)		
11 ELECTRICAL CABINET		
12 12" HIGH ADDRESS NUMBERS		



30 EXECUTIVE PARK,
SUITE 100
IRVINE, CA 92614
T:949 296 0450



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STARBUCKS
STEVENS CREEK & HAROLD
SANTA CLARA, CA

EXTERIOR ELEVATIONS

20210896.0

07.03.2023



Eilar Associates, Inc.
Acoustical and Environmental Consulting Services

Appendix B

Applicable Noise Regulations

Chapter 9.10

REGULATION OF NOISE AND VIBRATION

Sections:

Article I. Noise and Vibration from Fixed Sources

9.10.010 Purpose.

9.10.020 Definitions.

9.10.030 Application of regulations.

9.10.040 Noise or sound regulation.

9.10.050 Vibration regulation.

9.10.060 Noise, sound, or vibration evaluation criteria.

9.10.070 Exceptions.

9.10.080 Plan submittal.

9.10.090 Existing sound, noise, or vibration sources.

9.10.100 Special permit approval.

9.10.110 Manner of enforcement.

9.10.120 Additional remedies.

Article II. Off-Street Operation of Certain Construction Sites

9.10.210 Purpose.

9.10.220 Definitions.

9.10.230 Regulation.

9.10.240 Exemption from regulation.

Article I. Noise and Vibration from Fixed Sources

9.10.010 Purpose.

It is determined and declared by the City Council of the City that certain noise or vibration levels are detrimental and contrary to the public health, welfare and safety and that persons in the City of Santa Clara require protection from unnecessary, excessive, and unreasonable noise or vibration from fixed sources in the community. It is the intent of the City Council in adopting this chapter to control unnecessary, excessive, unusually loud, and annoying noise or vibration within the jurisdictional boundaries of the City which are prolonged or unusual in their time, place, and use and are detrimental to the public health, comfort, convenience, welfare, safety, and prosperity of persons in the City of Santa Clara. It is the intent of the City Council to prohibit such noise or vibration generated from or by all sources as specified in this chapter. Every person is entitled to an environment in which the noise or vibration level is not detrimental to his/her life, health, or enjoyment of property.

It is also the intent of the City to maintain quiet in those areas which currently maintain low noise and vibration levels and to implement programs aimed at reducing noise and vibration in those areas within the city where noise and vibration are above acceptable levels. The necessity for the provisions and prohibitions contained and enacted in this chapter is declared as a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions contained and enacted herein are for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of all persons in the City of Santa Clara.

Therefore, the City Council does ordain and declare that any noise or vibration which is created, caused, or maintained, or allowed to be created, caused, or maintained, in a manner prohibited by, or not in conformity with, the provisions of this chapter, is unlawful and a public nuisance. It is further determined that private civil actions seeking enforcement of the provisions of this chapter may be necessary and desirable to accomplish the goals sought herein. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.1).

9.10.020 Definitions.

Whenever the following words or phrases are used in this chapter, they shall have the meaning ascribed to them in this section:

(a) "A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(b) "Commercial area" means an area zoned for commercial uses.

(c) "Decibel" means a unit for measuring the amplitude level of a sound or noise, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

(d) "Disturbing, excessive, or offensive sound, noise, or vibration levels" means any sound, noise, or vibration which annoys or disturbs human beings or which causes or tends to cause an adverse physiological or psychological effect on human beings and which conflicts with the criteria of sound levels set forth in this chapter.

(e) "Emergency work" means any work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger of damages, or work by public or private utilities when restoring utility services.

(f) "Fixed noise, sound, or vibration source" means a stationary device which creates sound or vibration while operating in a fixed or stationary position, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

(g) "Industrial area" means an area zoned for industrial uses.

(h) "Mobile noise, sound, or vibration source" means any noise, sound, or vibration source other than a fixed noise, sound, or vibration source, including but not limited to vehicles, hand-held power equipment, and portable music amplifiers. Certain mobile noise, sound, or vibration sources, such as aircraft, are preempted from City regulation.

(i) "Noise level" means the same as sound level. The terms may be used interchangeably in this chapter.

(j) "Person" means any individual, association, partnership, corporation, or entity, public or private, including but not limited to, any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

(k) "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.

(l) "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(m) "Residential area" means an area zoned for single-family, duplex or multifamily residential use.

(n) "Sound level" means sound volume measured in decibels with a sound level meter as defined herein, by the use of the "A" frequency weighted and "fast" time averaging, unless some other time

averaging is specified.

(o) "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks, designed for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute (ANSI) specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

(p) "Vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a reasonable person of average sensitiveness to be aware of the vibration, including by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inch/second over the range of one to 100 Hz.

(q) Terminology. All terminology used in this chapter, not defined above, shall conform with applicable publications of the American National Standards Institute (ANSI) or its successor body. All definitions of technical terms not defined herein shall be obtained from American National Standard Acoustical Terminology (ANSAT). (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.2).

9.10.030 Application of regulations.

This chapter shall apply only to fixed noise, sound, or vibration sources and shall not apply to any mobile noise, sound, or vibration source. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.3).

9.10.040 Noise or sound regulation.

It shall be unlawful for any person to operate or cause to allow to be operated, any fixed source of disturbing, excessive or offensive sound or noise on property owned, leased, occupied or otherwise controlled by such person, such that the sound or noise originating from that source causes the sound or noise level on any other property to exceed the maximum noise or sound levels which are set forth in Schedule A, as follows:

Schedule A		
Exterior Sound or Noise Limits		
Receiving Zone		Noise Level
Zoning Category	Time Period	(dBA)
Category 1		

Single-family and duplex residential (R1, R2)	Commencing at 7:00 A.M. and ending at 10:00 P.M. that evening	55
	Commencing at 10:00 P.M. and ending at 7:00 A.M. the following morning	50
Category 2		
Multiple-family residential, public space (R3, B)	Commencing at 7:00 A.M. and ending at 10:00 P.M. that evening	55
	Commencing at 10:00 P.M. and ending at 7:00 A.M. the following morning	50
Category 3		
Commercial, Office (C, O)	Commencing at 7:00 A.M. and ending at 10:00 P.M. that evening	65
	Commencing at 10:00 P.M. and ending at 7:00 A.M. the following morning	60
Category 4		
Light Industrial (ML, MP)	Anytime	70
Heavy Industrial (MH)	Anytime	75

Except as otherwise provided in this chapter, the noise or sound standards for the various zone districts as presented in this Schedule A shall apply to all such properties within a specified zone, as designated on the most recent update of the official zoning map of the City. For planned development, agricultural or mixed zoning site, the most restrictive noise standard for the comparable zone district, as determined by the Director of Planning and Inspection, shall apply. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.4).

9.10.050 Vibration regulation.



Eilar Associates, Inc.
Acoustical and Environmental Consulting Services

Appendix C

Manufacturer Data Sheets

Memo

Re: Drive-Thru Sound Pressure Levels From the Menu Board or Speaker Post

The sound pressure levels from the menu board or speaker post are as follows:

1. Sound pressure level (SPL) contours (A weighted) were measured on a typical HME SPP2 speaker post. The test condition was for pink noise set to 84 dBA at 1 foot in front of the speaker. All measurements were conducted outside with the speaker post placed 8 feet from a non-absorbing building wall and at an oblique angle to the wall. These measurements should not be construed to guarantee performance with any particular speaker post in any particular environment. They are typical results obtained under the conditions described above.
2. The SPL levels are presented for different distances from the speaker post:

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

3. The above levels are based on factory recommended operating levels, which are preset for HME components and represent the optimum level for drive-thru operations in the majority of the installations.

Also, HME incorporates automatic volume control (AVC) into many of our Systems. AVC will adjust the outbound volume based on the outdoor, ambient noise level. When ambient noise levels naturally decrease at night, AVC will reduce the outbound volume on the system. See below for example:

Distance from Outside Speaker	Decibel Level of standard system with 45 dB of outside noise <u>without</u> AVC	Decibel level of standard system with 45 dB of outside noise <u>with</u> AVC active
1 foot	84 dBA	60 dBA
2 feet	78 dBA	54 dBA
4 feet	72 dBA	48 dBA
8 feet	66 dBA	42 dBA
16 feet	60 dBA	36 dBA

If there are any further questions regarding this issue please contact HME customer service at 1-800-848-4468.

Thank you for your interest in HME's products.



Turn to the experts

Product Data

WeatherMaster® Packaged Rooftop Units with Electric Heat

3 to 12.5 Nominal Tons



50HC Sizes 04 to 14
Packaged Rooftop Units with Electric Heat, Optional
EnergyX® Energy Recovery Device, and ComfortLink
Controls

AHRI RATINGS

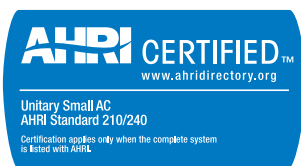
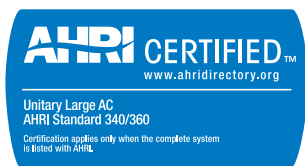
50HC UNIT	COOLING STAGES	NOMINAL CAPACITY (TONS)	NOMINAL COOLING CAPACITY (TONS)	TOTAL POWER (kW)	SEER	EER	IPLV	IEER	IEER WITH 2-SPEED INDOOR MOTOR
A04	1	3.0	35.4	2.8	15.0	12.50	N/A	N/A	N/A
A05	1	4.0	48.5	3.7	15.6	13.00	N/A	N/A	N/A
A06	1	5.0	57.5	4.6	15.2	12.45	N/A	N/A	N/A
A07	1	6.0	73.0	6.0	N/A	12.20	N/A	13.2	N/A
D07	2	6.0	72.0	5.9	N/A	12.20	N/A	14.2	16.2
D08	2	7.5	89.0	7.3	N/A	12.20	13.2	13.2	14.0
D09	2	8.5	97.0	8.0	N/A	12.20	13.2	13.2	14.0
D11	2	10.0	111.0	9.3	N/A	12.00	N/A	12.6	14.5
D12	2	10.0	115.0	9.8	N/A	11.70	N/A	12.2	12.9
D14	2	12.5	146.0	11.8	N/A	12.40	N/A	13.2	14.1

LEGEND

AHRI — Air-Conditioning, Heating and Refrigeration Institute
COP — Coefficient of Performance
EER — Energy Efficiency Ratio
IEER — Integrated Energy Efficiency Ratio
SEER — Seasonal Energy Efficiency Ratio

NOTES:

- Rated in accordance with AHRI Standards 210/240 (sizes 04-06) and 340/360 (sizes 07-14).
- Ratings are based on:
Cooling Standard: 80°F (27°C) db, 67°F (19°C) wb indoor air temp and 95°F (35°C) db outdoor air temp.
IEER Standard: A measure that expresses cooling part-load EER efficiency for commercial unitary air-conditioning and heat pump equipment on the basis of weighted operation at various load capacities.
- All 50HC units comply with ASHRAE 90.1-2016 Energy Standard for minimum SEER and EER requirements.
- 50HC units comply with US Energy Policy Act (2005). To evaluate code compliance requirements, refer to state and local codes.



SOUND RATINGS TABLE

50HC UNIT	COOLING STAGES	OUTDOOR SOUND (dB) AT 60 HZ								
		A-WEIGHTED	63	125	250	500	1000	2000	4000	8000
A04	1	76	78.2	78.0	74.2	73.3	70.6	66.0	62.4	56.9
A05	1	78	84.7	83.6	77.1	74.6	72.3	68.3	64.7	60.9
A06	1	77	87.5	82.5	76.1	73.6	71.3	67.1	64.1	60.0
A07	1	82	90.1	82.6	81.0	79.4	77.0	73.0	70.4	66.7
D07	2	82	90.1	82.6	81.0	79.4	77.0	73.0	70.4	66.7
D08	2	82	90.6	84.3	80.2	79.3	77.1	72.2	67.4	63.7
D09	2	82	88.6	85.0	81.6	79.5	77.4	74.1	71.0	66.3
D11	2	87	85.9	87.9	85.6	84.4	82.8	78.5	74.9	72.5
D12	2	87	85.9	87.9	85.6	84.4	82.8	78.5	74.9	72.5
D14	2	83	89.3	86.0	82.9	80.7	78.5	73.6	69.6	64.5

LEGEND

dB — Decibel

NOTES:

- Outdoor sound data is measured in accordance with AHRI standards 270 and 370.
- Measurements are expressed in terms of sound power. Do not compare these values to sound pressure values because sound pressure depends on specific environmental factors which normally do not match individual applications. Sound power values are independent of the environment and therefore more accurate.
- A-weighted sound ratings filter out very high and very low frequencies, to better approximate the response of "average" human ear. A-weighted measurements for Carrier units are taken in accordance with AHRI.



Eilar Associates, Inc.
Acoustical and Environmental Consulting Services

Appendix D

Pertinent Sections of Project Traffic Study



TECHNICAL MEMORANDUM

Date: July 12, 2024
To: Steve Chan
Steve Le
Ralph Garcia
CC: Frank Coda
From: Girish Basavaraj
Steven Matthew Dauterman, PE, TE, PTOE, RSP₁
***Subject:* Starbucks Stevens Creek – Traffic Study**

City of Santa Clara
City of Santa Clara
City of Santa Clara
Greenberg Farrow
TJKM
TJKM

This memorandum summarizes a traffic study for a proposed redevelopment of an existing ~7,266 square-foot (SF) commercial plaza to a ~2,300 SF drive-through Starbucks café/restaurant in the City of Santa Clara, California. The site is located immediately northeast of the intersection of Stevens Creek Boulevard and Harold Avenue. TJKM previously prepared a focused trip generation and vehicle miles traveled analysis in November of 2023. Although the project does not require a local transportation assessment (LTA), as discussed below, the project applicant volunteered to conduct a more detailed traffic operations study analyzing the project's level of service and queuing impacts on Harold Avenue and Stevens Creek Boulevard. The project vicinity is shown in **Figure 1**, and the site plan dated December 12, 2023, is shown in **Figure 2**. The site plan will be finalized in consultation with City staff.

Additionally, it should be noted that this study is a second iteration. Comments were received from City staff based on the March 2024 iteration of the study. Those comments were, as appropriate, incorporated herein. A comment-response matrix was prepared by TJKM to discuss changes to this study.

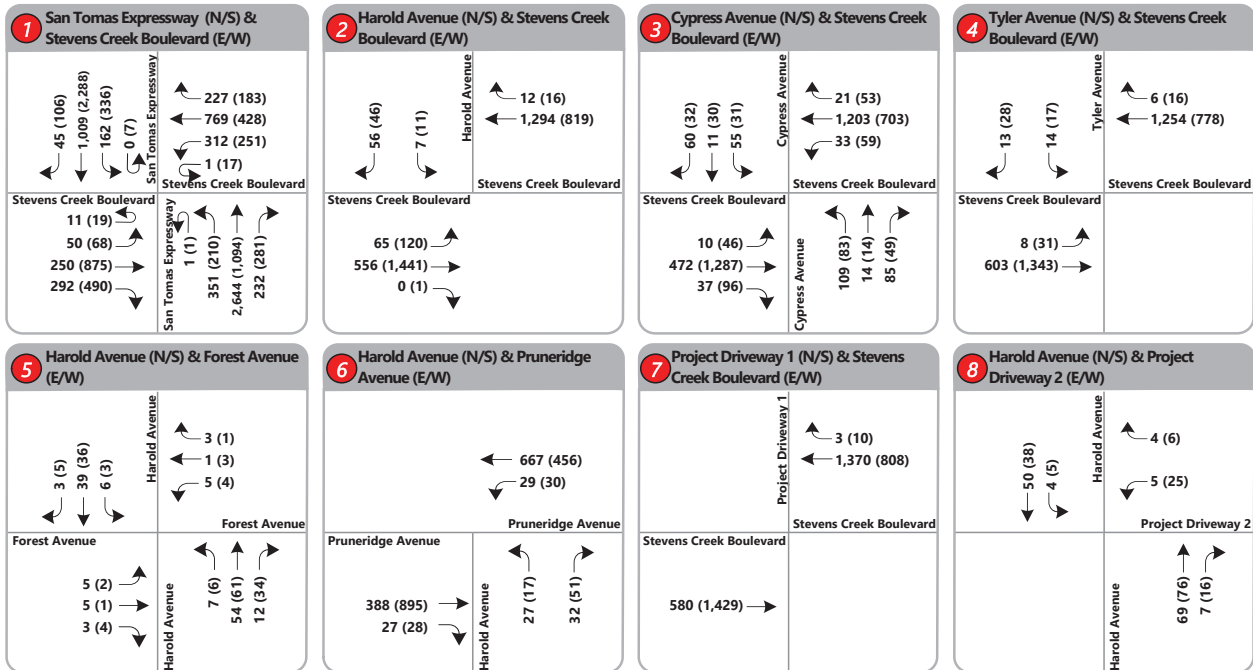
This memorandum includes:

- A summary of site access;
- A trip generation assessment;
- A vehicle miles traveled (VMT) assessment with respect to City policy;
- An intersection Level of Service (LOS) and queuing analysis for six existing intersections under existing conditions with and without the proposed project;
- A five-year review of historic safety trends;
- A traffic calming audit for Harold Street, including an all-way stop warrant assessment for the intersection of Harold Street and Forest Avenue;
- Assessments of potential circulation impacts on all primary modes of transportation (vehicular, pedestrian, bicycle, and transit); and
- Review of sight profiles at the intersection of Harold Avenue at Stevens Creek Boulevard.

Our findings indicate the following:

