

**ADDENDUM TO THE TASMAN EAST SPECIFIC PLAN  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
RELATED TASMAN EAST RESIDENTIAL PROJECT**

**January 2021**

**1.1 PURPOSE OF ADDENDUM**

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is certified and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

On November 13, 2018, the City of Santa Clara certified the Tasman East Specific Plan Final Environmental Impact Report (TESP FEIR) and approved the Tasman East Specific Plan (TESP) project. The TESP was envisioned by the City to create a Transit-Oriented Development Mixed-Use Neighborhood. The TESP supports existing and planned land uses in the project area. The FEIR analyzed the development of up to 4,500 dwelling units, approximately 106,000 square feet of retail space (including a 25,000 square foot grocery store) and a 600-student school in the City of Santa Clara.

The intent and purpose of the TESP FEIR was to provide program-level environmental review for the TESP. This addendum tiers from the TESP FEIR and provides site-specific analysis for the proposed project and assesses consistency of the project with the TESP.

CEQA Guidelines Section 15162 states that when an Environmental Impact Report (EIR) has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified,

shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency (City of Santa Clara) or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 (see above) calling for preparation of a subsequent EIR have occurred.

This addendum analyzes the Related Tasman East Specific Plan project under Section 15162. The proposed project would redevelop approximately 5.52 acres located in the southwestern corner of the TESP area, currently developed with four light industrial buildings. The project would construct two apartment buildings (one 22-story building and one eight-story building), a 20-story building for the ambulatory aged, and a 0.5-acre public park.

Based on the proposed project description and knowledge of the project site (based on the environmental review prepared for the TESP FEIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the TESP FEIR and would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the FEIR. For these reasons, an addendum to the TESP FEIR has been prepared for the proposed project.

This addendum will not circulate for public review, but will be attached to the TESP FEIR, pursuant to CEQA Guidelines Section 15164(c).

A copy of the TESP FEIR is available in the City of Santa Clara at 1500 Warburton Avenue, during normal business hours, or on the City's website at [www.santaclaraca.gov](http://www.santaclaraca.gov).

## **SECTION 2.0 PROJECT DESCRIPTION**

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### **2.1 PROJECT OVERVIEW**

The project would redevelop approximately 5.52-acres (APNs 097-46-016, -017, -018, and -028) of the TESP area. The TESP area is approximately 46 acres of land in the City of Santa Clara that is currently developed with approximately 708,000 square feet of light industrial/office space in an existing industrial neighborhood. The TESP area is bounded by the Santa Clara Golf & Tennis Club to the north, Tasman Drive to the south, the Guadalupe River to the east, and Lafayette Street to the west. Please refer to Figure 2.1-1 for an aerial photograph of the project site and surrounding land uses.

### **2.2 PROPOSED PROJECT**

#### **2.2.1 Proposed Development**

The project site is currently developed with four light industrial buildings (totaling approximately 240,325 square feet) and is located at the southwestern corner of the TESP area. As proposed, the project would construct 700 dwelling units in three buildings (market-rate apartments and a home for the ambulatory aged). The project would include 0.5-acres of public parkland along the northern portion of the site facing Calle De Luna. The proposed park would have a playground, dog park, and a garden. The project would have a density of 127 dwelling units per acre (du/ac).<sup>1</sup> Refer to Figure 2.2-1 for a site plan and Figure 2.2-2 for the renderings.

Currently, the project site can be accessed via eight driveways (one driveway on Lafayette Street, three driveways along Calle De Luna, and four driveways along Calle Del Sol). The project would retain one driveway along Lafayette Street, two driveways along Calle De Luna, and one driveway along Calle Del Sol. The remaining three driveways on Calle Del Sol would be removed.

#### **Home for the Ambulatory Aged**

The home for the ambulatory aged would be located on the northwestern portion of the site. The building would be 20 stories tall (approximately 214 feet to roof line) with 191 units. The ground floor would be comprised of parking (48 spaces) and residential units. The remaining floors would consist of residential units and approximately 19,494 square feet of total amenity space on floors one, three, four, 18, and 20.

#### **Market-Rate Apartments**

The proposed market-rate apartments would be located within two buildings on the northeastern portion of the site. The building on the north side would be up to 22 stories tall (approximately 217 feet to the roof line) with 308 dwelling units. The building on the south side would be up to eight stories tall (approximately 70 feet to the roof line) with 201 dwelling units. A seven-story, above-grade parking garage and shared amenity space (located on the eighth level of the garage) would

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<sup>1</sup> 700 proposed residential units / 5.52-acres = 127 du/ac.

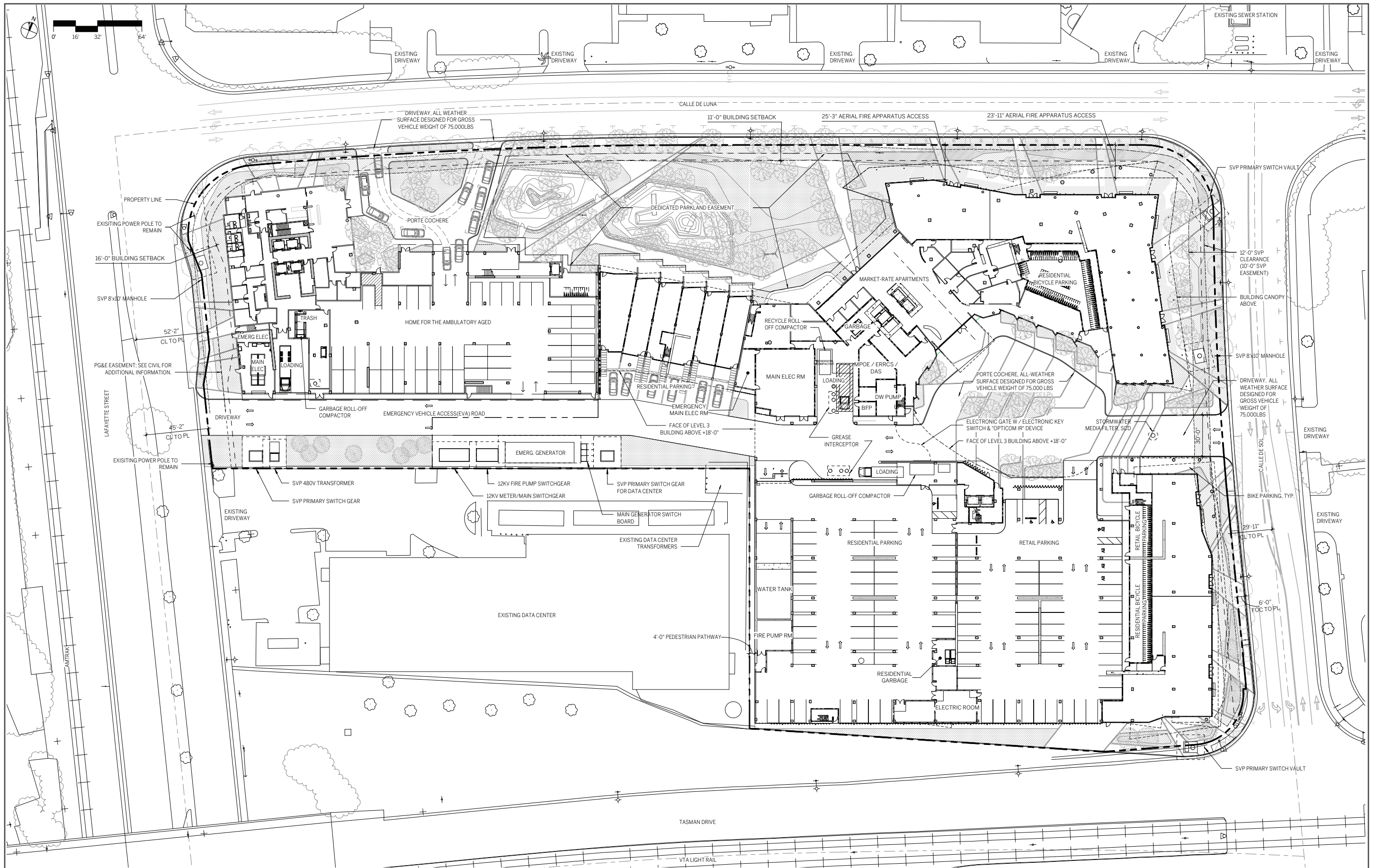




AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.1-1