CALIFORNIA | FLORIDA | TEXAS

Figure 4: Existing Conditions Peak Hour Turning Movement Volumes



LEGEND

■ Project Site

⊗ Study Intersection

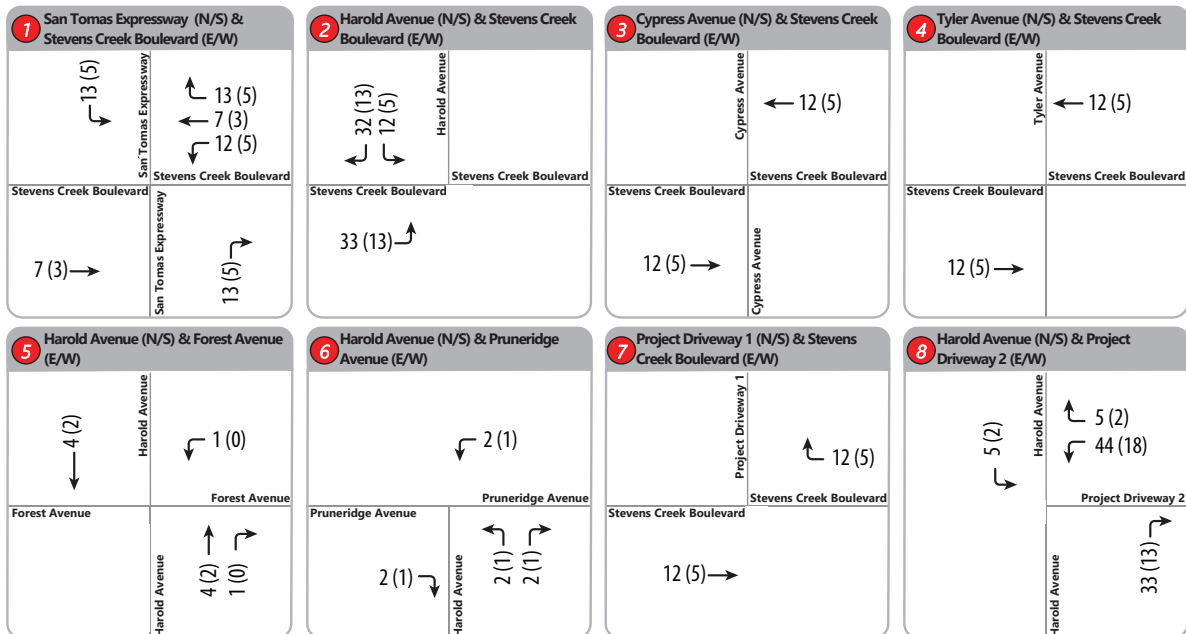
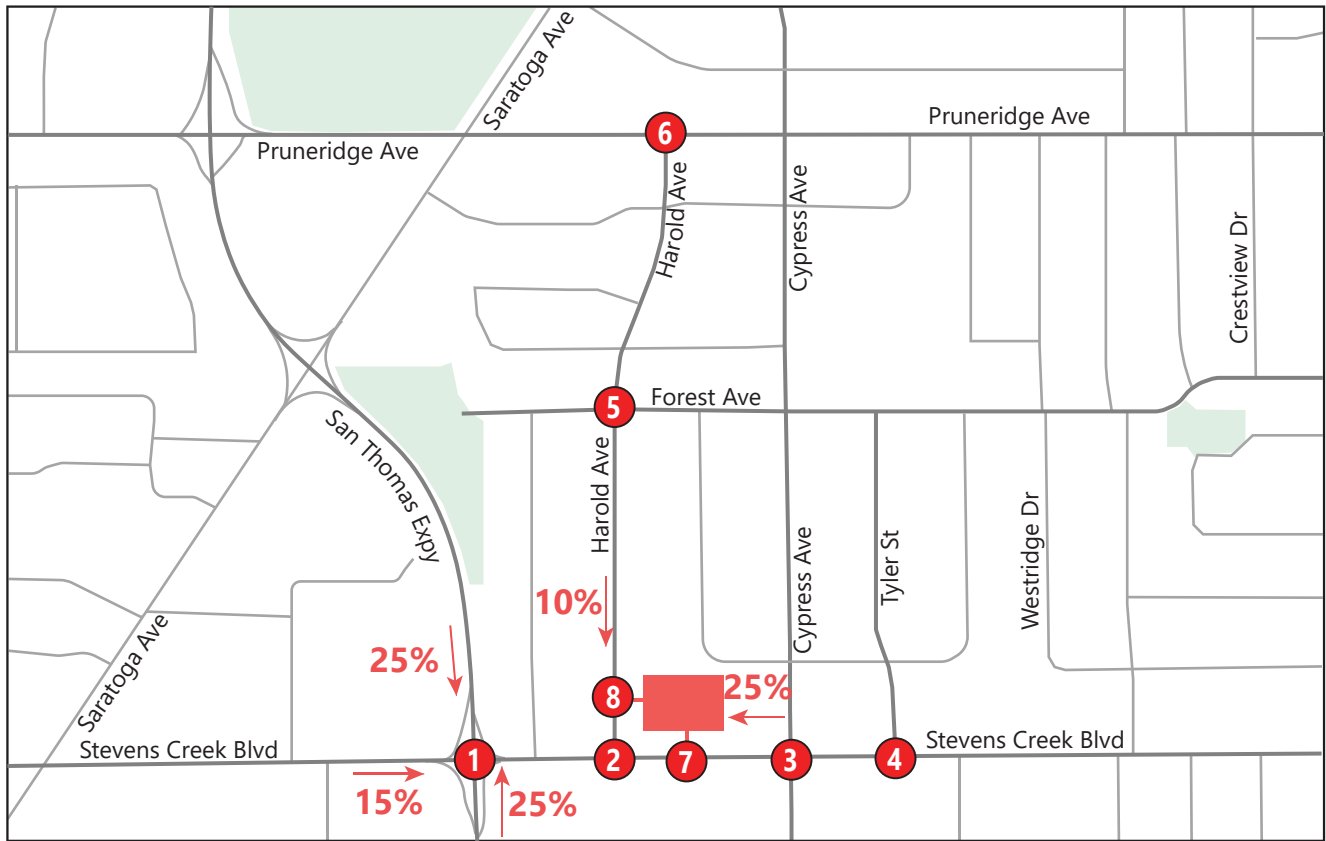
— Project Driveway

(XX) PM Peak Hour Volumes

XX AM Peak Hour Volumes



Figure 5: Project Trip Distribution and Assignment



LEGEND

■ Project Site

⊗ Study Intersection

— Project Driveway

XX AM Trip Assignments

(XX) PM Trip Assignments





Appendix E

CadnaA Analysis Data and Results

Eilar Associates, Inc.

210 South Juniper Street, Suite 100

Escondido, California 92025-4230

Phone: (760) 738-5570

Date: 06 Aug 2024

Calculation Configuration

Configuration	
Parameter	Value
General	
Max. Error (dB)	0.00
Max. Search Radius #(Unit,LEN))	2000.00
Min. Dist Src to Rcvr	0.00
Partition	
Raster Factor	0.50
Max. Length of Section #(Unit,LEN))	1000.00
Min. Length of Section #(Unit,LEN))	1.00
Min. Length of Section (%)	0.00
Proj. Line Sources	On
Proj. Area Sources	On
Ref. Time	
Daytime Penalty (dB)	0.00
Recr. Time Penalty (dB)	6.00
Night-time Penalty (dB)	10.00
DTM	
Standard Height (m)	0.00
Model of Terrain	Triangulation
Reflection	
max. Order of Reflection	0
Search Radius Src	100.00
Search Radius Rcvr	100.00
Max. Distance Source - Rcvr	1000.00 1000.00
Min. Distance Rcvr - Reflector	1.00 1.00
Min. Distance Source - Reflector	0.10
Industrial (ISO 9613)	
Lateral Diffraction	some Obj
Obst. within Area Src do not shield	On
Screening	Excl. Ground Att. over Barrier
	Dz with limit (20/25)
Barrier Coefficients C1,2,3	3.0 20.0 0.0
Temperature #(Unit,TEMP))	10
rel. Humidity (%)	70
Ground Absorption G	0.50
Wind Speed for Dir. #(Unit,SPEED))	3.0
Roads (TNM)	
Railways (Schall 03 (1990))	
Strictly acc. to Schall 03 / Schall-Transrapid	
Aircraft (NONE)	
Strictly acc. to AzB	

Receivers

Name	Sel.	M.	ID	Level Lr		Limit. Value		Land Use			Height		Coordinates		
				Day	Night	Day	Night	Type	Auto	Noise Type			X	Y	Z
				(dBA)	(dBA)	(dBA)	(dBA)				(ft)		(ft)	(ft)	(ft)
R1				56.8	40.3	60.0	0.0				5.00	r	405.88	317.78	5.00
R2				49.1	42.9	50.0	0.0				5.00	r	406.22	435.94	5.00
R3				59.7	59.6	60.0	0.0				5.00	r	534.19	440.10	5.00
R4				43.2	42.2	50.0	0.0				5.00	r	597.28	429.58	5.00
R5				46.8	44.8	60.0	0.0				15.00	r	624.77	468.86	15.00
R6				54.7	33.8	60.0	0.0				5.00	r	614.26	277.38	5.00

Line Sources

Name	Sel.	M.	ID	Result. PWL			Result. PWL'			Lw / Li			Correction			Sound Reduction		Attenuation	Operating Time			K0	Freq.	Direct.	Moving Pt. Src			
				Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Evening	Night	R	Area		Day	Special	Night				Number			Sj
				(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	dB(A)	dB(A)	dB(A)		(ft²)		(min)	(min)	(min)	(dB)	(Hz)		Day	Evening	Night	(r
Truck Delivery				91.4	-8.6	-8.6	69.5	-30.5	-30.5	PWL-Pt	T		0.0	0.0	0.0							0.0		(none)	1.0	0.0	0.0	.

Geometry - Line Sources

Name	ID	Height			Coordinates			
		Begin	End		x	y	z	Ground
		(ft)	(ft)		(ft)	(ft)	(ft)	(ft)
Truck Delivery		6.00	r		659.77	251.42	6.00	0.00
					519.21	251.07	6.00	0.00
					512.14	259.69	6.00	0.00
					510.59	349.78	6.00	0.00
					494.57	363.22	6.00	0.00
					434.45	362.88	6.00	0.00
					426.87	355.12	6.00	0.00
					426.83	259.89	6.00	0.00
					418.78	251.25	6.00	0.00
					351.77	251.07	6.00	0.00

Barriers

Name	Sel.	M.	ID	Absorption		Z-Ext.	Cantilever		Height		
				left	right		horz.	vert.	Begin		End
						(ft)	(ft)	(ft)	(ft)	r	(ft)
existing concrete wall									5.67	r	
existing fence									6.67	r	
existing CMU wall									3.75	r	
existing CMU wall									4.67	r	

Geometry - Barriers

Name	Sel.	M.	ID	Absorption		Z-Ext.	Cantilever		Height		Coordinates			
				left	right		horz.	vert.	Begin	End	x	y	z	Ground
						(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)
existing concrete wall									5.67	r	594.31	421.17	5.67	0.00
											757.13	422.04	5.67	0.00
existing fence									6.67	r	654.56	422.85	6.67	0.00
											594.26	422.14	6.67	0.00
											594.05	543.77	6.67	0.00
existing CMU wall									3.75	r	613.21	396.51	3.75	0.00
											613.49	296.81	3.75	0.00
existing CMU wall									4.67	r	466.90	436.44	4.67	0.00
											594.11	437.21	4.67	0.00

Buildings

Name	Sel.	M.	ID	RB	Residents	Absorption	Height
							Begin
							(ft)
Project Building				x	0		15.00 r

Geometry - Buildings

Name	Sel.	M.	ID	RB	Residents	Absorption	Height	Coordinates			
							Begin	x	y	z	Ground
							(ft)	(ft)	(ft)	(ft)	(ft)
Project Building				x	0		15.00 r	544.22	324.26	15.00	0.00
								544.89	286.06	15.00	0.00
								599.93	286.66	15.00	0.00
								599.50	324.82	15.00	0.00
								570.15	324.65	15.00	0.00
								570.11	329.21	15.00	0.00
								557.77	329.00	15.00	0.00
								557.75	324.47	15.00	0.00

Sound Level Spectra

Name	ID	Type	1/3 Oktave Spectrum (dB)												Source
			Weight.	31.5	63	125	250	500	1000	2000	4000	8000	A	lin	
Drive-Through Intercom	DT	Lw (c)	A					84.5					84.5	87.7	Manufacturer
Refrigerated Truck	T	Lw (c)			115.2	109.2	104.2	105.2	104.2	101.2	96.2	90.2	108.6	117.1	Measurements
Carrier 50HCQA06 5-ton RTU	AC	Lw			87.5	82.5	76.1	73.6	71.3	67.1	64.1	60.0	76.7	89.2	Manufacturer

Steve Le

From: Keith Parks <[REDACTED]>
Sent: Wednesday, April 3, 2024 11:20 AM
To: Steve Le
Cc: Mezzetti Rob; O'leary Bill
Subject: 3575 Stevens Creek Blvd Proposed Starbucks

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Mr Le

I attended both outreach Zoom meetings regarding the Starbucks proposed project.

Obviously the local residents are not in favor.

I would like to request copies of the presentation documents if possible. I also would like to get a copy of the CEQA exemption they have been given. I attempted to see if I could locate information pertaining to the detail of the traffic safety corridor for the Fire Department but multiple searches of city web was unfruitful.

Your support is much appreciated.

We hope to speak with one voice at the Planning commission meeting, but would prefer the Aug 21st date to give us non-professionals a chance to compile our data for presentation.

Steve Le

From: Gaurav Aggarwal [REDACTED]
Sent: Friday, December 1, 2023 3:16 PM
To: Steve Le
Subject: Concerns Regarding Assumed Traffic Study for Proposed Starbucks

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Steve,

I am writing to express concerns about a potential traffic study that I assume was conducted for the proposed Starbucks on Harold Avenue. Recently, I noticed traffic sensors in the area, and given the timing during Thanksgiving week, I'm worried that the data collected may not accurately represent our usual traffic conditions.

Many businesses, including the Nishiyamato Academy Preschool ([annual calendar](#)), were closed for a significant part of that week, and I, along with many neighbors, were away for most of the time. This atypical low traffic scenario is unrepresentative of our street's normal bustling activity.

Given these circumstances, I believe any conclusions drawn from this study might underestimate the real impact of a new Starbucks on our community's traffic and safety. I strongly suggest conducting a new study during regular business hours to ensure a fair and accurate assessment.

Your consideration of this request is greatly appreciated, as it concerns the safety and quality of life in our neighborhood.

Thank you for your attention to this important matter.

Sincerely,
Gaurav Aggarwal
[REDACTED]

Steve Le

From: Anuja Verma <[REDACTED]>
Sent: Tuesday, November 14, 2023 10:27 AM
To: Steve Le
Subject: Heartfelt Appeal Against Proposed Starbucks Drive-Thru on Harold Avenue

Dear Mr. Steve Le,

I am reaching out as a deeply concerned resident of Harold Avenue, where my family and I have recently bought our first home. This decision was driven by our dream to build a safe, peaceful family life in this community. However, the proposed Starbucks drive-thru development threatens to disrupt this dream.

Our neighborhood is not just a collection of houses; it's a close-knit community where safety and tranquility are paramount. The presence of a preschool and Parkway Park, frequented by families, dog walkers, and the elderly, makes this area a special haven. Introducing a high-traffic business like Starbucks, particularly with a drive-thru, jeopardizes the safety and serenity of our streets.

The irony of the situation is that we, as residents, have been advocating for a stop sign on our street to manage existing traffic concerns. Instead of measures to enhance safety, we are now facing the prospect of increased traffic and the associated risks. This feels like a step backward for our community's well-being.

I invite you, Mr. Le, to visit our neighborhood to experience firsthand the essence of Harold Avenue. Witnessing the daily life here, I believe, will provide a deeper understanding of why a Starbucks drive-thru is not just an inconvenience, but a real threat to our way of life.

Our appeal is simple: please reconsider this development. There are ample alternative locations on Stevens Creek Boulevard that can accommodate such a business without endangering a residential area. We ask for empathy and consideration for our families and our future.

Thank you for your time and understanding. I hope our concerns resonate with you, leading to a decision that protects the heart of our community.

Sincerely,
Anuja verma
150 harold Ave, Santa Clara, CA 95050
[REDACTED]



To: Steve Le Senior Planner, Mayor and City Council Members

I live at 3563 Londonderry Drive cross street Harold Ave, Santa Clara, CA.

Starbucks has proposed a store at Stevens Creek Blvd. and Harold Ave. The plan includes a double drive through with both entrance and exists on Harold Ave, and a one way entrance on Stevens Creek. Store hours will be from 4 am to 12 pm. If Starbucks is successful with their proposal, our neighborhood will suffer from increased traffic, noise, and pollution, not to mention degradation of pedestrian safety and a concern for public safety since Harold Ave is a primary Fire Dept route.

I, along with many of my neighbors have attended two video conferences to be informed of the project scope and impact. After being presented the details of the project most if not all attendees (affected neighbors) expressed our concerns and opposition to the Starbucks's proposal. All of us homeowners appreciate the family friendly lifestyle the City of Santa Clara provides and this project and its impact will negate that value we all love.

I have listed below items that we feel will be the direct result of this business to our Family Friendly Neighborhood, as well as items of great concern that need to be addressed or mitigated. Please note the data used is from the Starbucks video presentation.

Impacts and Concerns:

- Starbucks estimates 583 additional car trips on residential streets (impact peak periods expect over 100 vehicle trips) (this is commercial traffic being forced into a residential setting) (entrance to the Starbucks will be via Stevens Creek and Harold Ave)
- Traffic attempting to enter or exit to Stevens Creek will only add to the congestion for those vehicles attempting to enter San Tomas Expressway during commute hours and holiday heavy traffic periods.
- The drive thru creates a choke point at Stevens Creek and Harold (traffic impact will block thru traffic in both directions of Harold) (Traffic backup to Starbucks parking lot and drive thru will create a traffic blockage for safe transit of police and fire safety to ingress and egress Harold)
- Starbucks has proposed that if traffic congestion persists at drive thru entrance they will have established a manual intervention to close the drive thru (The impact of this is reactive not preventive, the problem will already be present and now those cars waiting to enter will now be trapped with only to exit Harold South to Stevens Creek or North on Harold, some will attempt U-turns to vacate)
- Starbucks proposed hours of operation 4:30am to 12 midnight. (impact of early morning traffic and late evening creating noise and pollution on primary and adjacent streets)
- Starbucks delivery trucks will only add to the congestion during normal business hours, or create additional impact if limited to before or after business hours.
- Nishiyamato Academy Preschool is adjacent to proposed site and parents will now need to deal with the traffic congestion to safely drop off and pick up children.
- Employee parking on Harold (impact to residential parking, and that will be starting prior to opening at 4:30am and ending after closing at 12 midnight)
- Customer over flow parking will be on Harold (impact to residential parking) (rubbish and trash drops along curb)
- Car idling impacts on carbon foot print (avg car one minute of idle creates approximately 1.17 pounds of carbon)
- City gave Starbucks an exemption to providing a CEQA (California Environmental Quality Act) to investigate and reveal the environmental impact of this development.

- The City did not require a CEQA investigation/report to provide an official traffic impact study and associated environmental impact report. (Starbucks conducted a limited study based on two 2 hours observation periods conducted after Thanksgiving Holiday Weekend) (Starbucks based their traffic impact on a fictitious amount of vehicle traffic comparing previous site usage to the proposed development. Previous use of 3 small service business and 1 retail with no drive thru) (Starbucks traffic analysis already shows that the primary intersections do not have a passing traffic grade to conform to higher use)
- Currently San Jose does not allow for or approve any additional drive through business on Stevens Creek due to the negative impacts on traffic.
- No redress has been made to support the Life Safety Corridor from the Fire Station on Pruneridge Ave and Harold intersection. Direction of travel to be unincumbered South on Harold Ave.
- There are multiple locations for daily drivers to obtain refreshments to include a Starbucks located at Barnes and Nobile directly across the street or at Pruneridge Shopping Center.

Items we feel need to be addressed by City Officials

- Starbucks was given an exemption to requiring a CEQA application. (unfortunately this was approved before the neighborhood knew of the project, thus obviating any chance of challenge)
- Official Traffic impact study (current vs. proposed)
- City of Santa Clara to support SJ's no additional drive thru business on Stevens Creek
- The preservation of our residential community versus the commercialization of our residential streets
- The quality of life enjoyed by those of us that live in our quiet community who prefer not to be subject to a drastic increase in traffic, pollution, potential crime and safety



STARBUCKS COFFEE

SANTA CLARA, CA

PROJECT INFORMATION

PROJECT LOCATION

3575 STEVENS CREEK
SANTA CLARA, CA 95050

PROJECT DESCRIPTION

DEMOLITION OF THE EXISTING $\pm 7,266$ S.F. BUILDING AND SITE RELATED ITEMS AND THE CONSTRUCTION OF THE NEW $\pm 2,300$ S.F. STARBUCKS BUILDING WITH DRIVE-THRU AND REQUIRED PARKING AND ADA REQUIREMENTS .

PROJECT INFORMATION

OCCUPANCY GROUP (A-Z)
CONSTRUCTION TYPE : V-B

ASSESSOR'S PARCEL NUMBER

APN 303-21-068

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

ALL OF PARCEL 1 OF THAT CERTAIN MAP RECORDED ON FEBRUARY 4, 1974 IN BOOK 335 OF MAPS, PAGE 46, SANTA CLARA COUNTY RECORDS.

ZONING

JURISDICTION: CITY OF SANTA CLARA , CA

ZONING: THOROUGHFARE COMMERCIAL

CONTACTS

APPLICANT

GREENBERGFARROW
30 EXECUTIVE PARK, SUITE 100
IRVINE, CA 92614
T: 949.296.0450 F: 949.296.0437
CONTACT: FRANK CODA, fcoda@greenbergfarrow.com

ARCHITECT

GREENBERGFARROW
30 EXECUTIVE PARK, SUITE 100
IRVINE, CA 92614
T: 949.296.0450 F: 949.296.0437
CONTACT: FRANK CODA, fcoda@greenbergfarrow.com

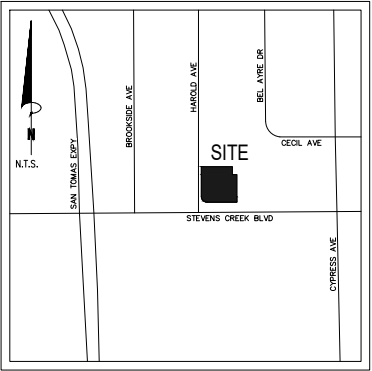
LANDSCAPE ARCHITECT

WOOD ARCHITECTURE
CONTACT: KURT KOETHER, kurt@woodarchitecture.com

CIVIL

GREENBERGFARROW
30 EXECUTIVE PARK, SUITE 100
IRVINE, CA 92614
T: 949.296.0450 F: 949.296.0437
CONTACT: BAHAREH SEHATZADEH, bsehatzadeh@greenbergfarrow.com

SITE VICINITY MAP



VICINITY MAP
NOT TO SCALE

DRAWING INDEX

COVER SHEET

ALTA SURVEY - SHEET NO. 1 AND 2

SITE PLAN SP-18

PROPOSED FLOOR PLAN

EXTERIOR ELEVATIONS

EXTERIOR ELEVATIONS - COLOR

LANDSCAPE CONCEPT PLAN

LANDSCAPE CONCEPT PLAN - COLOR

LANDSCAPE CONCEPT PLAN - ARBORIST NOTES

CONCEPTUAL GRADING AND DRAINAGE PLAN CG-1

STORMWATER CONTROL PLAN SW-1

COMPOSITE UTILITY PLAN CU-1

CONSTRUCTION CONCEPTUAL BEST MANAGEMENT PRACTICES PLAN EC-1

TRAFFIC MANAGEMENT PLAN

PHOTOMETRIC PLAN

TRASH ENCLOSURE DETAILS



30 Executive Park
Suite 100
IRVINE, CA 92614
T: 949.296.0450



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STARBUCKS
STEVENS CREEK & HAROLD
SANTA CLARA, CA

COVER SHEET

20210896.0

09.27.2024

LEGAL DESCRIPTION:

The Land referred to herein below is situated in the City of Santa Clara, County of Santa Clara, State of California, and is described as follows:

ALL OF PARCEL 1 OF THAT CERTAIN MAP RECORDED ON FEBRUARY 4, 1974 IN BOOK 335 OF MAPS, PAGE 46, SANTA CLARA COUNTY RECORDS.