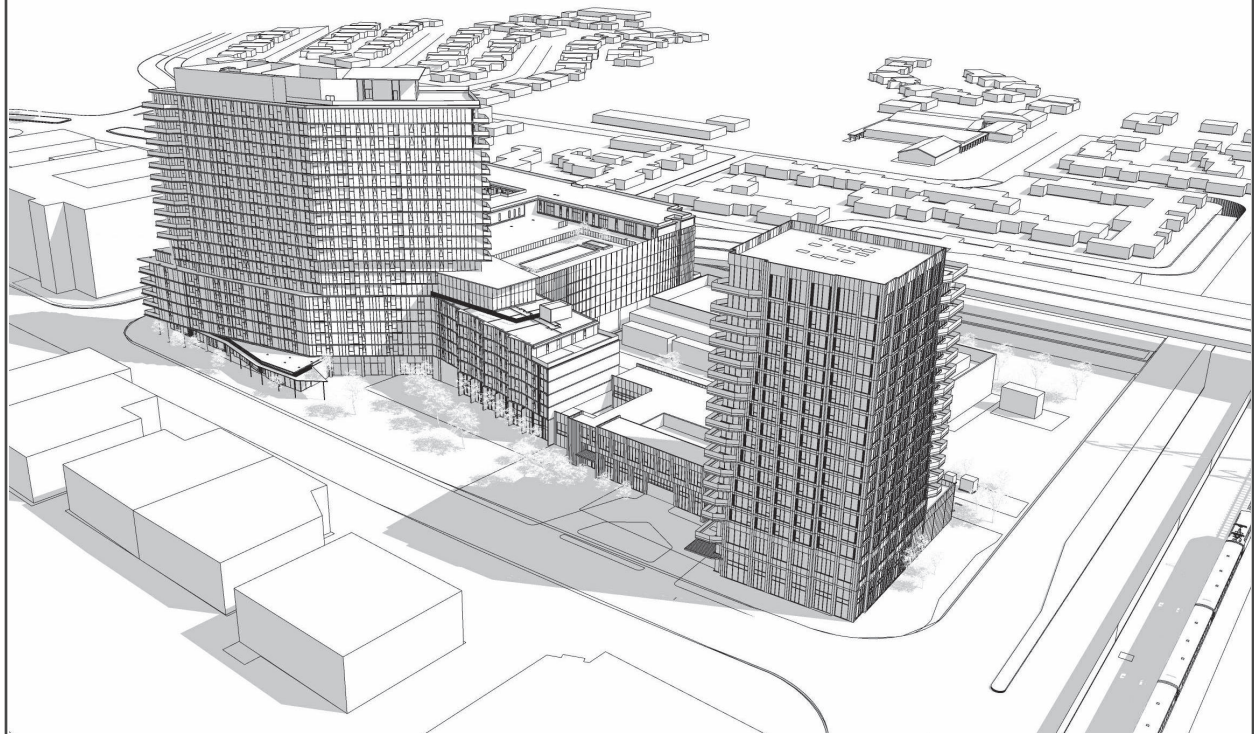
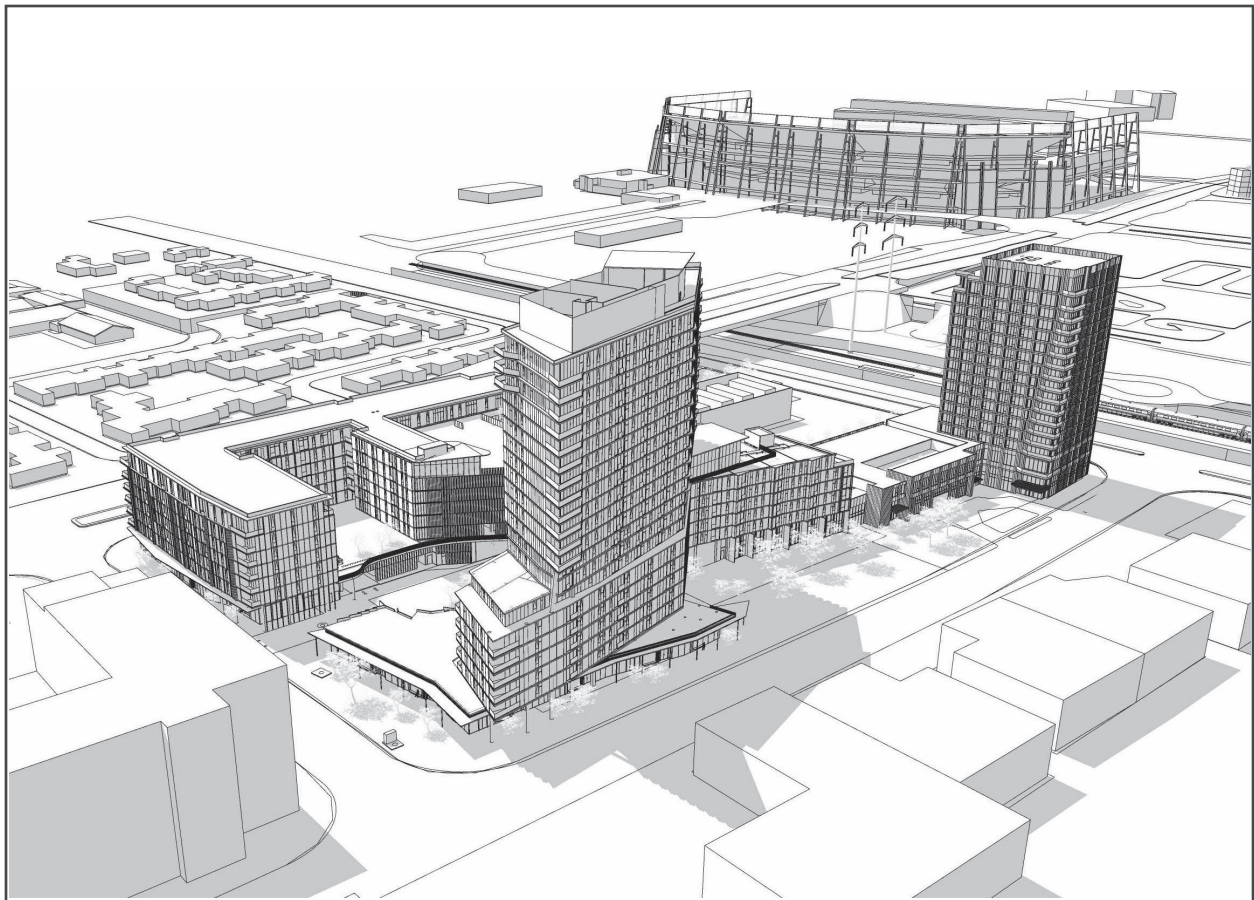




SITE PLAN - GROUND LEVEL

FIGURE 2.2-1



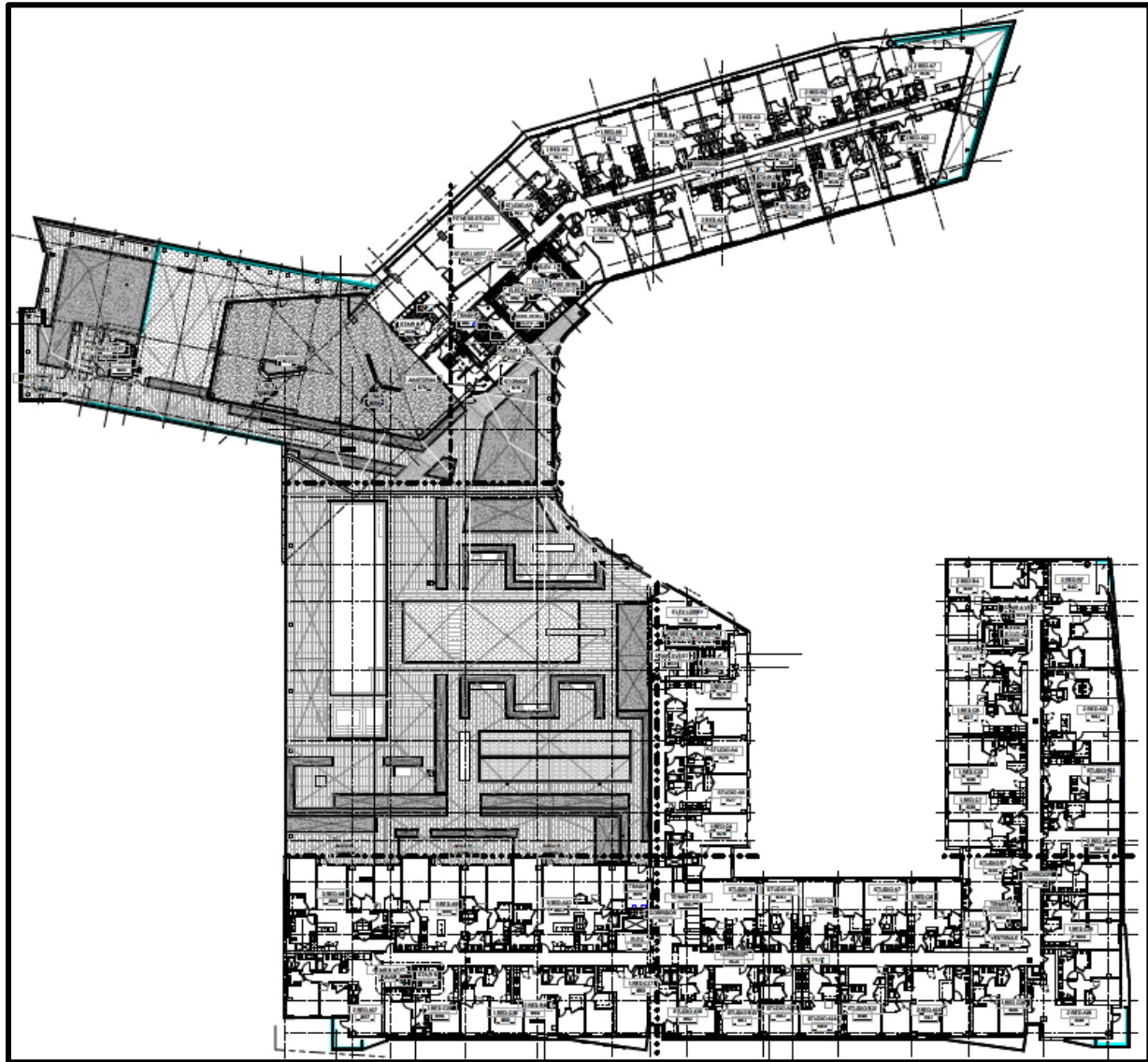


PROJECT RENDERINGS

FIGURE 2.2-2



be located between the northern and southern buildings (refer to the in-text Figure 2.2-3 for eighth level floor plan of the proposed market-rate apartments). There would also be six market-rate townhouses included with the apartments.



**Figure 2.2-3: Market-Rate Apartments – Eighth Floor**

The shared amenity space on the eighth level would consist of a pool deck, barbeque areas, lounge seating, and bocce ball courts surrounded by dwelling units to the north and south. A total of 565 parking spaces would be provided within the garage. The ground level of the proposed apartment building on the north side would consist of approximately 16,754 square feet of commercial space.

### **2.2.2 Green Building Measures**

The proposed project would be required to be built in accordance to the California Green Building Standards Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption.

As proposed, the project would include the following green building design features:

- Short-term bicycle parking spaces within 200 feet of the visitors' entrance
- Secured long-term bicycle parking
- Designated parking for clean air vehicles
- Electric vehicle charging stations
- Recycled water for irrigation use
- Minimum 65 percent construction and demolition waste diversion
- Stormwater treatment on-site