SCHEDULE B2 EXCEPTIONS:

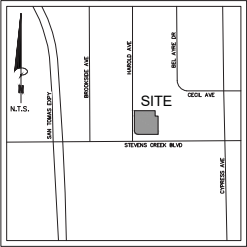
Item No.

1. Covenants, conditions, restrictions and easements in the document recorded March 14, 1939 as Book 926, Page 4 of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes or Section 12955 of the California Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status. Document(s) declaring modifications thereof recorded June 8, 1939 as Book 931, Page 464 of Official Records. -IS LOCATED ON THE SUBJECT PARCEL, BLANKET IN NATURE.

2. An easement for installing, maintaining, repairing and replacing overhead and/or underground electrical systems, and any other necessary structures and appurtenances thereto and incidental purposes, recorded March 07, 1973 as Instrument No. 4466698 in Book 0268, Page 697 of Official Records. In Favor of: City of Santa Clara, a municipal corporation. Affects: as described therein. -IS LOCATED ON THE SUBJECT PARCEL, AS SHOWN HEREON.

Items not listed above are determined non-survey related items and are not plotted hereon.

VICINITY MAP



NOTES:

- Any underground utilities shown have been located from field survey information, as-built drawings and/or utility markings, as provided by the client. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. This site was located by standard RF methods and with GPR locating.
- Beats of bearings is the centerline of line of Stevens Creek Boulevard, monumented at the East end with a found granite monument in a box, and at the West end with a found brass rod in a monument well, as shown hereon, measured to bear N89°38'35"W, a distance of 197.03 feet.
- FEDERAL EMERGENCY MANAGEMENT AGENCY, FEMA FIRMetrie published 04/21/2022, referencing Flood Insurance Rate Map, Map Number 06085C0239H, with an effective date of 05/18/2009, indicates this parcel of land is located in Zone X (0.25 chance of annual flood hazard).
- This survey does not constitute a title search by Clark Land Surveying, Inc. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Clark Land Surveying, Inc. relied upon a Commitment for Title Insurance, prepared by First American Title Insurance Company, Commitment No. NCS-1073705-HOU1, with an effective date of June 15, 2021 at 7:30 AM.
- The linear units used in this drawing are U.S. Survey Feet.
- Elevations are based on NAVD 88 datum.
- BENCHMARK: Nail in asphalt, as shown. Elevation: 124.49' (NAVD 88).
- The Improvements shown hereon are as of the date of field work, April 14, 2022.
- Client did not provide zoning information.

Parking Required: (PER ZONING REGULATIONS)
Parking Provided: 19 regular spaces, 2 handicap spaces.

- This property contains a calculated area of 24,295 square feet (0.558 acres) more or less.
- There are improvements along portions of the boundary as shown hereon. Ownership and/or maintenance responsibilities of said improvements was not determined by this survey.
- Access is obtained directly from Stevens Creek Boulevard, and Harard Avenue. The right of way lines of said street and the boundary lines of subject property are coterminous and contain no gaps, gores or overlaps.
- Easements and other record documents shown or noted on this survey were examined as to location and purpose and were not examined as to restrictions, exclusions, conditions, obligations, terms, or as to the right to grant the same.
- This ALTA/NSPS Land Title Survey was prepared for the exclusive use of persons/parties listed in certification. Said statement does not extend to any unnamed persons/parties without an express statement by the surveyor naming said person/parties.
- The subject property is commonly known as 3575 Stevens Creek - Posted Address: 3575 Stevens Creek.
- There is no observable evidence of earth moving work, building construction or building additions within recent months.
- There are no changes in street right of way lines either completed or proposed, per documents provided by title company.
- There is no observable evidence of recent street or sidewalk construction or repairs.
- There is no evidence of potential wetlands observed on the subject property at the time the survey was conducted, nor have we received any documentation of any wetlands being located on the subject property. No markers were observed at the time of the survey.

20. Encroachment Statement:

No apparent encroachments at the time of survey.

SURVEYOR'S CERTIFICATION:

To Starbucks Corporation, a Washington Company, and its affiliates, and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 5, 6b, 7a, 7b, 7c, 8, 9, 11a, 13, 16, 17, 18, 19 and 20 of Table A thereof. The field work was completed on April 14, 2022.
Date of Plat or Map: April 21, 2022.

Brian L. Stout
Brian L. Stout
California Professional Land Surveyor No. 7917
For and on behalf of Clark Land Surveying, Inc.
Email: ALTA@clarkls.com



TOTAL AREA: 24,295 S.F.± OR 0.558 ACRES±

ALTA/NSPS LAND TITLE SURVEY



PREPARED FOR:



LOCATED AT:
3575 Stevens Creek
A PORTION OF THE W1/2 OF SECTION 15,
TOWNSHIP 7 SOUTH, RANGE 1 WEST, MOUNT DIABLO MERIDIAN,
CITY AND COUNTY OF SANTA CLARA, CALIFORNIA
PROJECT NUMBER:

STARBUCKS		
CLS PROJECT NUMBER:	220621	
SCALE: 1"=20'	DRAWN BY: LJV	SHEET NO. 1
DATE: 04/25/2022	CHECKED BY: BLS	

(E) POWER POLE TO BE REPLACED - SEE CIVIL DRAWINGS

(E) "WATCH FOR TRAFFIC SIGN"

(E) "WATCH FOR PEDESTRIAN SIGN"

(E) CURB CUT TO BE MODIFIED

(E) "WATCH FOR PEDESTRIAN SIGN"

(E) "WATCH FOR TRAFFIC SIGN"

(N) CURB CUT

(E) LIGHT POLE

EXISTING FIRE HYDRANT

PROPOSED TRANSFORMER, PAD, AND VAULT. REFER TO CIVIL DRAWINGS

(N) UNDERGROUND ELECTRIC EASEMENT

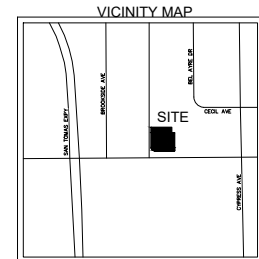
(E) LIGHT POLE

NOTE: THE PROPERTY TO BE FENCED OFF DURING DEMOLITION AND CONSTRUCTION AS A SAFETY BARRIER TO THE PUBLIC AND DETERRENT TO THEFT AND OTHER CRIME. NO SCREENING MATERIAL ON THE FENCE SO PASSING POLICE PATROL CHECKS WILL BE ABLE TO SEE INTO THE SITE.

STEVENS CREEK BOULEVARD



SCALE: 1"=10'-0"



LOCATION MAP N.T.S.

PROJECT INFORMATION

ASSESSORS' PARCEL NUMBER (APN) 303-21-068

ZONING CLASSIFICATION

JURISDICTION CITY OF SANTA CLARA, CA
EXISTING ZONE THOROUGHFARE COMMERCIAL
REQUIRED ZONE THOROUGHFARE COMMERCIAL

PROJECT DATA MATRIX

LOT SQUARE FOOTAGE ±0.558 AC (±24,295 SF)
PROPOSED SITE COVERAGE: 8.6%
EXISTING USE: 2-STORY OF RETAIL/PERSONAL SERVICE
EXISTING SQUARE FOOTAGE: ±7,266 SF
PROPOSED USE: RESTAURANT
PROPOSED SQUARE FOOTAGE: ±2,300 S.F.
REQUIRED AND PROPOSED PARKING SUMMARY SEE- PARKING SUMMARY BELOW

PARKING SUMMARY

USER SPACES PROVIDED

PROPOSED

STRAVBUCKS
STANDARD ACCESSIBLE 1VAN + 1VAN EVCS + 1 STANDARD EVCS 16
TOTAL PARKING 19

-PER SANTA CLARA CITY CODE AMENDED SECTION 5.106.5.3.1 (EV CAPABLE SPACES) = 35 PERCENT OF PARKING SPACES = 7 SPACES
-PER SANTA CLARA CITY CODE AMENDED SECTION 5.106.5.3.2 (EVCS ELECTRICAL VEHICLE CHARGING STATIONS) = 35 PERCENT OF PARKING SPACES = 7 SPACES
- 1 VAN ACCESSIBLE AND 1 STANDARD ACCESSIBLE CHARGING STATION IS REQUIRED PER CBC TABLE 11B-228.3.2.1

TOTAL STACKING PROVIDED: 15 VEHICLES

SHORT TERM BICYCLE PARKING:
ONE TWO-BIKE CAPACITY RACK IS REQUIRED PER CBC 5.106.4.1.1
ONE TWO-BIKE CAPACITY RACK IS PROVIDED

PROJECT NOTES

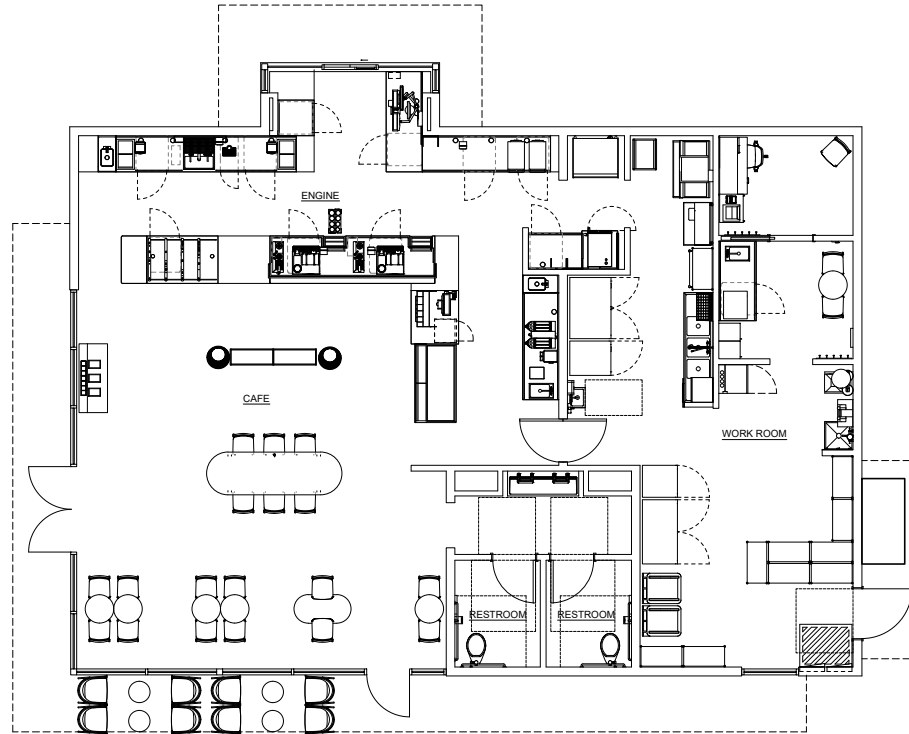
- THIS CONCEPTUAL SITE PLAN IS FOR PLANNING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY BY CLARK LAND SURVEYING, INC. DATED 04/25/2022

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
04/28/2022	PREP SP-7	BP
03/22/2023	PREP SP-P	BP
04/19/2023	PREP SP-10	BP
04/24/2023	PREP SP-11	BP
05/15/2023	PREP SP-11a	BP
07/03/2023	PREP SP-12	BP
09/29/2023	PREP SP-13	BP
01/18/2024	PREP SP-14	BP
01/25/2024	PREP SP-15	BP
04/02/2024	PREP SP-16	BP
07/16/2024	PREP SP-17	CD
07/31/2024	REV SP-17	CD
10/23/2024	PREP SP-18	AA

GREENBERG FARROW CONTACTS

PROJECT MANAGER I. IBRAHIMBOGIC
SITE DEV. COORDINATOR FRANK CODA

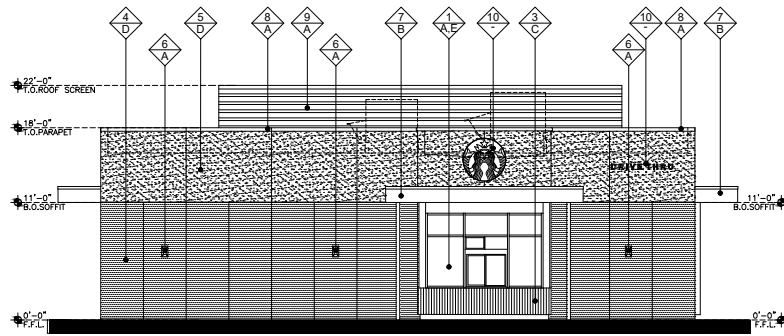


1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

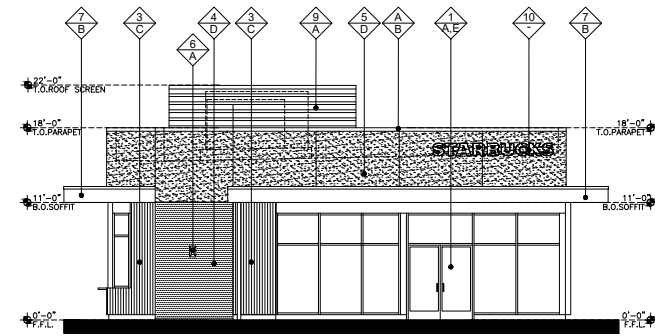


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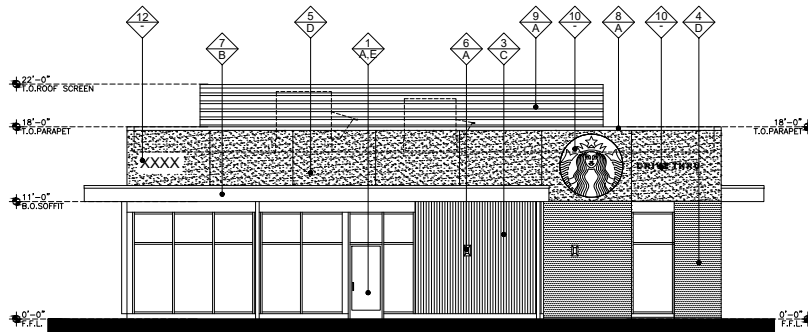




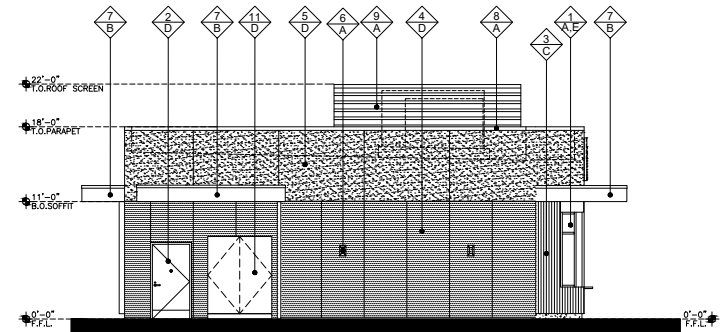
1 WEST ELEVATION
SCALE: 3/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



3 EAST ELEVATION
SCALE: 3/16" = 1'-0"



4 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

FINISH SCHEDULE

FINISH MATERIAL	FINISH COLOR
1 ALUMINUM STOREFRONT DOORS / WINDOWS SYSTEM	A PRE-FINISHED - BLACK
2 HOLLOW METAL DOOR AND FRAME	B POWDER COATED TO MATCH STOREFRONT COLOR
3 WOOD APPEARANCE VERTICAL SIDING	C MICHHA VINTAGEWOOD SPRUCE
4 STUCCO FINISH WITH INTEGRAL COLOR & TEXTURE - COARSE	D OMEGA 69 TRUE GRAY
5 STUCCO FINISH WITH INTEGRAL COLOR & TEXTURE - SMOOTH	E DOUBLE PANE CLEAR GLASS
6 WALL SCIENCE	
7 METAL CANOPY BEAMS AND POSTS	
8 METAL COPING	
9 CORRUGATED METAL ROOF SCREEN	
10 SIGNAGE (UNDER SEPARATE PERMIT)	
11 ELECTRICAL CABINET	
12 12" HIGH ADDRESS NUMBERS	

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30 EXECUTIVE PARK,
SUITE 100
IRVINE, CA 92614
T:949.296.0450

STARBUCKS EXTERIOR ELEVATIONS
STEVENS CREEK & HAROLD
SANTA CLARA, CA

20210896.0 07.03.2023



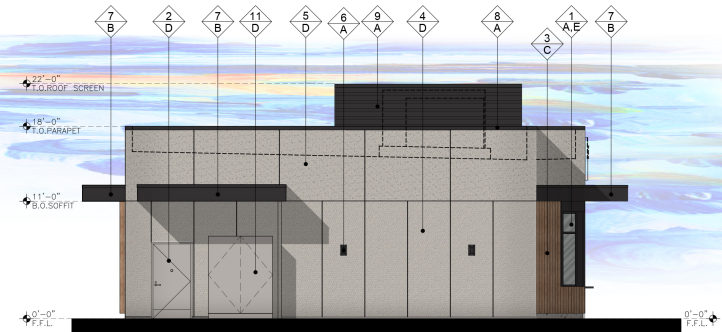
1 WEST ELEVATION
SCALE: 3/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



3 EAST ELEVATION
SCALE: 3/16" = 1'-0"



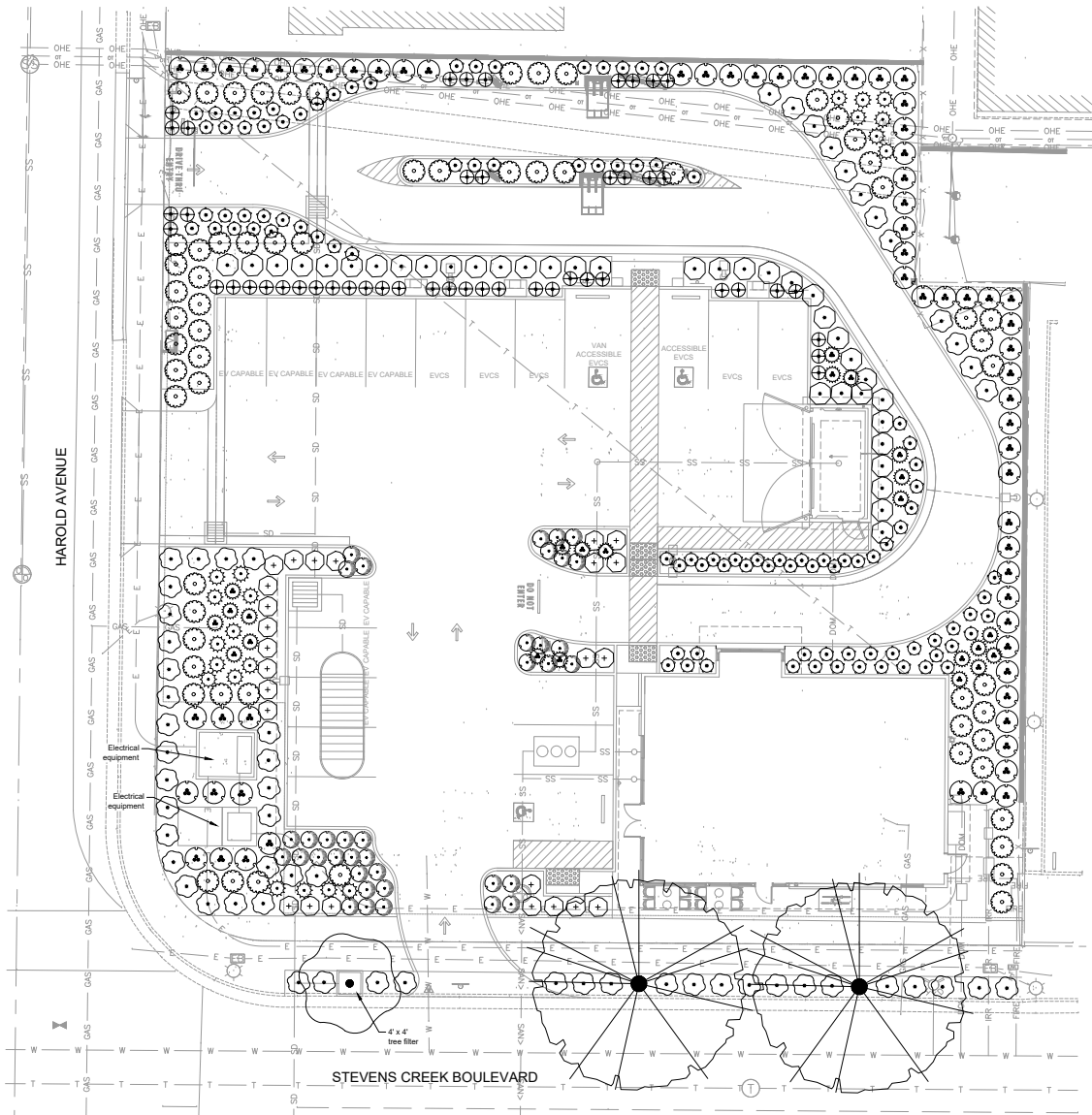
4 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

FINISH SCHEDULE

FINISH MATERIAL	FINISH COLOR
1 ALUMINUM STOREFRONT DOORS / WINDOWS SYSTEM	A PRE-FINISHED - BLACK
2 HOLLOW METAL DOOR AND FRAME	B POWDER COATED TO MATCH STOREFRONT COLOR
3 WOOD APPEARANCE VERTICAL SIDING	C NICHHA VINTAGEWOOD SPRUCE
4 STUCCO FINISH WITH INTEGRAL COLOR & TEXTURE - COARSE	D OMEGA 60 TRUE GRAY
5 STUCCO FINISH WITH INTEGRAL COLOR & TEXTURE - SMOOTH	E DOUBLE PANE CLEAR GLASS
6 WALL SCOTCH	
7 METAL CANOPY BEAMS AND POSTS	
8 METAL COPING	
9 CORRUGATED METAL ROOF SCREEN	
10 SIGNAGE (UNDER SEPARATE PERMIT)	
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Plant Legend

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	USE	WUCOLS	STYLE	CA NATIVE
TREES								
	<i>Lagerstroemia indica x fauriei 'Natchez'</i>	Natchez Crape Myrtle	24"box	Deciduous	Accent Tree	Low	Standard	No
	<i>Platanus x acerifolia</i>	London Plane Tree	24"box	Deciduous	Street Tree	Medium	Standard	Yes
SHRUBS								
	<i>Anigozanthos x 'Big Red'</i>	Big Red Kangaroo Paw	5 gal	Evergreen	Low	No		
	<i>Ceanothus maritimus 'Valley Violet'</i>	Valley Violet Maritime Ceanothus	5 gal	Evergreen	Low	Yes		
	<i>Cistus x purpureus</i>	Orchid Rockrose	5 gal	Evergreen	Low	No		
	<i>Myrtus communis 'Compacts'</i>	Dwarf Common Myrtle	5 gal	Evergreen	Low	No		
	<i>Olea europaea 'Montra'</i>	Little Olived Olive	5 gal	Evergreen	Very Low	No		
	<i>Rhaphiolepis indica 'Ballerina'</i>	Ballerina Indian Hawthorn	5 gal	Evergreen	Low	No		
	<i>Rhaphiolepis indica 'Clara'</i>	Clara Indian Hawthorn	5 gal	Evergreen	Low	No		
	<i>Salvia leucantha 'Santa Barbara'</i>	Santa Barbara Mexican Bush Sage	5 gal	Evergreen	Low	Yes		
	<i>Teucrium cossonii majoricum</i>	Germander	1 gal	Evergreen	Very Low	No		
	<i>Xylosma congestum 'Compacta'</i>	Compact Xylosma	5 gal	Evergreen	Low	No		

All landscape areas to receive a minimum 4" thick layer of 1/2" - 1-1/2" organic composted mulch.

Notes:

- 1- All landscape plans and installations shall comply with the City of Santa Clara design guidelines, standards, codes and regulations.
- 2- All landscape areas shall receive permanent irrigation.
 - a. Irrigation system shall be point source with gallon per minute emitters for trees and gallon per hour emitters for shrubs.
 - b. Irrigation system shall have a flow sensor and master valve.
 - c. Irrigation controller shall be a smart controller operating off of weather data and soil moisture sensors.
 - d. Irrigation controller management software shall be cloud based with remote/online access.
- 3- All landscape installations shall be permanently maintained.
- 4- All landscape plans shall comply with the Model Water Efficient Landscape Ordinance (MWELO) or the local jurisdictions water ordinance, whichever is more stringent.
- 5- All plants shall be of quality as prescribed in the details and specifications of the landscape construction plans.
- 6- All utilities, perimeter walls and trash enclosures shall be screened with hedges, vines, or other approved treatments.

Preliminary MWELO Calculations

Santa Clara (San Jose) Eto: 45.3

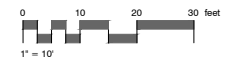
Landscape Area: 7,102 SF
Average Plant Factor: 0.03 Low water use plants
Irrigation Efficiency: 0.81 Drip Irrigation

Landscape Area: 75 SF
Average Plant Factor: 0.05 Medium water use plants
Irrigation Efficiency: 0.78 Bubbler

Estimated Annual Water use: **75,227 gallons**
Maximum allowed water Allowance: 90,708 gallons

NOTE:

THERE ARE NO EXISTING TREES ON THIS PROPERTY





0 10 20 30 feet
1" = 10'



Project: 22043_WA
Date: 8.27.2024
Scale: 1" = 10'

www.iwoodarchitecture.com

All landscape areas to receive a minimum 4" thick layer of 1/2" - 1-1/2" organic composted mulch.

5- All plants shall be of quality as prescribed in the details and specifications of the landscape construction plans.

6- All utilities, perimeter walls and trash enclosures shall be screened with hedges, vines, or other approved treatments.

THERE ARE NO EXISTING TREES ON THIS PROPERTY



CITY OF SANTA CLARA ARBORIST NOTES

I. GENERAL

1. No cutting of any part of city trees, including roots, shall be done without securing approval and direct supervision from the city arborist or arborist employed by city (408-615-3080).
2. No cutting of any part of private trees, including roots, shall be done without direct supervision of an international society of arboriculture (ISA) certified arborist.
3. When construction occurs within the drip line of existing trees, contractor shall pile the soil on the side away from the tree. When this is not possible, place soil on plywood, tarp, or 4"-5" thick bed of mulch. This is to help prevent cutting into the soil surface when the backhoe or tractor blade refills the trench.
4. Refill open trenches quickly within hours of excavation when they occur within the drip line of existing trees. If this is not possible and the weather is hot, dry, or windy, contractor must keep root ends moist by covering them with wet burlap. If the temperature is 80°F or greater, the burlap must be inspected every hour and re-wet as necessary to maintain a constant cool moist condition. If the temperature is below 80°F, the burlap must be inspected every four hours and re-wet as necessary to maintain a constant cool moist condition. Small roots can dry out and die in 10-15 minutes. Larger roots can succumb in an hour or less under unfavorable weather conditions.
5. When roots 2" or larger are required to be cut, shovel by hand near the roots and prune the roots with an industry-approved pruning tool. Roots that are accidentally broken should be pruned two inches from the damaged end. Crushed or torn roots are more likely to allow decay to begin. Sharply cut roots produce a flush of new roots helping the tree to recover from its injury.
6. Contractor shall notify the city arborist or arborist employed by city 72 hours in advance of any work requiring digging around or within the drip line of existing trees.
7. A clear system of flagging must be provided around trees within 20' of the proposed grading. Contractor shall secure approval of such system from the city arborist or arborist employed by city.
8. Materials, equipment, temporary buildings, fuels, paints and other construction items shall not be placed within the drip line of existing trees.

Page 1 of 4



CITY OF SANTA CLARA ARBORIST NOTES

9. Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing or grading. Fencing shall be placed at the drip line of existing trees or, if possible, 1.5 times the radius of the drip line out from the trunk of the tree. A warning sign shall be prominently displayed on each fence. The sign shall be a minimum of 8.5"x11" and clearly state "warning - tree protection zone this fence shall not be removed without approval from the city arborist/project arborist". Fences shall be 6-foot tall chain link or equivalent, as approved by the city arborist or arborist employed by city. Fences shall remain until all grading and construction work is completed. In addition, wrap all trees with straw waddle up to the first main branch, and then wrap snow fencing around the waddle on all trees in the construction zone to protect them from bark damage caused by the work.
10. No trenching shall be done within the drip line of existing trees without the approval of the city arborist or arborist employed by city. Open trenching in the root zone of a public tree is prohibited except in cases where the trenching falls outside the drip line of the tree involved. Exceptions may be allowed if, in the opinion of the city arborist or arborist employed by city, the impact of trenching on the tree will be negligible.
11. Any cutting of existing roots of city trees shall be done with approved light equipment under the direct supervision of the city arborist or arborist employed by city. Any cutting of existing roots of private trees shall be done with approved equipment under the direct supervision of an ISA certified arborist.
12. Grading should not create drainage problems for trees by channeling water into them, or creating sunken areas.
13. All grading within the drip line of city trees shall be done with approved light equipment under the direct supervision of the city arborist or arborist employed by city. All grading within the drip line of private trees shall be done with approved equipment under the direct supervision of an ISA certified arborist. The original grade at the base of existing trees shall not be modified. If a grade increase is necessary, dry wells should be used.
14. When trenching is allowed, the contractor must first cut roots with a vermeer root cutter prior to any trenching to avoid tagging or pulling of roots.
15. Trees that are determined to be removed by the city arborist or arborist employed by city due to an unforeseen circumstance during construction shall be replaced by the

Page 2 of 4



CITY OF SANTA CLARA ARBORIST NOTES

contractor. The city arborist or arborist employed by city shall determine the replacement species, size, quantity, and spacing.

16. Place 4"-5" thick mulch around all existing trees (out to their drip line) that are to be retained prior to any construction. This will help maintain moisture under the tree within the fencing area.
17. Bore pits are not allowed within the drip line of any tree.

II. BORING

Where there is insufficient space to bypass the drip line by trenching adjacent to all existing trees in excess of 6" DBH, the installation must be made by boring. The beginning and ending distance of the bore from the face of the tree in any direction is determined by the diameter of the tree as specified by the accompanying table:

When the tree diameter at 4 1/2 feet is:	Trenching will be replaced by boring at this minimum distance from the face of the tree in any direction:
0-2 inches	1 foot
3-4 inches	2 feet
5-6 inches	3 feet
10-14 inches	10 feet
15-19 inches	12 feet
over 19 inches	15 feet

Tree diameter	(minimum) depth of bore
9 inches or less	2.5 feet
10-14 inches	3.0 feet
15-19 inches	3.5 feet
20 inches or more	4.0 feet

III. TREE PROTECTION

1. Contractor shall tag and identify existing trees which are to remain within the project limits and on the public right-of-way prior to start of work. Protect all tagged trees at all times from damage by the work. Treatment of all minor damage to tagged trees shall be performed by an ISA certified arborist or other personnel approved by the city arborist or arborist employed by city. If a tagged tree is permanently

Page 3 of 4



CITY OF SANTA CLARA ARBORIST NOTES

disfigured or killed as a result of the work, contractor shall remove the tree, including its roots, from the site and replace each removed tree with an equal-sized tree. If such replacement is not possible, the contractor shall reimburse to the tree owner the amount listed in the table below. The city arborist or arborist employed by city shall be the sole judge of the condition of any tree. Contractor shall provide regular watering of existing landscaping within the construction area through the construction period.

2. Contractor shall pay the tree owner the value of existing trees to remain that died or were damaged because of the contractor's failure to provide adequate protection and maintenance. The payment amount shall be in accordance with the following schedule of values, using "tree caliper" method established in the most recent issue of the "guide for establishing values of trees and other plants", prepared by the council of tree and landscape architects.

7 inches	\$ 2,400
8 inches	\$ 2,400
9 inches	\$ 4,400
10 inches	\$ 5,200
11 inches	\$ 6,200
12 inches	\$ 7,200
13 inches	\$ 8,200
14 inches	\$ 9,200
15 inches	\$ 10,000
16 inches	\$ 11,000
17 inches	\$ 12,000
18 inches and over: Add for each caliper inch	\$ 1,200

Page 4 of 4

NOTE:

THERE ARE NO EXISTING TREES ON THIS PROPERTY



HAROLD AVENUE

STEVENS CREEK AVENUE

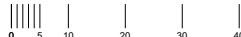
GRADING KEY NOTES

- PROPOSED DROP INLET WITH GRATES. INSTALL FLOQUARD CATCHBASIN TRASH SCREEN INSERT
- PROPOSED UNDERGROUND STORAGE TANK, 7,000 GALLONS
- PROPOSED JUNCTION STRUCTURE & SUMP PUMP FOR OVERFLOW
- PROPOSED TRUNCATED DOMES
- PROPOSED DRIVEWAY PER CITY OF SANTA CLARA STD. DWG. ST-8
- PROPOSED SIDEWALK
- PROPOSED 6" CURB & GUTTER
- PROPOSED 6" CURB ONLY
- PROPOSED 3" VALLEY GUTTER
- PROPOSED 12" RCP PIPE AND CLEANOUT TO CONNECT TO EXISTING STORMDRAIN MAIN
- PROPOSED 4"x4" FILTERRA



TRUE NORTH

SCALE: 1"=10'-0"



HAROLD AVENUE

STEVENS CREEK AVENUE

CITY OF SANTA CLARA C.3 TREATMENT FACILITIES CONSTRUCTION NOTES

1. DURING THE BEGINNING OF THE CONSTRUCTION, THE PROJECT APPLICANT SHALL ARRANGE FOR A SITE VISIT (INSPECTION) BY A THIRD-PARTY REVIEWER ACCEPTABLE TO THE CITY OF SANTA CLARA THAT THE INSTALLED STORMWATER TREATMENT MEASURES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED BUILDING PLANS. THE THIRD-PARTY REVIEWER WILL RECOMMEND THE REQUIRED NUMBER OF SITE INSPECTIONS AT DIFFERENT INTERVALS OF CONSTRUCTION. THE THIRD-PARTY REVIEWER MUST BE A CIVIL ENGINEER, ARCHITECT OR LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF CALIFORNIA AND MUST HAVE A CURRENT TRAINING ON STORMWATER TREATMENT DESIGN. A LIST OF QUALIFIED THIRD-PARTY REVIEWERS CAN BE FOUND ON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVURPPP) WEBSITE AT: WWW.SCVURPPP-WQZ.COM/CONSULTANTS_LIST.SHML
2. SOILS IN THE BIOTRETION FACILITIES SHOULD MEET THE BIOTRETION SOIL MIX (BSM) SPECIFICATIONS FOR SCVURPPP C.3 STORMWATER HANDBOOK, APPENDIX C. A MINIMUM PERCOLATION RATE OF 5 INCHES/HOUR AND A MAXIMUM PERCOLATION RATE OF 10 INCHES/HOUR ARE REQUIRED (INITIAL INFILTRATION RATE MAY EXCEED THIS TO ALLOW FOR TENDENCY OF INFILTRATION RATE TO REDUCE OVER TIME). PLANTING SOIL LAYER SHOULD BE AT LEAST 18 INCHES DEEP. CONTRACTOR TO SUBMIT MATERIAL CERTIFICATES SIGNED BY THE MATERIAL PRODUCER, CERTIFYING THAT SOIL COMPLES WITH OR EXCEEDS SPECIFIED REQUIREMENTS WITHIN 6 MONTHS.
3. PERMEABLE DRAIN ROCK SHALL BE CLASS 2 PERM ROCK PER CALTRANS STANDARD SECTION 68-1.025. THE MATERIAL SHALL BE WASHED AND FREE FROM CLAY OR ORGANIC MATERIAL.
4. PERFORATED PIPE SHALL BE SOLVENT WELD PVC SDR 35 (OR APPROVED EQUAL) WITH PERFORATIONS FACED DOWN. LOCATION OF THE PIPE VARIES, SEE PLAN.
5. INSTALLATION OF POROUS PAVEMENT AND/OR VAULTS SHALL BE DONE PER STANDARD DETAILS AND SPECIFICATIONS. THIRD PARTY REVIEWER OR VENDOR SHALL INSPECT THE POROUS PAVEMENT AND/OR VAULTS INSTALLATION (INCLUDING IF NECESSARY, PERFORMING PERCOLATION TEST) AND SUBMIT THEIR CONCURRENCE LETTER TO THE CITY OF SANTA CLARA.
6. INSTALLATION OF INTERCEPTOR TREES AS A TREATMENT CONTROL MEASURE SHALL BE INSPECTED TO VERIFY THE ACCURACY OF LOCATION, SPECIES AND NUMBER OF THE INTERCEPTOR TREES.
7. FOR ANY LINER PENETRATIONS, RADIAL CUT THE LINER FOR PIPE. MASTIC AND SEAL WITH PIPE CLAMP TO INSURE WATER-TIGHT SEAL.
8. SEE LANDSCAPE PLANS AND SPECIFICATIONS FOR PLANTING MATERIALS WITHIN BIOTRETION FACILITIES.