### 2.2.3 Transportation Demand Management Plan

Transportation Demand Management (TDM) programs are intended to reduce vehicle trips and parking demand by promoting the use of multimodal transportation options. As discussed in the TESP FEIR, the City's Climate Action Plan requires that all residential projects within the TESP area implement a plan for a minimum 20 percent reduction in Vehicle Miles Traveled (VMT), with half of the reduction (a minimum of 10 percent) being achieved through a TDM Plan. Consistent with this mandate, the project would include the following TDM Measures:

<b>Table 2.2-1: Proposed TDM Measures</b>
<i><b>Bicycle and Pedestrian Facilities</b></i>
Bicycle Parking
Bicycle Repair Facilities*
Bike Share Program*
Resources (maps)*
<i><b>Carpool and Vanpool Programs</b></i>
On-Site Ridematching Assistance
511 Ridematching Assistance
<i><b>Transit Elements</b></i>
Universal Transit Pass Program*
<i><b>Online Info Center for Tasman East</b></i>
Online Kiosk: website with information*
Information Packets for New Residents*
<b>Notes:</b> * This TDM measure is provided by the Tasman East Transportation Coordination Group (TETCG) as part of the Tasman East Site wide TDM Program. The TETCG is comprised of all residential property owners and developments who will oversee these programs. TDM measures were provided by Jonathan Chao, Associate Principal, Steingberg Hart. July 23, 2019.