LEGEND

- DRAINAGE MANAGEMENT AREA (DMA)
- STREET CENTERLINE
- PROPERTY LINE
- XX SUBAREA
- XX SF SUBAREA SIZE
- LANDSCAPE AREA
- FLOW DIRECTION AND SLOPE

SOURCE CONTROL MEASURES:

- SD-10 SITE DESIGN AND LANDSCAPE PLANNING
- SD-12 EFFICIENT IRRIGATION
- SD-15 STORM DRAIN SYSTEM SIGNS
- SC-60 HOUSEKEEPING PRACTICES
- SC-73 LANDSCAPE MAINTENANCE

SITE DESIGN MEASURES:

1. MINIMIZE IMPERVIOUS SURFACES
2. MINIMIZE IMPACT STREET OR PARKING LOT DESIGN
3. DISCONNECTED DOWNSPOUTS (DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREAS)

a. Total Site Area: 26,109 (ft ²)		b. Total Land Area Disturbed During Construction: 26,109 (ft ²) (including clearing, grading, stockpiling, etc.)				
Project Totals		Total Existing (Pre-project) Area (ft ²)	Existing Area Retained ^d (ft ²)	Existing Area Replaced ^d (ft ²)	New Area Created ^d (ft ²)	Total Post-Project Area (ft ²)
Impervious Area (IA)						
c. Total on-site IA	21,563	0	16,595	1,092		17,687
d. Total off-site IA ¹	1,814		1,373	0		1,373
e. Total project IA	23,377	0	17,968	1,092		19,060
f. Total new and replaced IA				19,060		
PerVIOUS Area (PA)²						
g. Total on-site PA	2,732					6,608
h. Total off-site PA ³	0					441
i. Total project PA	2,732					7,049
j. Total Project Area (2.e.+2.i.)	26,109					26,109
k. Percent Replacement of IA in Redevelopment Projects: (Existing on-site IA Replaced ÷ Existing Total on-site IA) x 100% 0534.2%						

TREATMENT CONTROL MEASURE SUMMARY TABLE											Catchment Volume		Filter Flow	
DMA #	TCM #	Location	Treatment Type	LID or Non-LID	Sizing Method	Drainage Area (a.f.)	Impervious Area (a.f.)	Previous Area (Permeable Pavement) (a.f.)	Previous Area (Other) (a.f.)	% of Area Treated by LID or Non-LID TCM	Catchment Volume Required	Catchment Volume Provided	Filter Flow Required	Filter Flow Provided
1	1	Onsite	Rainwater harvest/use system	LID	1B: Volume	24,295	18,244	0	6,051	106.61%	878 c.f. (6,566 gallons)	936 c.f. (7,000 gallons)	-	-
2	2	Offsite	Proprietary Tree Filter	Non-LID	2C: Flow 1 = 0.2	1,691	1,249	0	442	933.87%	-	-	62 c.f.	579 c.f.
Totals:						25,986	19,493	0	6,493					

4695 MACARTHUR COURT
Suite 1450
NEWPORT BEACH, CA 92660
7:949 296 0450



TRUE NORTH

SCALE: 1"=10'-0"

0 5 10 20 30 40

STARBUCKS
STEVENS CREEK & HAROLD
SANTA CLARA, CA

20210896.0

STORMWATER CONTROL PLAN

SW-1

08.27.2024

HAROLD AVENUE

STEVENS CREEK AVENUE

UTILITY KEY NOTES

SANITARY SEWER

- ① PROPOSED 4" SANITARY SEWER LATERAL
- ② PROPOSED 6" SANITARY SEWER LATERAL
- ③ PROPOSED GREASE INTERCEPTOR
- ④ CONNECT TO EXISTING SEWER CLEANOUT. CONTRACTOR TO VERIFY EXISTING SANITARY SEWER TO BE USED ARE IN GOOD CONDITION. REMOVE AND REPLACE AS REQUIRED.
- ⑤ PROPOSED 4" SEER CLEANOUT
- ⑥ PROPOSED DRAIN

WATER

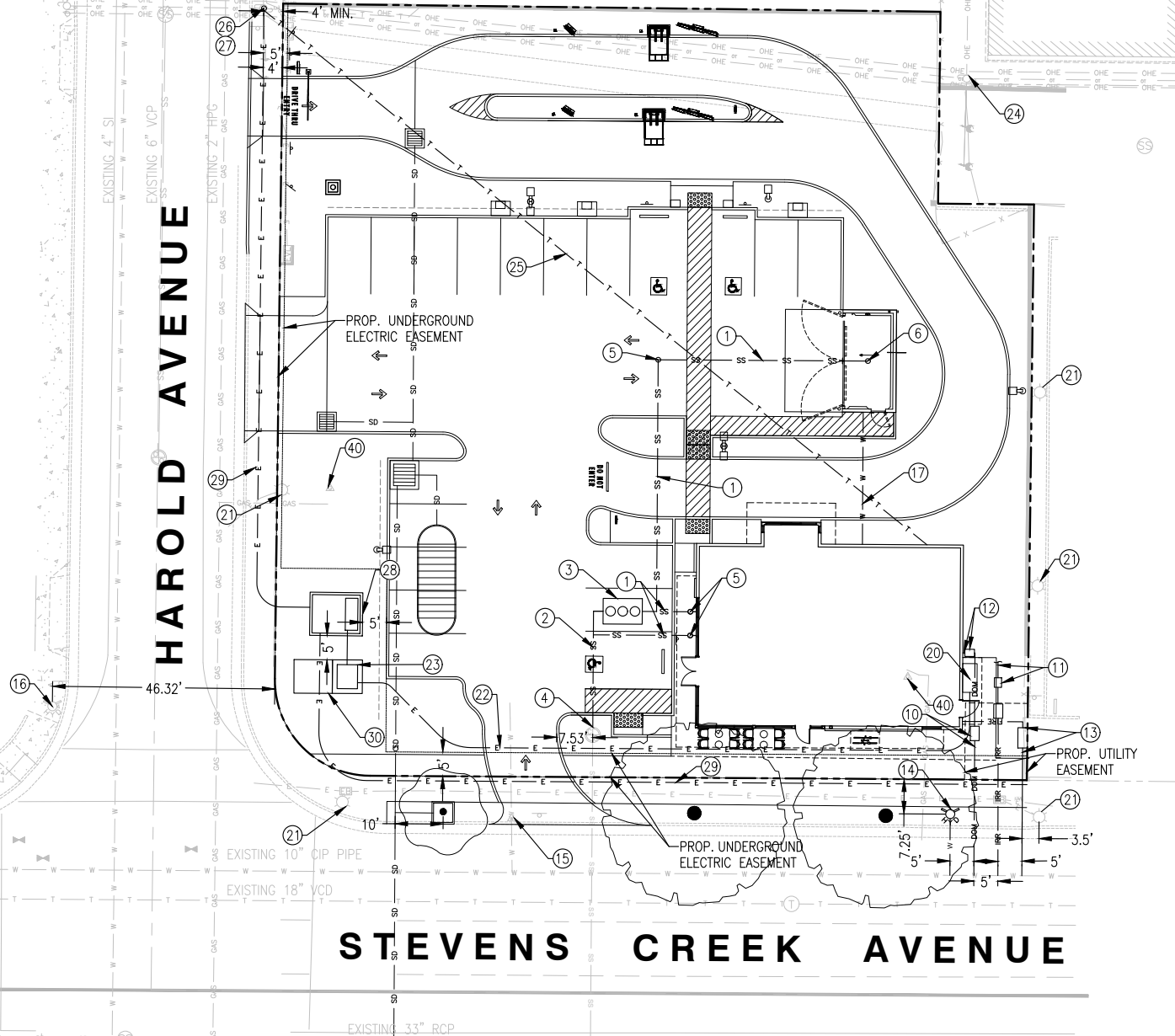
- ⑬ PROPOSED 2" WATER METER AND SERVICE LINE. CONTRACTOR TO FIELD VERIFY LOCATION, DEPTH, AND CONDITION OF EXISTING WATER LINE FOR CONNECTION.
- ⑪ PROPOSED IRRIGATION REDUCED PRESSURE DETECTOR ASSEMBLY AND SERVICE
- ⑫ PROPOSED 2" DOMESTIC REDUCED PRESSURE DETECTOR ASSEMBLY AND LINE TO BUILDING
- ⑬ PROPOSED 4" FIRE SERVICE WITH REDUCED PRESSURE DETECTOR ASSEMBLY.
- ⑬ CONTRACTOR TO FIELD VERIFY LOCATION, DEPTH, AND CONDITION OF EXISTING WATER LINE FOR CONNECTION.
- ⑭ PROPOSED PUBLIC FIRE HYDRANT
- ⑮ EXISTING WATER SERVICE & METER TO BE REMOVED
- ⑯ EXISTING FIRE HYDRANT
- ⑰ PROPOSED WATER LINE FROM BUILDING TO TRASH ENCLOSURE

ELECTRICAL

- ⑲ PROPOSED ELECTRICAL SWITCHGEAR
- ⑲ EXISTING LIGHT POLE TO REMAIN. PROTECT IN PLACE
- ⑲ PROPOSED ELECTRICAL SERVICE
- ⑲ PROPOSED TRANSFORMER
- ⑲ EXISTING UTILITY POLE TO REMAIN. PROTECT IN PLACE
- ⑲ PROPOSED TELEPHONE SERVICE
- ⑲ PROPOSED POWER POLE
- ⑲ EXISTING POWER POLE TO BE REMOVED/REPLACED
- ⑲ PROPOSED VAULT PER SVP UG1000 PG 26
- ⑲ PROPOSED SVP TRENCH & CONDUITS PER UG1000 PG 34
- ⑲ PROPOSED TRANSFORMER PAD PER UG1000 PG 15
- GAS
- ⑲ EXISTING GAS METER TO BE REMOVED

NOTE:

- EXISTING UTILITIES ARE SHOWN AT APPROXIMATE LOCATION BASED ON AVAILABLE AS-BUILT PLANS. CONTRACTOR SHALL VERIFY LOCATION, DEPTH, AND CONDITION IN FIELD PRIOR TO CONSTRUCTION
- ALL HORIZONTAL AND VERTICAL UTILITY CLEARANCES SHALL COMPLY WITH STATE AND LOCAL REGULATIONS. THE APPLICANT SHALL MAINTAIN A MINIMUM 12" OF VERTICAL CLEARANCE AT WATER SERVICE CROSSING WITH OTHER UTILITIES, AND ALL REQUIRED MINIMUM HORIZONTAL CLEARANCES FROM WATER SERVICES: 10' FROM SANITARY SEWER UTILITIES, 10' FROM RECYCLED WATER UTILITIES, 8' FROM STORM DRAIN UTILITIES, 5' FROM FIRE AND OTHER WATER UTILITIES, 3' FROM ABANDONED WATER SERVICES, 5' FROM GAS AND ELECTRIC UTILITIES, AND 5' FROM THE EDGE OF THE PROPOSED OR EXISTING DRIVEWAY. FOR SANITARY SEWER, WATER, AND RECYCLED WATER UTILITIES, THE APPLICANT SHALL MAINTAIN A MINIMUM HORIZONTAL CLEARANCE OF 10' FROM EXISTING AND PROPOSED TREES. IF APPLICANT INSTALLS TREE ROOT BARRIERS, CLEARANCE FROM TREE REDUCES TO 5' (CLEARANCE MUST BE FROM THE EDGE OF TREE ROOT BARRIER TO EDGE OF WATER FACILITIES). NO STRUCTURES (FENCING, FOUNDATION, BIOFILTRATION SWALES, ETC.) ALLOWED OVER SANITARY SEWER, POTABLE WATER AND/OR RECYCLED WATER UTILITIES AND EASEMENTS.



SCALE: 1"=10'-0"



HAROLD AVENUE

STEVENS CREEK AVENUE

EROSION CONTROL NOTES:

1. CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE CALIFORNIA STORMWATER QUALITY ASSOCIATION (CQSA). ADDITIONAL BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST OF OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.
2. BEST MANAGEMENT PRACTICES (BMP'S) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS AND THE CQSA BMP HANDBOOK, AS APPLICABLE. CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY PERMITTING AGENCY OR OWNER.
3. CONTRACTOR SHALL MINIMIZE CLEARING TO THE MAXIMUM PRACTICAL.
4. GENERAL CONTRACTOR SHALL DENOTE ON PLAN THE TEMPORARY PARKING AND STORAGE AREA WHICH SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AND CLEANING AREA, EMPLOYEE PARKING AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, OFFICE TRAILERS, AND TOILET FACILITIES.
5. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) SHALL BE DETAINED AND PROPERLY TREATED OR DISPOSED.
6. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOATATION BOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS AND LEAKS.
7. DUST ON THE SITE SHALL BE CONTROLLED. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.
8. RUBBISH, TRASH, GARBAGE, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORMWATER DISCHARGE INTO DRAINAGE DITCHES OR WATERS OF THE STATE.
9. ALL EROSION CONTROL MEASURES PRESENTED ON THIS PLAN SHALL BE INITIATED AS SOON AS PRACTICABLE.
10. IF THE ACTION OF VEHICLES TRAVELING OVER THE GRAVEL CONSTRUCTION ENTRANCES IS NOT SUFFICIENT TO REMOVE THE MAJORITY OF DIRT OR MUD, THEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO INTERCEPT THE WASH WATER AND TRAP THE SEDIMENT BEFORE IT IS CARRIED OFF THE SITE.
11. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY.
12. CONTRACTORS OR SUBCONTRACTORS WILL BE RESPONSIBLE FOR REMOVING ANY SEDIMENT THAT MAY HAVE COLLECTED IN THE STORM DRAINAGE SYSTEMS IN CONJUNCTION WITH THE CONSTRUCTION OF THE SITE.
13. ON-SITE & OFF-SITE SOIL STOCKPILE AND BORROW AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION THROUGH IMPLEMENTATION OF BEST MANAGEMENT PRACTICES.
14. DUE TO THE GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (SILT FENCES, ETC.) TO PREVENT EROSION.
15. ALL CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY, THIS INCLUDES BACKFILLING OF TRENCHES FOR UTILITY CONSTRUCTION AND PLACEMENT OF GRAVEL OR BITUMINOUS PAVING FOR ROAD CONSTRUCTION.
16. CONTRACTOR SHALL ADEQUATELY CONTROL OFF-SITE TRACKING. CONTRACTOR TO IMPLEMENT HOUSEKEEPING PRACTICES IN ACCORDANCE WITH CQSA TO CONTROL OFF-SITE TRACKING.

EROSION CONTROL NOTES

LEGEND	DESCRIPTION
EC1	SF — SF — SILT FENCE (SE1)
EC2	CONSTRUCTION FENCE
EC3	STABILIZED CONSTRUCTION ENTRANCE W/ SHAKER PLATES (TC1)
EC4	N/A
EC5	STREET WEEPING AND VACUUMING (SE-7)
EC6	INLET PROTECTION (SE-10)
EC7	CHECK DAM (SE-4)
EC8	SANDBAG BARRIER (SEB)
EC9	MATERIAL DELIVERY STORAGE (WM1)
EC10	SOLID WASTE MANAGEMENT (WMS)
EC11	HAZARD WASTE MANAGEMENT (WMS)
EC12	CONCRETE WASTE MANAGEMENT (WMS)
EC13	SANITARY/SEPTIC WASTE MANAGEMENT (WMS)

NOTE: BMP DRAWING NUMBERS IN () REFER TO THE CALIFORNIA STORMWATER QUALITY ASSOCIATION'S BEST MANAGEMENT PRACTICES HANDBOOK, CONSTRUCTION.

CITY OF SANTA CLARA
CITY OF SAN JOSE

CITY OF SANTA CLARA
CITY OF SAN JOSE



SCALE: 1"=10'-0"

0 5 10 20 30 40

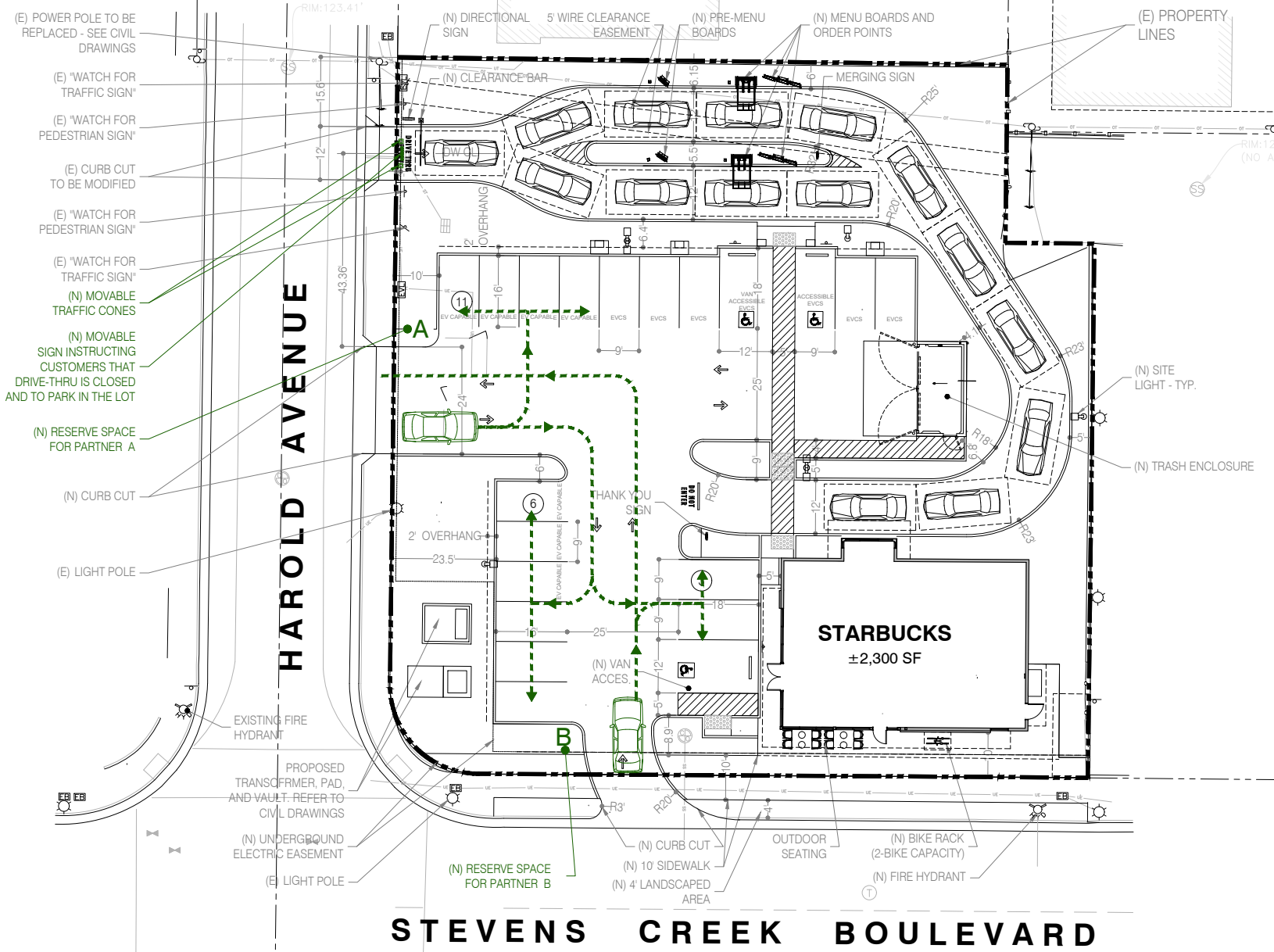
TRUE NORTH

STARBUCKS
STEVENS CREEK & HAROLD
SANTA CLARA, CA

**CONCEPTUAL CONSTRUCTION BEST
MANAGEMENT PRACTICES PLAN
EC-1**

20210896.0

08.27.2024



STARBUCKS BUSINESS OPERATIONS AND OVERSTACK PLAN

STARBUCKS IS PROPOSING A NEW +/2,300 SF CAFE AND DRIVE-THROUGH BUILDING (WITH INTERIOR AND EXTERIOR SEATING) WITH ASSOCIATED SITE IMPROVEMENTS.

DRIVE-THROUGH PEAK HOURS FOR STARBUCKS ARE PRIMARILY ANTICIPATED BETWEEN 7AM-10:30 AM ALL DAYS OF THE WEEK.

PROPOSED PLAN PROVIDES 15 CAR DRIVE-THROUGH CAPACITY PARKING PROVIDED FOR STARBUCKS IS 20 SPACES

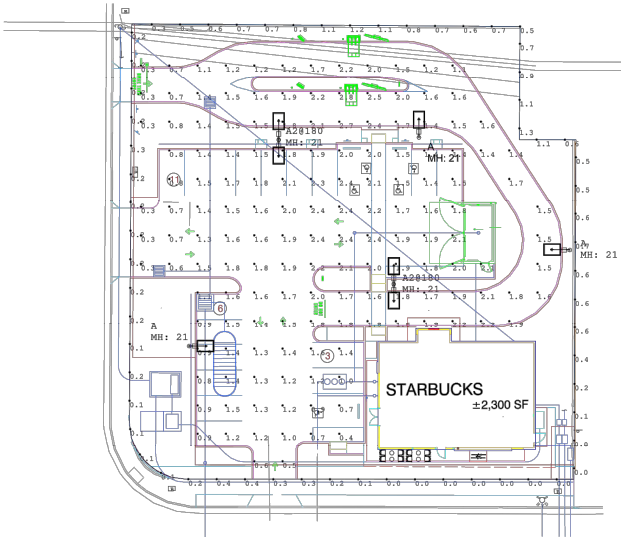
IN CASE OF THE EVENT THAT DESIGNATED DRIVE-THROUGH LANES ARE AT MAXIMUM CAPACITY, STARBUCKS MAY DEPLOY TRAFFIC CONES, AND A PARTNER AT IDENTIFIED POINTS (A) AND (B) TO FACILITATE ONSITE CIRCULATION. TRAFFIC CONES WILL BE PLACED AT THE ENTRY SIGNALING CUSTOMERS THAT DRIVE-THROUGH OPERATIONS ARE CLOSED FOR THE TIME BEING.

STARBUCKS PARTNER (A) WILL PRIMARILY ASSIST TRAFFIC FROM HAROLD AVENUE AND PARTNER (B) WILL PRIMARILY ASSIST TRAFFIC FROM STEVENS CREEK TO DIRECT CUSTOMERS TO PARK WHERE AVAILABLE (SHOWN IN GREEN ON THE DIAGRAM), ORDER VIA MOBILE ORDER AND WALK UP TO STORE TO PICK-UP THEIR ORDER.

GREENBERG FARROW CONTACTS

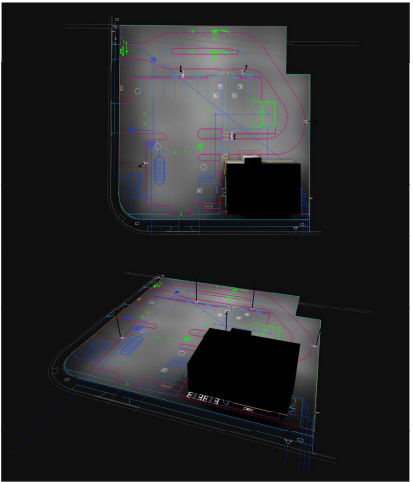
PROJECT MANAGER I. IBRAHIMBEGOVIC
 SITE DEV. COORDINATOR FRANK CODA

- NOTES:
1. THE FOOTCANDLE LEVELS AS SHOWN ARE BASED ON THE FOLLOWING CRITERIA. ANY SUBSTITUTIONS IN SPECIFIED FIXTURES OR CHANGES TO LAYOUT WILL AFFECT LIGHTING LEVELS SHOWN AND WILL NOT BE THE RESPONSIBILITY OF SECURITY LIGHTING.
 2. DISTANCE BETWEEN READINGS _____ 10'



Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
PAVED SURFACE READINGS	Illuminance	Fc	1.53	2.8	0.3	5.10	9.33
PROPERTY LINE READINGS	Illuminance	Fc	0.41	1.3	0.0	N.A.	N.A.

Luminaire Schedule										
Symbol	Qty	Label	Arrangement	LLF	Description	Lum. Watts	EPA	Mtg Height	Pole Type	Lum. Lumens
	3	A	SINGLE	0.850	RAR1-80L-50-3K7-4W-SCP/40F	49.7	0.607	21	SES-18-40-1-TA-xx-xx (4")	5870
	2	A2@180	BACK-BACK	0.850	RAR1-80L-50-3K7-4W-SCP/40F	49.7	1.214	21	SES-18-40-1-TA-xx-xx (4")	5870



Pole Fixtures Are Full Cutoff
Tilt=0
Calculation Grids Are At Grade
Pole Light Mounting Height=21ft
(18' Pole + 3' Base)

PROJECT WIND LOAD CRITERIA BASED ON:
ASCE 7-10 WIND SPEEDS (1-SEC PEAK GUST SPEED)
50 YEAR MEAN RECURRENT INTERVAL
ALLOWED EPA 15.0 8 WIND LOAD 85 MPH

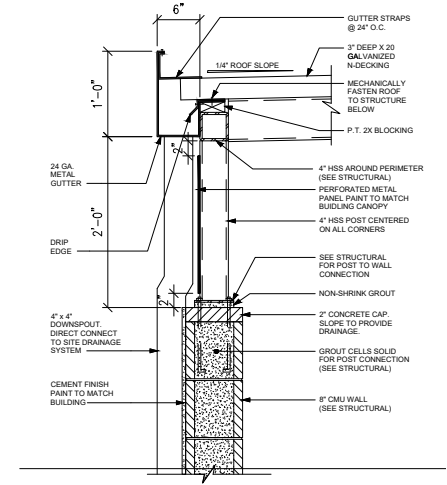
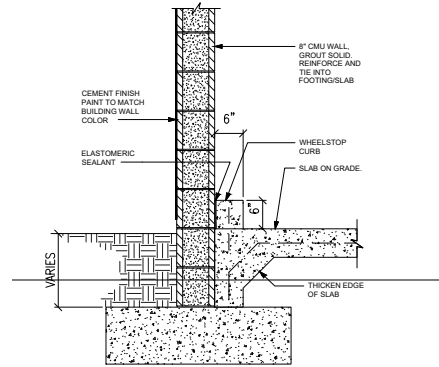
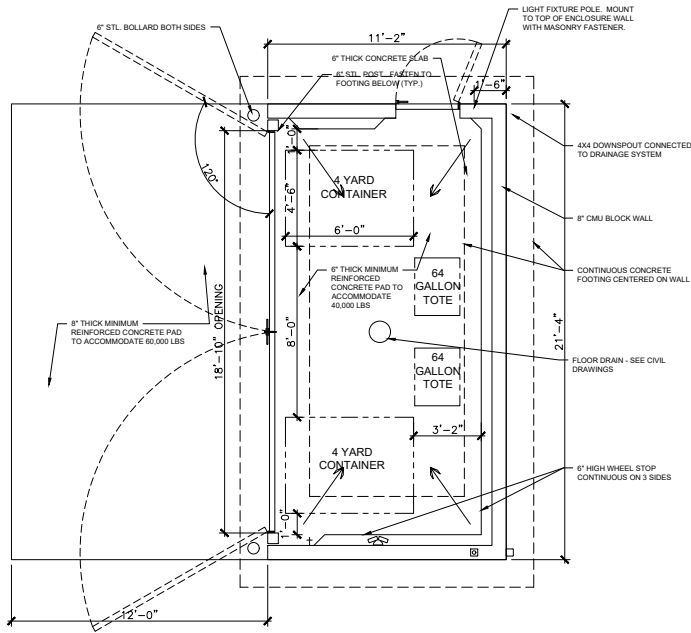


UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS ARE IN INCHES
SCALE: 1"=18' 0"

POINT-BY-POINT FOOTCANDLE PLOT FOR
STARBUCKS
STEVENS CREEK & HAROLD
SANTA CLARA, CA

DATE: 9/29/2024
DRAWING NUMBER: A231189C.A01

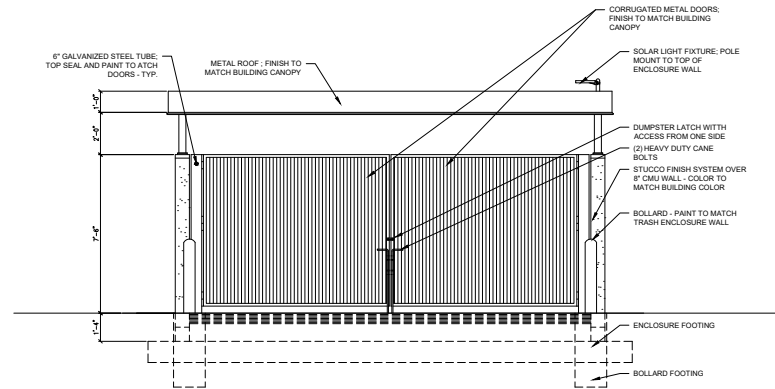
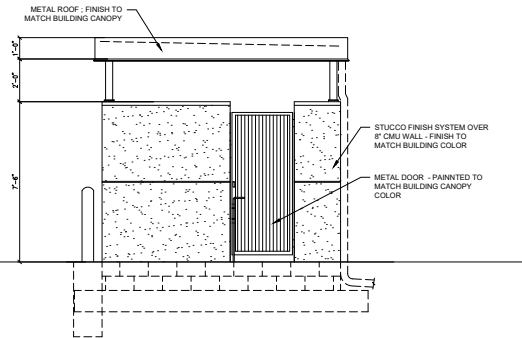
THIS DRAWING SET IS THE PROPERTY OF SECURITY LIGHTING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SECURITY LIGHTING, INC. THE USER OF THIS DRAWING SET AGREES TO HOLD SECURITY LIGHTING, INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST SECURITY LIGHTING, INC. BY ANY THIRD PARTY AS A RESULT OF THE USER'S USE OF THIS DRAWING SET.



1 TRASH ENCLOSURE
Scale: 3/8" = 1'-0"

2 TYPICAL CMU WALL FOOTING
Scale: 1" = 1'-0"

3 ROOF SECTION AT GUTTER
Scale: 1 1/2" = 1'-0"



4 TRASH ENCLOSURE SIDE ELEVATION
Scale: 3/8" = 1'-0"

5 TRASH ENCLOSURE FRONT ELEVATION
Scale: 3/8" = 1'-0"



Agenda Report

24-968

Agenda Date: 11/6/2024

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing. Action on a Variance Request (PLN24-00343) from the Sign Ordinance to Allow for a 48 Square Foot Internally Illuminated Freestanding Monument sign, a 16 Square Foot Halo-Illuminated Wall Sign, and a Seven & Half Square Foot Halo-Illuminated Real Estate Sign in a Residential Development at 3131 Homestead Road

REPORT IN BRIEF

File Number: PLN24-00343

Applicant: JJ Potasiewicz, Scott AG

Owner: Equity Residential

General Plan: Medium Density Residential

Zoning: R-3 Medium Density Residential

APN: 290-24-071

Site Area: 12.42 acres

Existing Site Conditions: The property is developed with multiple two-story apartment buildings and one four story building.

Surrounding Land Uses:

North: Quasi Public Use (Church)

South: Low Density Residential (Duplex)

East: Low Density Residential (Detached Townhomes)

West: Medium Density Residential (Apartment Complex)

Issues: Conformance with the City's Zoning Ordinance & General Plan

Staff Recommendation: Determine that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15311 (Class 11 - "Accessory Structures"), and adopt a resolution approving a Variance from the Sign Ordinance to allow for a 48 square foot internally illuminated freestanding monument sign, a 16 square foot halo-illuminated wall sign, and a seven and a half square foot halo-illuminated real estate sign, subject to findings and conditions of approval for the property located at 3131 Homestead Road.

BACKGROUND

On July 05, 2024, JJ Potasiewicz with Scott AG ("Applicant"), on behalf of Equity Residential ("Owner") filed an application for a Variance to the Sign Ordinance for the subject site located at 3131 Homestead Road. The proposal includes the placement of nine signs of various sizes across the property for the purpose of identifying and directing people to the existing multi-family residential complex operating as Lorient.

The project site was originally developed in 1970 with 264 dwelling units in 24 two-story apartment buildings, two one-story accessory buildings (clubroom/leasing office and central boiler room), 13 carport structures, and tenant and visitor surface parking spaces. In 2020, a planning application was approved (File No. PLN2019-13869) for the partial demolition of the existing development and the construction of a four-story building with 225 new apartment units over a partially subgrade garage. The site is now permitted to have 447 dwelling units and 778 subgrade and surface parking spaces.

Signage was not part of the redevelopment proposal and therefore the original signage remained unchanged. The original signage consisted of two 48 square feet freestanding monument signs placed in the central landscaped area fronting Homestead Road along the two driveways accessing the site. The applicant intends to update the signs to aid with the wayfinding around the site. The Variance request is to allow larger and illuminated signs that would not otherwise be allowed under the Santa Clara City Code (SCCC) Section 18.42.110(D).

DISCUSSION

The applicant submitted a Comprehensive Sign Program (sign program) setting forth the size, location, material details, and maximum sign area for each of the existing and proposed buildings on the project site. However, SCCC Section 18.42.050(A) does not require multi-family residential development to have an approved sign program. That application was subsequently withdrawn.

A total of nine signs are proposed of which six are considered exempt as directional signs per Section 18.42.120(C)(1) of the SCCC. The applicant requests a Variance for the proposed two-sided freestanding monument sign ("M") as indicated on the project plans (Attachment 4) that will be in the landscaped area fronting Homestead Road near the vehicular entrance of the site. This sign is 48 square feet, exceeding the maximum allowance of 40 square feet under SCCC Section 18.42.110(D), and is internally illuminated. Illumination of all signs is prohibited within residential zones and the proposal will require a Variance from this regulation. The proposal includes a 16 square foot halo-illuminated identification wall sign ("RW") on the front elevation of the four-story structure. While the wall sign complies with the size requirements under SCCC 18.42.110(D), it is internally illuminated, which is prohibited. The applicant also proposes one illuminated real estate sign ("LC") to aid in identifying the leasing office. The real estate sign is seven and a half square feet and does not meet the regulations of SCCC 18.42.070 as it is illuminated and larger than six square feet. In addition, six directional signs are proposed that are six square feet or less and are exempt per SCCC Section 18.42.120(C)(1).

The proposal is subject to the sign regulations of the SCCC unless a variance is granted by the Planning Commission. Pursuant to Chapter 18.124 of the SCCC, where practical difficulties, unnecessary hardships, and effects inconsistent with the general purposes of the SCCC may result from the strict application of certain provisions, variances may be granted. However, granting of a variance would require making the findings in SCCC Section 18.124.010, including that there are unusual conditions applying to the land or building which do not apply generally in the same district.

The project site is a single parcel and has not been subdivided to create individual parcels. The current sign regulations do not distinguish single-family residential with denser multi-family residential. A strict application of SCCC 18.42.110(D) would limit the wayfinding of this large 447 dwelling unit site and would create unnecessary hardships.

General Plan Conformance

The subject site's land use designation is Medium Residential, which is intended for residential development at densities ranging from 20 to 36 units per gross acre. This designation is primary for areas with collector or arterial street access or in proximity to neighborhood centers. Building types can include a combination of low-rise apartments, and rowhouses with below grade parking. The current land use is consistent with the General Plan. Further, the proposed variance is consistent with the following General Plan Policies:

General Land Use Policies

- 5.3.1-P3: Support high quality design consistent with adopted design guidelines and the City's architectural review process.
- 5.5.2-P8: Encourage enhanced streetscape design and reduced building mass for non residential uses located across the street from lower intensity residential neighborhoods

The project would modernize the signage in the property and declutter the landscaped area fronting Homestead Road by eliminating one of the existing freestanding monument signs. The proposed signage is consistent with the approved design language of the new four-story structure on site and will enhance the site. The project site is located next to an arterial road (Homestead Road) with primarily residential uses of various densities. The signage will be compatible with the character of the neighborhood and will not be a nuisance to drivers, pedestrians, and cyclist.

Zoning Conformance

The project site is zoned R-3 (Medium Residential). This district is intended to provide land areas for the construction, use, and occupancy of multi-family dwellings (i.e rowhouses, townhouses, and low-rise apartments). The existing land use was developed consistent with the R-3 zoning district standards.

Site signage is subject to the regulations set forth in Chapter 18.42 of the SCCC. Properties zoned R-3 are subject to subsection 110(D) - Residential Zones. This section was intended to regulate lower intensity residential developments (single-family, duplex, multiplexes, and townhomes) and did not anticipate the current market trends of higher story low-rise construction. The three proposed signs are not conforming with these regulations as they exceed the size and have internal illumination.

Conclusion

The updated Zoning Ordinance regarding signage in residential areas kept similar regulations from the classic zoning ordinance it replaced. There is trend of denser multi-family residential development that from time to time may necessitate site identification on a scale the meets the size and intensity of the development. The project site is unique as it has 725 linear feet of frontage and has a site area of 12.47 acres. The size and illumination limitation assigned to the R-3 zoning district creates a practical difficulty, and unnecessary hardships for this site. The property will benefit from signage in this scale. The larger size allows maximum readability for drivers and the internal illumination will help identify the property during night along Homestead Road. In addition, the signs are situated in such a way to minimize visual clutter on the building and would not be a nuisance to other properties.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") per CEQA Guidelines section 15311 (Class 11 - "Accessory Structures"), which applies to construction, or replacement of minor structures accessory to existing commercial, industrial, or

institutional facilities. Here, the proposal involves upgrading the exterior signage on the site.

FISCAL IMPACT

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

COORDINATION

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

PUBLIC CONTACT

On October 25, 2024, a notice of public hearing on this item mailed to property owners within 500 feet of the project site. At the time of this staff report, Planning staff has not received public comments in support or opposition to the proposed project.

RECOMMENDATION

1. Determine the project is exempt from the California Environmental Quality Act ("CEQA") per CEQA Guidelines section 15311 (Class 11 - "Accessory Structures"); and
2. Adopt a resolution approving a Variance from the Sign Ordinance to allow for a 48 square foot internally illuminated freestanding monument sign, a 16 square foot halo-illuminated wall sign, and a seven and a half square foot halo-illuminated real estate sign, subject to findings and conditions of approval for the property located at 3131 Homestead Road.

Prepared by: Alex Tellez, Assistant Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

ATTACHMENTS

1. Resolution approving the Variance
2. Conditions of Approval
3. Vicinity Map
4. Development Plans
5. Justification of Variance Request

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA APPROVING A
VARIANCE REQUEST FROM THE SIGN ORDINANCE FOR THE
PROPERTY LOCATED AT 3131 HOMESTEAD ROAD, SANTA
CLARA, CALIFORNIA**

PLN2024-00343 (Variance)

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

WHEREAS, on September 18, 2024, JJ Potasiewicz, on behalf of Equity Residential, (“Owner”) filed an application for a Variance to the Sign Ordinance (“Project”) to increase the maximum height, and area, and illumination type of three of the nine proposed signs for a low-rise apartment complex located at 3131 Homestead Road (“Project Site”);

WHEREAS, the Project Site is currently zoned Medium Residential (R-3) and has a General Plan land use designation of Medium Residential;

WHEREAS, the Project proposes an internally illuminated monument sign with an increased width of four feet and an increased area of 48 square feet where 40 square feet is permitted, a internally illuminated identification wall sign where external illumination is permitted, and an self-halo illuminated real estate wall sign with an increase area of seven and a half square feet where a none illuminated six square feet sign is permitted on the Project Site, and requires a Variance;

WHEREAS, the Owner has also filed an application for Architectural Review of the Signs along with the Variance;

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act per Section 15311 – Accessory Structures (Class 11), which applies to construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities;

WHEREAS, on October 25, 2024, the notice of public hearing for the November 6, 2024 Planning Commission meeting was mailed to property owners within a 500 foot radius of the Project Site boundaries; and

WHEREAS, on November 6, 2024, the Planning Commission held a duly noticed public hearing to consider the Variance application and all pertinent information in the record, during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby approves a Variance to increase maximum width, area, and illumination type of three of the nine signs as proposed as part of the Project for the Project Site subject to Conditions of Approval, attached hereto by this reference.
3. Pursuant to SCCC Code Section 18.124.010, the Planning Commission hereby makes the following findings related to the Variance request:
 - A. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that the Project Site consists of a single 12.47 acre parcel with 725 linear feet of street frontage and developed with 447 dwelling units spread between 19 two-story apartments and one four story low-rise, atypical of R-3 zoned properties, and requires site signage that is appropriate for the scale of development and size of the Project Site.
 - B. That granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that allowing an increase in width, area, and illumination of the entry monument sign and the other

two signs (identification and real estate) on the Project Site, as part of Project, would provide the appropriate scale for site identification and visibility by residence and visitors to the Project Site.

C. That the granting of such Variance shall not, under the circumstances of the particular case, materially affect adversely the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood on the applicant's property, and will not be determinantal to the public welfare or injurious to property or improvements in said neighborhood, in that the Project is created to set forth the size, location, material details and maximum area of the sign types to provide a cohesive design that is compatible in scale and complementary in design of the development.

D. That granting of the Variance is in keeping with the purpose and intent of the Zoning Ordinance, in that allowing an increase in width, area, and illumination of the entry monument sign and the other two signs (identification and real estate) for the Project Site as represented in the Project would provide site identification in a manner that is not detrimental to adjacent properties.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6th DAY OF NOVEMBER, 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. Master Sign Program
2. Conditions of Variance and Architectural Approval

ATTEST:

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Conditions of Variance Approval

PLN24-00343/ 3131 Homestead Road

A **Variance** to allow for a 48 square feet internal illuminated freestanding monument sign, a 16 square feet halo-illuminated wall sign, and a seven & half square feet self-halo-illuminated real estate sign in a multi-family apartment complex.

GENERAL

- G1. **Permit Expiration.** This Permit shall automatically be revoked and terminated if not used within **two years** of original grant or within the period of any authorized extensions thereof. The date of granting of this Permit is the date this Permit is approved by the Development Review Officer and all appeal periods have been exhausted. The expiration date is **November 13, 2026**.
- G2. **Conformance with Plans.** Prior to the issuance of Building Permit, the development of the site and all associate improvements shall conform to the approved plans on file with the Community Development Department, Planning Division. No change to the plans will be made without prior review by the Planning Division through approval of a Minor Amendment or through an Architectural Review, at the discretion of the Director of Community Development or designee. Each change shall be identified and justified in writing.
- G3. **Conditions on Plans.** All conditions of approval for this Permit shall be reprinted and included within the first three sheets of the building permit plan sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.
- G4. **Code Compliance.** Comply with all requirements of Building and associated codes (the California Building Code, California Electric Code, California Mechanical Code, California Plumbing Code, California Green Building Code, the California Energy Code, etc.) current at the time of application for Building Permit, that includes grading and site utility permits.

DESIGN / PERFORMANCE – PRIOR TO BUILDING PERMIT ISSUANCE

- P1. **Tree Replacement (On-site).** Trees permitted by the City for removal shall provide replacement on-site at a ratio of 1:1 with a minimum 15-gallon tree size. (SCC 12.35.090)

DURING CONSTRUCTION

- P2. **Construction Hours.** Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- P3. **Construction Trash/Debris.** During construction activities, the owner or designee is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

- P4. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.
- E1. **Stormwater Control Measures.** The owner or designee shall incorporate Best Management Practices (BMPs) into construction plans in accordance with the City's Urban Runoff Pollution Prevention Program for construction-related water runoff measures prior to issuance of permits.