### 2.2.4 General Plan and Zoning Designations

The General Plan land use designation for the project site is *Transit Neighborhood* (100-350 du/ac), which allows multi-family residential uses and supportive commercial and public/quasi-public uses. This density range is intended to take advantage of proximity to transit, offering an urban feel, including a positive public realm within a right-of-way accommodating all modes of transportation. Building forms are typically mid- to high-rise buildings featuring structured or below-grade parking,



as well as shared outdoor space. The TESP requires a minimum of 100 du/ac for all sites greater than or equal to one acre in size and a minimum of 60 du/ac for sites of less than one acre.

The site is zoned *Transit Neighborhood*, which allows for development of a high-density residential neighborhood with a mix of uses at the ground floor. As described above, residential densities within the TESP area would range from a minimum of 60 du/ac on sites less than one acre in size to a minimum of 100 du/ac for sites of one acre or larger in size with no maximum density for individual parcels, all the while maintaining an overall unit cap of 4,500 units. The project proposes residential development and would have a density of 127 du/ac with the park<sup>2</sup>, consistent with the *Transit Neighborhood* General Plan and zoning designations.

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<sup>2</sup> 700 proposed residential units / 5.52-acres = 127 du/ac.

## **SECTION 3.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**

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The discussion below describes the environmental impacts of the proposed project compared to the impacts of the approved TESP FEIR Project. Also noted are any changes that have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously certified FEIR. This addendum only addresses those resource areas which could be potentially have new impacts or impacts of greater severity (specific to the project site) than were addressed in the TESP FEIR. Based on the project's consistency with the development assumptions and General Plan and zoning designations, the proposed project would have the same impacts in regard to the following environmental issues:

- Aesthetics
- Agricultural Resources
- Cultural Resources/Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

All relevant best management practices, conditions of approval, and mitigation measures identified in the TESP FEIR for these resource areas are incorporated by reference and would be required by the project.

The proposed project includes the construction of 700 dwelling units within three buildings and a 0.5-acre park on the southwestern corner of the TESP area. This Addendum analyzes the impacts of the proposed project and consistency with the TESP FEIR in regard to the following environmental resources:

- Air Quality
- Biological Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation



### **3.1 EXISTING SETTING**

The project site and area consist of light industrial and commercial buildings in the City of Santa Clara. The project site is bounded by Lafayette Street to the west, Calle De Luna to the north, Calle Del Sol to the east, and Tasman Drive to the south. There has been no development or other changes to the existing environmental setting since approval of the TESP project in 2018.

### **3.2 AIR QUALITY**

The following analysis addresses the potential air quality impacts that would result from construction and operation of the proposed project.

#### **3.2.1 Findings of the Previously Certified FEIR**

##### **3.2.1.1 *Construction Emissions***

Build out of the TESP FEIR would result in temporary emissions from construction activities (e.g., demolition, site grading, asphalt paving, building construction, and architectural coating). Construction activities on-site would generate dust and other particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) that could temporarily impact nearby land uses, particularly sensitive receptors. Additionally, construction equipment and associated heavy-duty truck traffic would generate diesel exhaust, a known toxic air contaminant (TAC) which would pose a community risk to nearby sensitive receptors.

The following mitigation measures were included in the approved project to control dust and reduce construction TAC and criteria pollutant emissions during construction:

**MM AQ-1.1:** During any construction period ground disturbance, the applicant shall ensure that the project contractor implements the following Bay Area Air Quality Management District (BAAQMD) best management practices (BMPs):

- All exposed unpaved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site 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 (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as

required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the construction firm regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. generators).

**MM AQ-1.2:**

Construction criteria pollutant and TAC quantification will be required on a project-level basis for individual development projects once those details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions. The analysis must be submitted for City review and approval, once complete. Health risks from construction TACs shall be reduced below 10 in one million excess cancer cases, a hazard index of 1.0, and PM<sub>2.5</sub> emissions of 0.3 µg/m<sup>3</sup>. Criteria pollutant emissions shall not exceed BAAQMD construction criteria pollutant emissions thresholds.

Reduction in emissions can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection for low emissions;
  - Use of alternative fuels, engine retrofits, and added exhaust devices;
  - Low-volatile organic compound paints;
  - Modify construction schedule; and
  - Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Implementation of mitigation measures AQ-1.1 and AQ-1.2 would ensure that construction emissions impacts from individual development projects under the TESP would be reduced to a less than significant level.

**3.2.1.2      *Operational Emissions***

The TESP FEIR concluded that full build out of the TESP would result in long-term area and mobile source emissions from operation of subsequent development. Build out of the TESP would exceed the BAAQMD significance threshold for reactive organic gases (ROGs) and nitrogen oxides (NO<sub>x</sub>).



The following mitigation measures were included in the approved project to reduce operational ROG and NO<sub>x</sub> emissions impacts:

- MM AQ-2.1:** Proposed residential development within the TESP shall implement TDM programs to reduce residential vehicle miles traveled as required by the City's Climate Action Plan. The TDM programs would be reviewed and approved by the Community Development Director prior to issuance of building permits. An annual TDM monitoring report shall be submitted to the Community Development Director to document each development is meeting the required TDM program reductions.
- MM AQ-2.2:** Proposed development within the TESP shall incorporate additional green building measures such as rooftop solar photovoltaic (PV) systems, rough-ins for electric vehicle charging, use of efficient lighting and irrigation, and recycled water, as feasible, to the satisfaction of the Community Development Director.
- MM AQ-2.3:** Developed parcels shall require within their covenants, conditions, and restrictions (CC&Rs) and/or ground leases requirements for all future interior spaces to be repainted only with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District (AQMD) Rule 1113; however, many manufacturers have reformulated to levels well below these limits. These are referred to as "Super-Compliant" Architectural Coatings.

Even with implementation of the identified mitigation measures, operational ROG and NO<sub>x</sub> emissions from full build out would remain significant and unavoidable.

### **3.2.1.3      *Toxic Air Contaminants***

CEQA does not address the effects of existing environmental conditions on a project. Nevertheless, the City of Santa Clara addressed the effect of existing local emission sources on future residents in the TESP area as a planning consideration.

The TESP FEIR identified three sources of toxic air contaminants (TACs) and fine particulate matter (PM<sub>2.5</sub>) emissions. The Union Pacific Railroad, Lafayette Street, and Tasman Drive would affect the western portion of the site, within 270 feet of the rail line, and the southern portion of the site, within 110 feet of the Tasman Drive edge of travel lane. Any development proposed within the identified affected areas would expose future sensitive receptors on-site to elevated cancer risk and/or PM<sub>2.5</sub> concentrations. Therefore, the following standard conditions of approval are included in the project.

### **Standard Conditions of Approval**

- Design the site to limit exposure from sources of TACs and PM<sub>2.5</sub> emissions. The final site layout shall locate operable windows and air intakes as far as possible from the Union Pacific Railroad line/Lafayette Street and Tasman Drive.
- To the greatest degree possible, plant vegetation along the project site boundaries with Union Pacific Railroad line/Lafayette Street and Tasman Drive and around outdoor use areas. This barrier would include trees and shrubs that provide a dense vegetative barrier.
- Install air filtration at units that have predicted PM<sub>2.5</sub> concentrations above 0.3 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Air filtration devices shall be rated MERV13 or higher. Alternatively, with the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below significance thresholds.
- As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Ensure that any lease agreements and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.
- Require that, prior to building occupancy, an authorized air pollutant consultant or HVAC engineer verify the installation of all necessary measures to reduce cancer risk below 10 chances per million from any source and PM<sub>2.5</sub> concentrations above 0.3  $\mu\text{g}/\text{m}^3$  for any source and 0.8  $\mu\text{g}/\text{m}^3$  for all sources.

### **3.2.2 Air Quality Impacts Resulting from the Proposed Project**

A Construction Air Quality Analysis and Health Risk Assessment was prepared by *Illingworth & Rodkin, Inc.* in July 2019.<sup>3</sup> A copy of this report is provided in Appendix A of this document.

#### **3.2.2.1 *CEQA Thresholds of Significance***

##### **Impacts from the Project**

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of Santa

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<sup>3</sup> Please note that the number of dwelling units proposed for market-rate apartments has decreased from 551 to 509, the commercial space has decreased from 22,734 square feet to 16,754 square feet, and the number of parking spaces has decreased from 591 to 565 since completion of the air quality report. In addition, the home for the ambulatory aged has increased from 176 dwelling units to 191. Lastly, six townhomes were proposed which were included in the total unit count for market-rate apartments. The decrease in units would generate emissions similar or slightly less than what was analyzed in the air quality report. Although the dwelling units for the ambulatory aged has increased, it would not result in substantial changes to the analysis.