OPERATIONAL CONDITIONS

- P5. **Landscaping Installation & Maintenance.** The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.
- P6. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape areas of 2,500 square feet or more shall conform to the California Department of Water Resources Water Efficient Landscape Ordinance.
- E2. **Stormwater Control Measures.** The owner or designee shall incorporate Best Management Practices (BMPs) into construction plans in accordance with the City's Urban Runoff Pollution Prevention Program for post-construction water runoff measures prior to issuance of a building permit.

KEY:

G = General

P = Planning Division

E = Public Works Engineering (Stormwater)

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature: _____

Printed Name: _____

Relationship to Property: _____

Date: _____

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



NAD_1983_2011_StatePanel_California_III_FIPS_0403_Ft_US
©City of Santa Clara

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

PROJECT OVERVIEW

- 0.0 Primary Exterior Sign Locations
- 0.1 Enlarged Site Plan / In ground signs
- 0.2 Sign Type Overview
- 0.3 Sign Area Matrix & Allowances

SIGN LOCATIONS / ELEVATIONS

- 0.4 South Elevation
- 0.5 Building Rendering

SIGN DETAILS

- 1.0 **M** Residential Project ID Monument Sign
- 2.0 **LD** Leasing Directional Sign
- 2.1 **D** Site Directional
- 3.0 **RW** Residential Project ID Wall Sign
- 4.0 **LC** Residential Leasing ID Canopy Sign
- 5.0 **G** Garage Entry Sign
- 6.0 **A** Building Address, *Exempt*

LORIEN

City of Santa Clara
COMPREHENSIVE SIGN PROGRAM

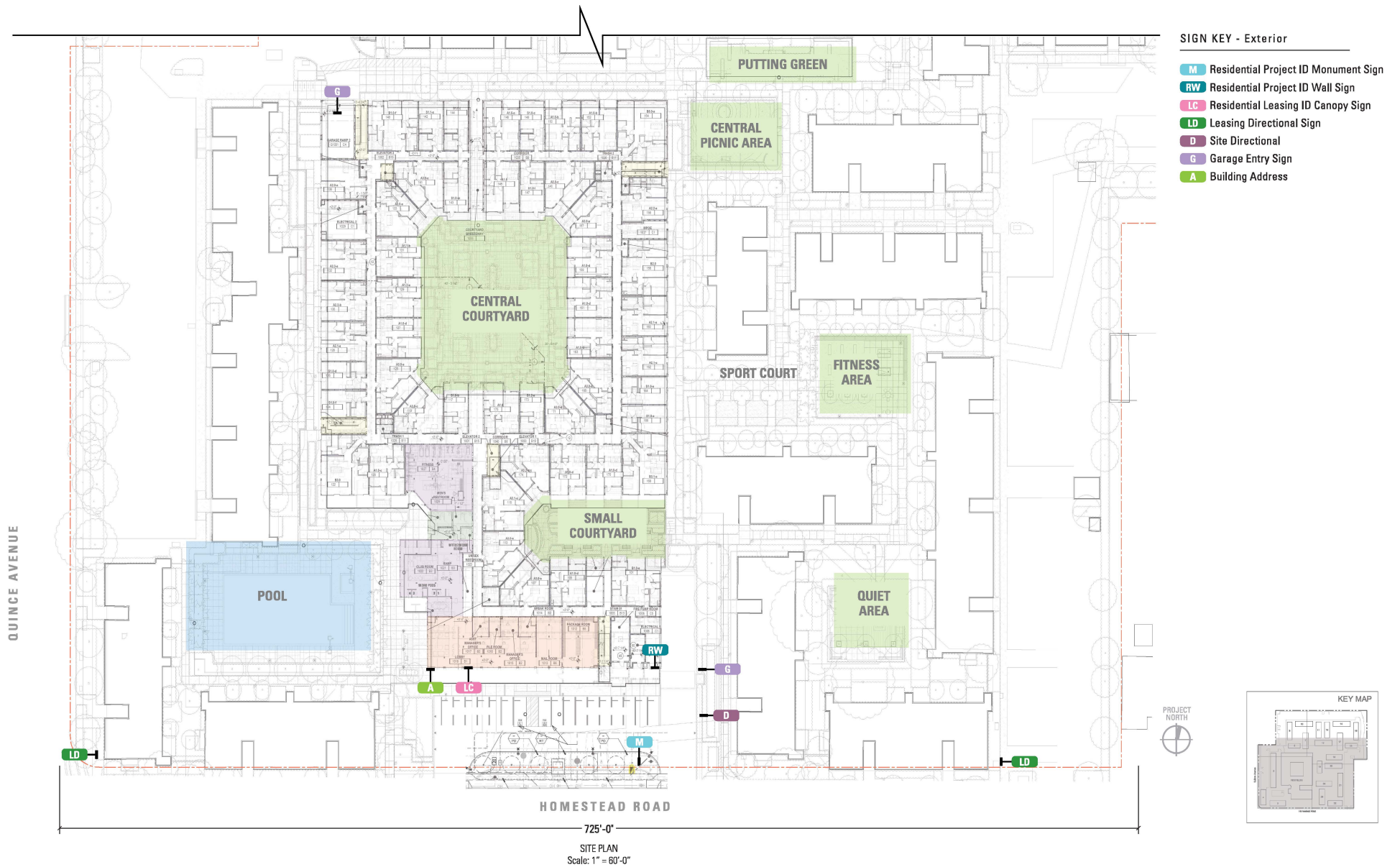
3131 Homestead Road
Santa Clara, CA 95051

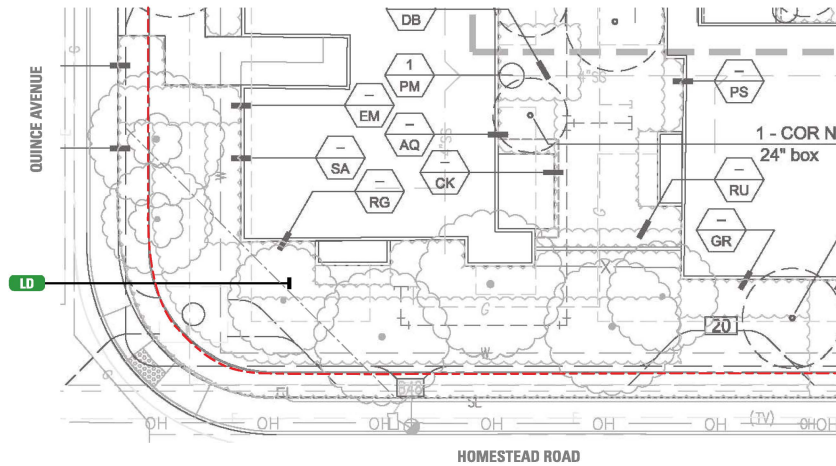
September 18, 2024

Zoning:
R3-36d Medium Density
Multiple Dwelling

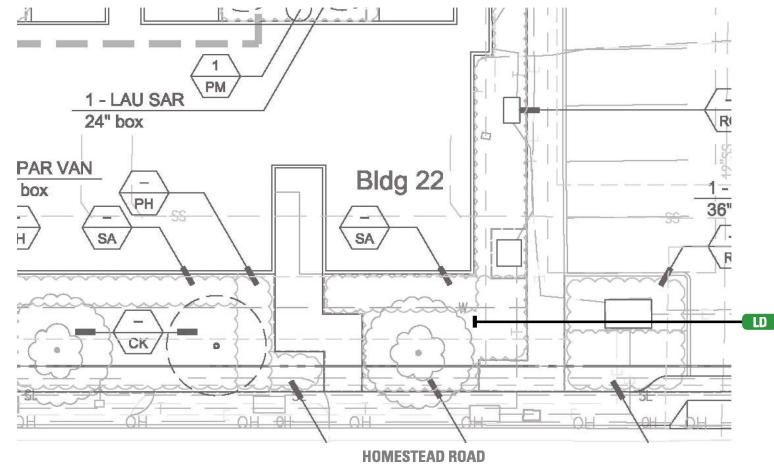
Assessor's Parcel Number:
290-24-071

SCOTT | AG

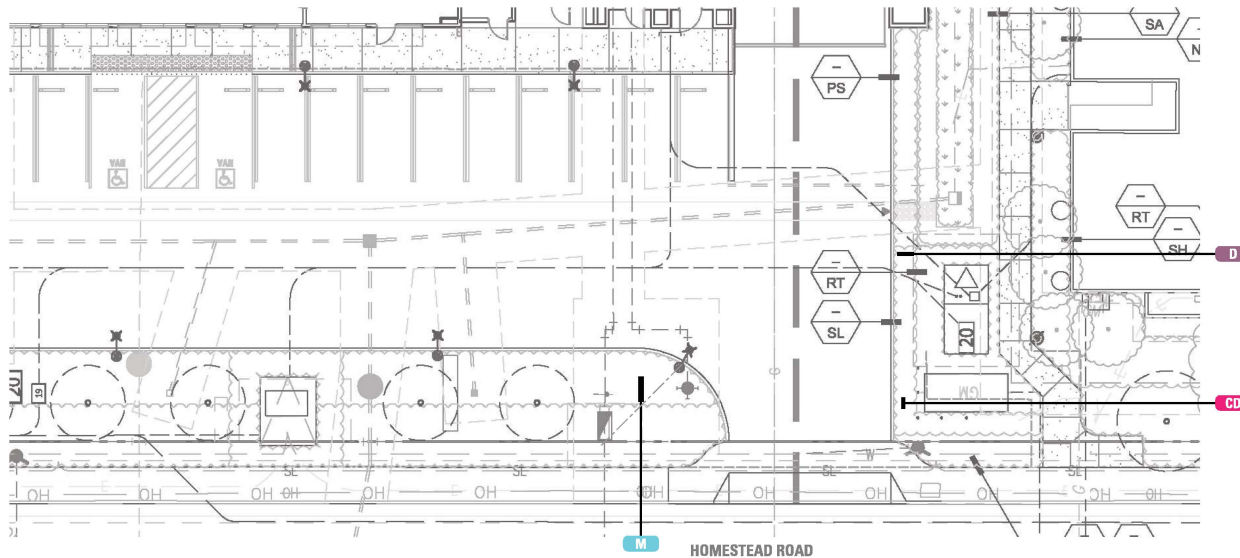




ENLARGED SITE PLAN / SOUTHWEST CORNER
Scale: 1" = 20'-0"



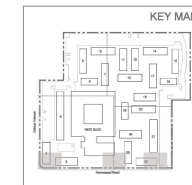
ENLARGED SITE PLAN / SOUTHWEST CORNER
Scale: 1" = 20'-0"

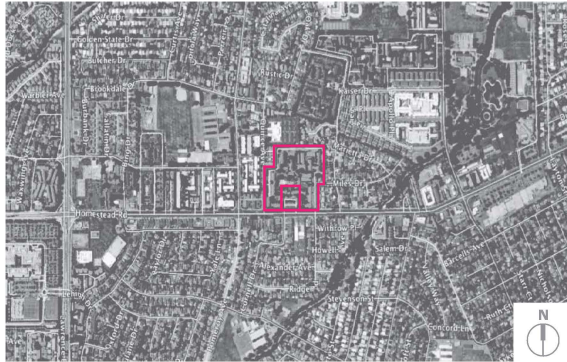


ENLARGED SITE PLAN / SOUTH CENTER
Scale: 1" = 20'-0"

SIGN KEY - Exterior

- M Residential Project ID Monument Sign
- RW Residential Project ID Wall Sign
- LC Residential Leasing ID Canopy Sign
- LD Leasing Directional Sign
- D Site Directional
- CD Complex Directory
- G Garage Entry Sign
- A Building Address





M RESIDENTIAL PROJECT I.D. MONUMENT SIGN

Each high density residential project will be allowed a monument sign at or near the building entry or at a critical wayfinding location. This sign will enhance project branding and sense of place as well as direct vehicular traffic to the correct parking garage entry point.

- Sign may be internally or externally illuminated
- Sign may be located in landscaping or in plaza/sidewalk conditions with adequate clearance for pedestrians and meeting ADA code
- Sign must include the project address

The monument sign may include:

- Project name
- Directional information for guest parking

LD LEASING DIRECTIONAL SIGN

Primary residential building lobby entries and Leasing Office entry points will be allowed directional signage to create clear direction to prospective tenants and guests. Prospective residents will navigate to the Leasing Office from the garage or from the street. Wayfinding signage will lead visitors to the leasing office or parking spaces dedicated for prospective residents and guests.

Each residential project will be allowed (2) monument signs at or near the building entry or at a critical wayfinding location. These signs will enhance project branding and sense of place as well as direct vehicular traffic to the correct parking garage entry point.

- Sign to be fabricated aluminum structure
- Signs are not illuminated
- Sign may be located in landscaping or in plaza/sidewalk conditions with adequate clearance for pedestrians and meeting ADA code

The sign may include:

- Project name, Project logo
- Leasing office direction, parking symbols
- Directional information for guest and resident parking

D SITE DIRECTIONAL

Vehicular/Bicycle/Pedestrian Directional signs may be located at or near major intersections in the project. Directional signs will be placed in landscape and hardscape areas so as not to impede pedestrian or vehicular traffic. These primary signs will include:

- Directional signs may be directly or indirectly illuminated.
- Directional signs may be located in pedestrian plaza or pathway areas as long as adequate walking space is provided.

RW RESIDENTIAL PROJECT I.D. WALL SIGN

The Residential Project ID Wall Sign is the primary sign to identify the high density residential project. The scale of the buildings, the size of adjacent streets and dense lot coverage lend to the wall sign as the best form of signage. These projects require an ongoing marketing effort as units will be leased on an ongoing basis. Primary residential building lobby entries and Leasing Office entry points will be allowed identification signage to create clear direction to prospective tenants and guests. Lobbies and Leasing Offices are distinct destinations within the community. Locations selected face Homestead road

Wall signs will be fabricated from high quality metals and other building materials to complement or contrast from the building's architectural finishes.

Lettering on wall signs shall be halo illuminated or internally (face) illuminated. Lettering may consist only of the project brand name/logo.

Wall signs may incorporate lighting details such as trace or accent lights but may not have entirely backlit faces.

LC RESIDENTIAL LEASING I.D. CANOPY AND/OR WALL SIGN

Primary residential building lobby entries and Leasing Office entry points will be allowed signage to create clear direction to prospective tenants and guests. Lobbies and Leasing Offices are distinct destinations within the community. Locations selected face Homestead road. Prospective residents will navigate to the Leasing Office from the garage or from street parking spaces.

Canopy signs will be fabricated from high quality metals and other building materials to complement or contrast from the building's architectural finishes.

Lettering on wall signs shall be halo illuminated or internally (face) illuminated.

- LEASING OFFICE letters may be added as a wall or blade sign at the leasing office up to 18" in height for individual letters on a wall or 3'-6" x 3'-6" blade sign.
- Signs may occupy up to 75% of the linear frontage of the canopy or wall to which they are attached.
- A wall sign adjacent to the entry doors for residential lobbies or the Leasing Office may be substituted for the canopy sign.

G GARAGE ENTRY SIGN

At-grade and on-building signs will indicate the entry point to garage ramps. Traffic safety and wayfinding will be enhanced by signage of the appropriate size and messaging strategy.

Garage entries will be identified with wall mounted individual non-illuminated letters.

A BUILDING ADDRESS

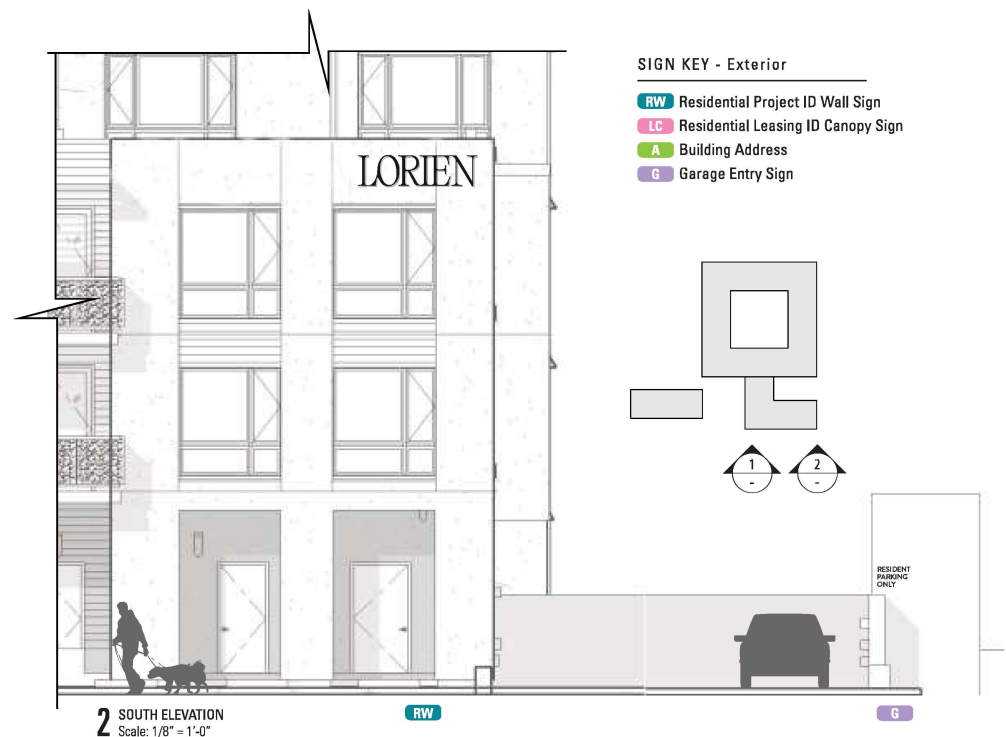
Building will be identified with wall mounted individual halo-illuminated letters or reflective vinyl on glass. Building address signage is not counted against square footage allowances in the planning approval process per City of Santa Clara Sign Code.

The numbers shall be placed in the immediate area of each entrance and shall be clearly visible from the street. All main address numerals shall be a minimum of two and one-half inches in height with a three-eighths-inch stroke and shall be placed to read from left to right or vertically from top to bottom.

Each separated building shall be assigned a building number (e.g., Building #1, Building #2, etc.). The building numbers shall be a minimum of six inches in height with a one-inch stroke and be of a contrasting color, illuminated or of a reflective material. The building numbers shall be displayed on each side of the building which faces a public or private access. When practicable, the building numbers shall be located a minimum of eight feet above grade. Visibility is imperative and due consideration for eaves, overhangs, and other obstructions shall be given.

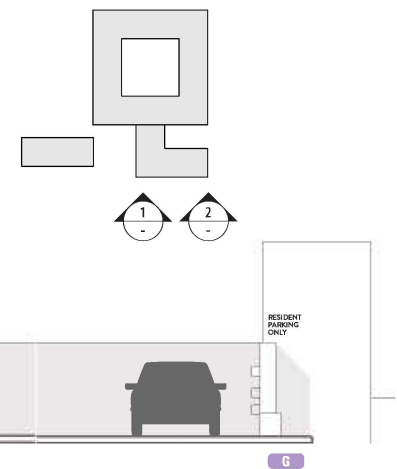
RESIDENTIAL PROJECT IDENTITY SIGNAGE							NOT TO EXCEED
							95.5 sf TOTAL

SOUTH ELEVATION / HOMESTEAD ROAD						MAX ALLOWABLE/NOT TO EXCEED	
SIGN NAME	PAGE	QTY	DESCRIPTION	ILLUMINATION	SIZE	SQ. FT. (per side)	SQ. FT. (total)
M Residential Project ID Monument Sign	1.0	1	Freestanding, in landscape	LED internal illumination	4'-0" x 6'-0"	24 s.f./48 s.f.	48 sf
LD Leasing Directional Sign	2.0	2	Freestanding, in landscape	no illumination	1'-4" x 4'-6"	6 s.f.	12 sf
D Site Directional	2.1	1	Freestanding, in landscape	no illumination	1'-6" x 3'-6"	6 s.f.	6 sf
RW Residential Project ID Wall Sign	3.0	1	wall mounted sign with individual letters	halo-illumination	8'-0" x 2'-0"	16 s.f.	16 sf
LC Residential Leasing ID Canopy Sign	4.0	1	individual letters mounted to canopy	self halo-illumination	6'-0" x 1'-3"	7.5 s.f.	7.5 sf
G Garage Entry Sign	5.0	2	individual letters mounted to wall	no illumination	6'-0" x 6"	3 s.f.	6 sf
A Building Address	6.0	1	reflective vinyl applied to glass	no illumination/reflective	2'-8" x 1'-6-5/8"	exempt	exempt
						TOTAL	95.5sf
						NOT TO EXCEED	



SIGN KEY - Exterior

- RW Residential Project ID Wall Sign
- LC Residential Leasing ID Canopy Sign
- A Building Address
- G Garage Entry Sign



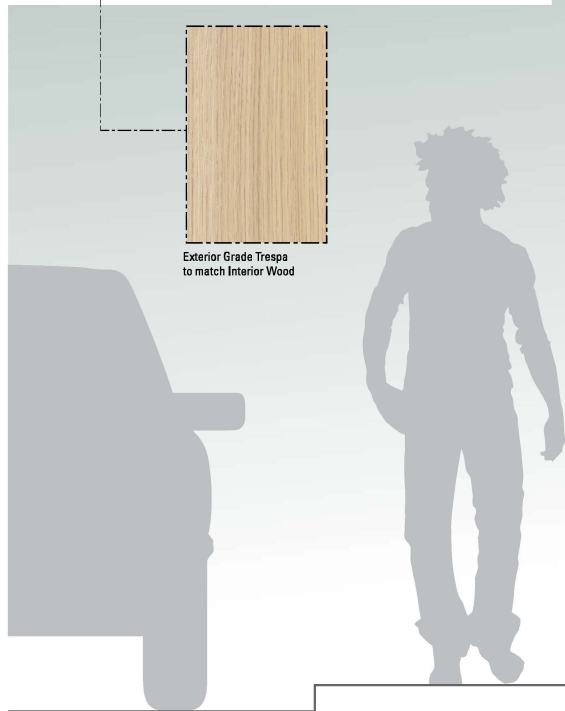


M

RW



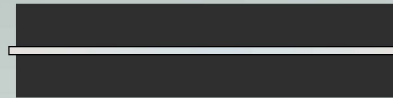
INTERIOR LOBBY RENDERING



Exterior Grade Trespa
to match Interior Wood



SW 7048 Urbane Bronze



PLAN VIEW
Scale: 3/4" = 1'-0"



FRONT VIEW
Scale: 3/4" = 1'-0"

FRAME
fabricated aluminum
painted SW Urbane Bronze

WOOD PANEL
Exterior grade trespa siding material
to mimic interior wood tone
Trespa® Meteon® Wood Decors
NW02 Elegant Oak, Matte

SIDE DETAIL
aluminum tube, clear during day
warm illumination at night

COPY
1" deep fabricated aluminum letters
painted SW Tricorn Black

24 / 48 sf

sign is double sided



SIDE VIEW
Scale: 3/4" = 1'-0"

M

RESIDENTIAL PROJECT ID MONUMENT SIGN

SIGN DIMENSIONS

Maximum sign dimensions
4'-0" wide x 6'-0" tall

QUANTITY

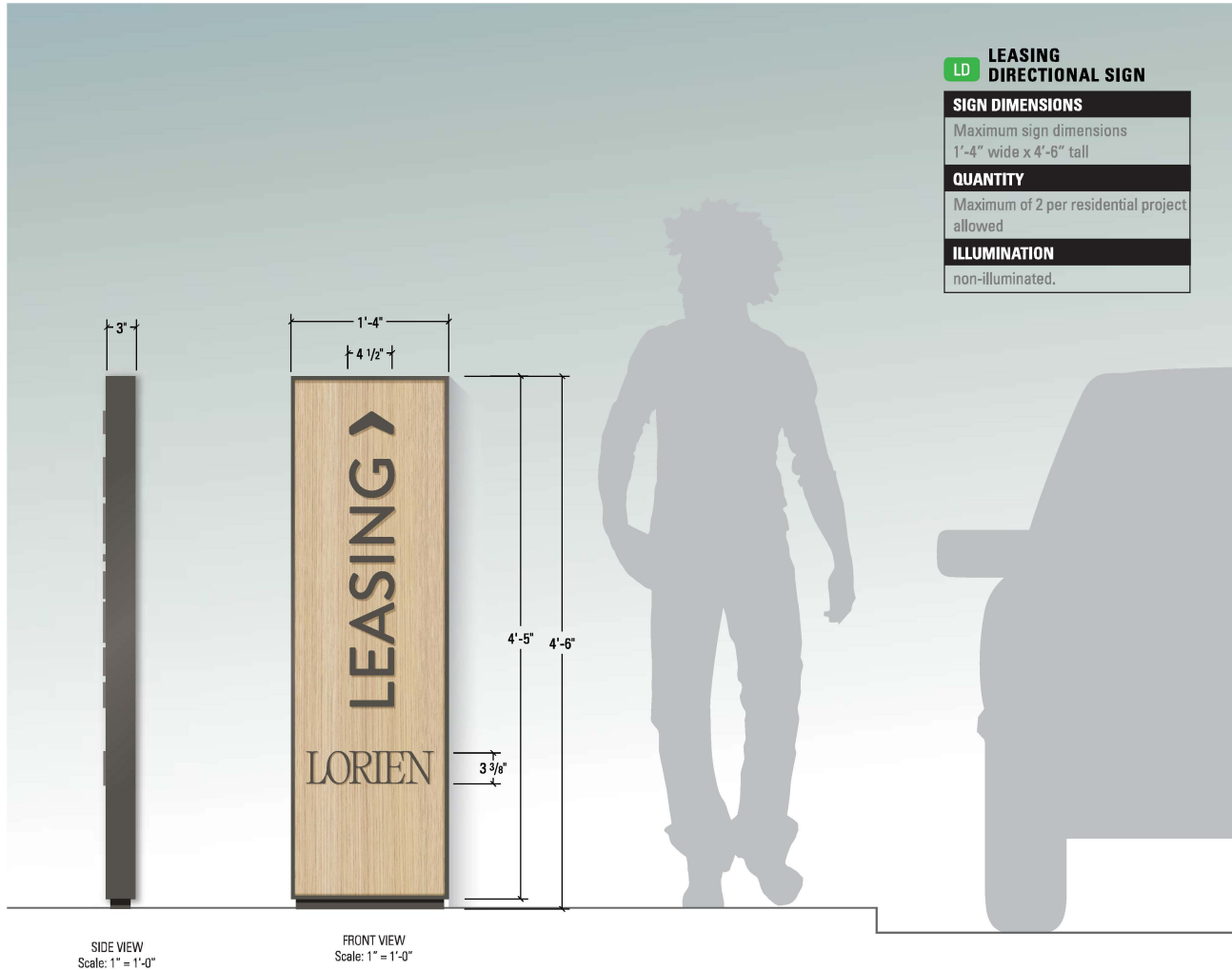
Maximum of 1 per residential project
allowed

ILLUMINATION

Internally or externally illuminated.



SIDE VIEW / NIGHT
Scale: 3/4" = 1'-0"



FRAME
fabricated aluminum
painted SW Urbane Bronze

WOOD PANEL
Exterior grade trespa siding material
to mimic interior wood tone
Trespa® Meteon® Wood Decors
NW02 Elegant Oak, Matte

COPY
1/2" deep fabricated aluminum letters
painted SW Tricorn Black

non-illuminated

6 sf



D SITE DIRECTIONAL

SIGN DIMENSIONS

Maximum sign dimensions
1'-6" wide x 4'-0" tall

QUANTITY

Maximum of 2 per residential project
allowed

ILLUMINATION

non-illuminated.

FRAME
fabricated aluminum
painted SW Urbane Bronze

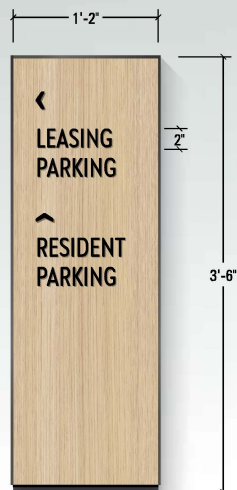
WOOD PANEL
Exterior grade trespa siding material
to mimic interior wood tone
Trespa® Meteon® Wood Decors
NW02 Elegant Oak, Matte

COPY
1/4" thick aluminum letters
painted SW Tricorn Black

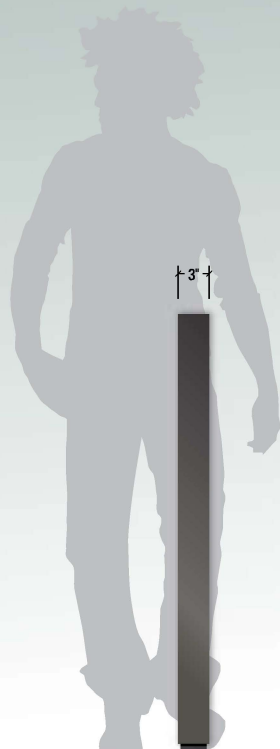
non-illuminated

4 sf

maximum allowable
6 sq. ft.



FRONT VIEW / D2
Scale: 1" = 1'-0"



SIDE VIEW / D2 + D3
Scale: 1" = 1'-0"



LETTERS

3" deep fabricated aluminum channel letter
Painted SW 6258 Tricorn Black to match exterior metal
Halo-illuminated

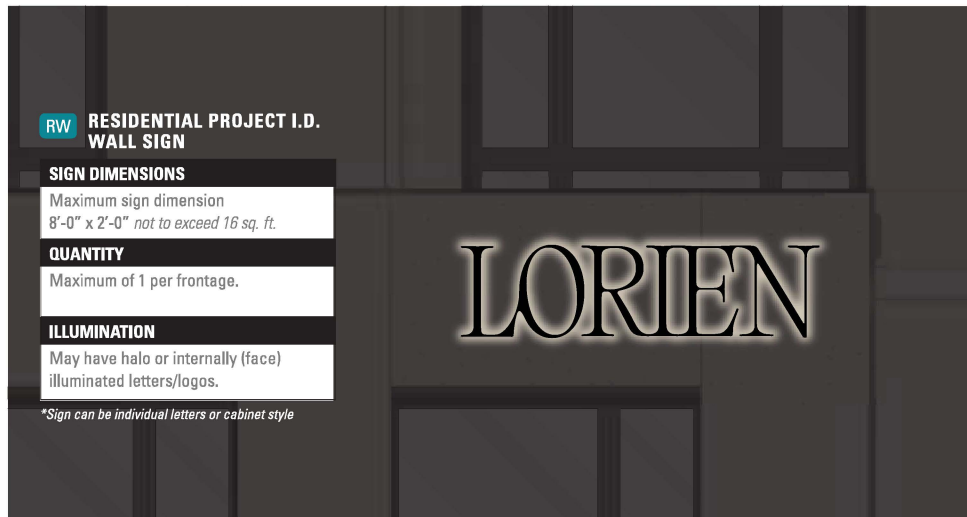
15.5 sf *maximum allowable
16 sq. ft.*



FRONT VIEW
Scale: 1/2" = 1'-0"



SIDE VIEW
Scale: 1/2" = 1'-0"



CONTEXT ELEVATION / Night
Scale: 3/8" = 1'-0"



CONTEXT ELEVATION
Scale: 3/16" = 1'-0"

LETTERS

Fabricated aluminum channel letter with LEDs & polycarbonate back, halo-lights against and mounted with standoffs to frosted acrylic backer and aluminum backer plate assembly.
Painted SW 6258 Tricorn Black to match exterior metal

LETTERBASE

1" Fabricated aluminum
painted SW 6258 Tricorn Black to match exterior metal

5.5 sf

*maximum allowable
7.5 sq. ft.*



FRONT VIEW
Scale: 3/4" = 1'-0"

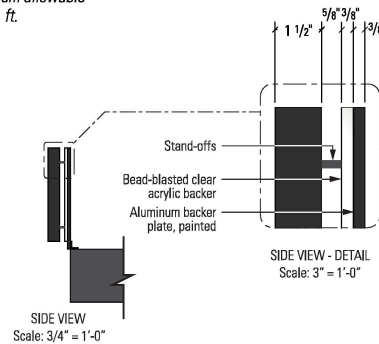


photo example

LC RESIDENTIAL ENTRY LEASING I.D. CANOPY SIGN

SIGN DIMENSIONS

Maximum sign dimension
6'-0" x 1'-3" *not to exceed 7.5 sq. ft.*

QUANTITY

Maximum of 1 per frontage.

ILLUMINATION

May have halo or internally (face)
illuminated letters/logos.



CONTEXT ELEVATION / Night
Scale: 1/4" = 1'-0"



CONTEXT ELEVATION / Day
Scale: 1/4" = 1'-0"

5'-6"

RESIDENT PARKING ONLY

FRONT VIEW
Scale: 1" = 1'-0"

1/2"
4"
SIDE VIEW
Scale: 1" = 1'-0"

2'-1 1/2"

RESIDENT PARKING ONLY

4"
1'-3 1/2"

FRONT VIEW
Scale: 1" = 1'-0"

1/2"
4"
1'-3 1/2"
SIDE VIEW
Scale: 1" = 1'-0"

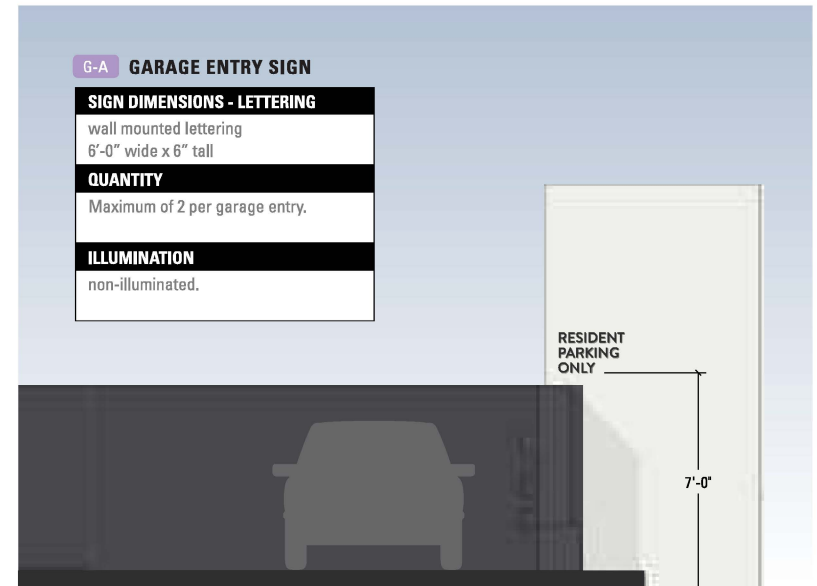
COPY
1/2" thick acrylic,
painted SW 6258 Tricorn Black
flush-mounted to wall

non-illuminated

2.75 sf
maximum allowable
3 sq. ft.



CONTEXT ELEVATION / NORTH
Scale: 1/4" = 1'-0"



CONTEXT ELEVATION / SOUTH
Scale: 1/4" = 1'-0"

G-A GARAGE ENTRY SIGN

SIGN DIMENSIONS - LETTERING

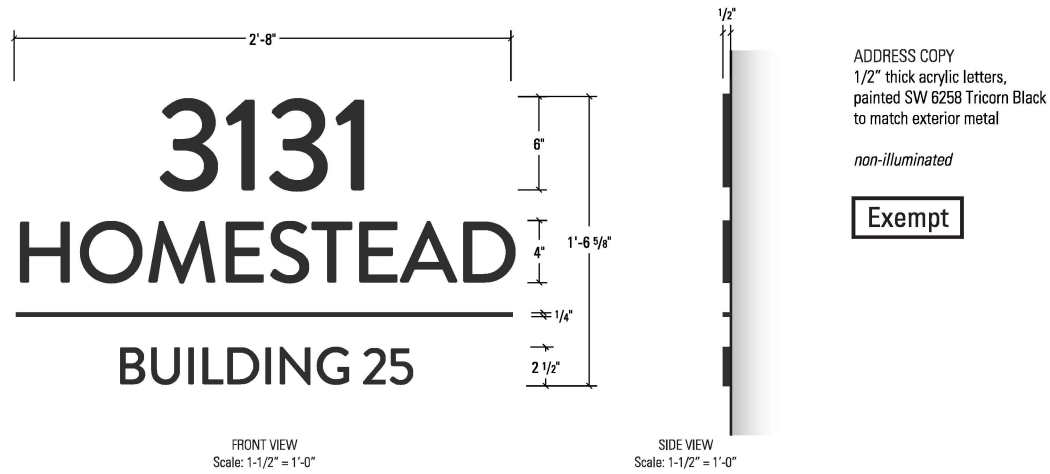
wall mounted lettering
6'-0" wide x 6" tall

QUANTITY

Maximum of 2 per garage entry.

ILLUMINATION

non-illuminated.



September 17th, 2024

Attn: Alex Tellez, Assistant Planner
Nimisha Agrawal, Senior Planner

Planning Commission, City of Sunnyvale
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: Request for Variance (Signage) - Lorien - 3131 Homestead Road (PLN24-0343)

Greetings -

Scott AG, on behalf of EQR-Lincoln Laguna Clara LP, is seeking a variance for signage at Lorien, a multi-family residential project located at 3131 Homestead Road (Parcel# 290-24-071).

Lorien is a multi-story, multi-family project similar to other residential aspects of mixed-use developments in Santa Clara. The size, location and character of the development requires a level of signage that exceeds the current maximum allowable signage of 75sqft for residential developments. Other aspects of the existing table of signage allowable in residential zones are inadequate to a project of this scale. For example:

D. Residential Zones. Table 3-8 (Signs Allowed in Residential Zones) provides regulations for permanent signs in residential zones (not including mixed-use zones), and legal nonconforming residential uses in nonresidential zones. In the case of inconsistency between regulations provided in the table and regulations provided for specific sign types, the regulations for specific sign types shall take precedence.

Table 3-8
Signs Allowed in Residential Zone

Sign Class	Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Notes
Name Plate Single-Family Uses	Wall	1 per single-family use	4 sq ft	Below eave of roof or parapet	18.42.110(L)
Identification sign Multifamily uses	Wall or Freestanding	1 per multi-family use	24 sq ft	Wall signs shall be below the eave of the roof or parapet. Freestanding sign: 6 ft	18.42.110(E) 18.42.110(L) Cabinet signs and internally illuminated signs are prohibited
Residential Subdivision Entry Signs	Freestanding (monument)	2 per primary entrance	40 sq ft for both signs	6 ft	18.42.110(E) 18.42.110(L) Cabinet signs and internally illuminated signs are prohibited

- *More than 1 sign is needed*
- *Maximum size insufficient for placement / visibility*
- *Illumination is needed*

This project is one of several that are currently under construction in Santa Clara of similar size and character, and thus require a similar level of signage to appropriately identify the projects and safely navigate visitors and residents to and around the properties.

For reference, the nearby Nuevo Lawrence Station Area Plan Master Sign Program (Ref: PLN2020-14603) provides a typical framework for appropriate signage applied to this scale of residential construction. Provisions for suitable wall, canopy and freestanding signs in the Nuevo MSP are substantially aligned with Lorien proposed signage and are typical for projects of this scale.

The recent code update to the Tasman East Specific Plan also provides suitable allowances for projects similar to Lorien.

Our submittal takes the form of what would normally be a Comprehensive Sign Program if submitted as one of the project types defined in SCCC 18.42.050. However, current Santa Clara City Code (SCCC) does not provide for the submission of a Comprehensive Sign Program for residential projects. As defined in **SCCC 18.42.050 - Comprehensive Sign Program: A. Applicability.** *A Comprehensive Sign Program is required for all new commercial, mixed-use, office, and industrial developments with five or more signs and optional for all new commercial, mixed-use, office, and industrial developments with less than five signs.* This definition excludes residential-only projects.

18.42.040 – Sign Permit Required

A Sign Permit is required for all signs, except those specifically exempted in Section 18.42.070 (Exempt Signs), below. Signs that require a Sign Permit shall be subject to approval by the Director or Commission according to the standards specified in Section 18.42.100 (Standards for Signs Requiring a Sign Permit).

18.42.050 – Comprehensive Sign Program

- A. Applicability.** A Comprehensive Sign Program is required for all new commercial, mixed-use, office, and industrial developments with five or more signs and optional for all new commercial, mixed-use, office, and industrial developments with four or less tenants. If a Comprehensive Sign Program is required for a project, no Sign Permit shall be approved for any sign until the Comprehensive Sign Program has been approved by the Review Authority as conforming to the requirements of this Chapter.

In discussion with Santa Clara Planning, an effort is currently underway to revise Santa Clara Code to allow for more comprehensive and current signage guidelines for residential projects of this scale, similar to the update recently completed for the Tasman East Specific Plan. Due to the state of construction and expected completion date however, we request that a variance for size, illumination and number of signs be granted for the Lorian signage program while other measures such as code revisions are being considered.

On behalf of Scott AG and the entire project team, thank you for your consideration.



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