Clara has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM<sub>2.5</sub>. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 3.2-1 below.

Table 3.2-1: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	0.3 µg/m <sup>3</sup>	
Hazard Index	1.0	10.0	
Incremental Annual PM <sub>2.5</sub>	0.3 µg/m <sup>3</sup>	0.8 µg/m <sup>3</sup> (average)	
<b>Notes:</b> ROG = reactive organic gases NO <sub>x</sub> = nitrogen oxides PM <sub>10</sub> = course particulate matter with a diameter of 10 micrometers (µm) or less PM <sub>2.5</sub> = fine particulate matter with a diameter of 2.5 µm or less.			

### 3.2.2.2 Construction Emissions – Criteria Pollutants

Construction period criteria pollutants were estimated using the California Emissions Estimator Model, Version 2016.3.2 (CalEEMod). The construction build out scenario, including equipment list and schedule, was based on information provided by the applicant and CalEEMod defaults. The CalEEMod defaults were used for construction equipment quantity and usage and land use acreage. The following land uses of the project were input into CalEEMod:

#### Market-Rate Apartments

- 551 dwelling units and 600,829 square feet entered as “Apartment High-Rise”
- 22,734 square feet entered as “Strip Mall”
- 591 parking spaces and 246,741 square feet entered as “Enclosed Parking with Elevator”

## Home for Ambulatory Aged

- 176 dwelling units and 222,448 square feet entered as “Apartments High-Rise”
- 48 parking spaces and 17,401 entered as “Enclosed Parking with Elevator”

## Parkland

- 0.5 acre entered as “City Park”

Demolition of existing buildings on-site and soil export were also input into CalEEMod (refer to Appendix A). Based on information provided by the applicant, the project would be constructed over a period of approximately 20 months beginning in February 2020 (approximately 445 workdays). Table 3.2-2 below shows the average daily emissions from criteria pollutants during the construction period. The model, assumptions, and results are described further in Appendix A of this document.

<b>Table 3.2-2: Construction Period Criteria Pollutant Emissions</b>				
<b>Scenario</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Total Construction Emissions (tons)	7.1	11.2	0.28	0.26
Average Daily Emissions (pounds per day)	32.1	50.3	1.3	1.2
<i>BAAQMD Thresholds (pounds per day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Note:</b> Assumes 445 construction workdays				

Construction period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds; therefore, the project would not result in a significant impact from construction emissions.

Construction activities associated with the project would generate dust in the form of PM<sub>2.5</sub> and PM<sub>10</sub>. Consistent with the TESP FEIR, the project would implement mitigation measure AQ-1.1 to control and reduce dust emissions. The TESP FEIR concluded that construction emissions impacts from individual development projects under the TESP would be reduced to less than significant with implementation of mitigation measures AQ-1.1 and AQ-1.2. The proposed project is consistent with the development projections in the TESP FEIR and would not result in any new impacts or substantially increase the severity of the previously identified air quality impacts.

### 3.2.2.3 Construction – Community Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, a known TAC. The primary community risk impact associated with construction are cancer risk and exposure to PM<sub>2.5</sub>. The U.S. Environmental Protection Agency (EPA) AERMOD dispersion model was used to predict diesel particulate matter (DPM) and PM<sub>2.5</sub> concentrations at existing sensitive receptors in the vicinity of the project site. The model, assumptions, and results are described further in Appendix B. The maximum-modeled DPM and PM<sub>2.5</sub> concentrations were identified at nearby sensitive receptors as shown in Figure 3.2-1, below. The maximum-exposed individual (MEI) was located on the first floor of a single-family residence, located approximately 180 feet south of the project site.



**Figure 3.2-1: Project Site, Sensitive Receptor Locations, and Location of MEI**

Table 3.2-3 provides a summary of the maximum health risk impacts from project construction.

<b>Table 3.2-3: Construction Risk Impacts at the MEI</b>			
<b>Source</b>	<b>Cancer Risk (per million)</b>	<b>Annual PM<sub>2.5</sub> (µg/m<sup>3</sup>)</b>	<b>Hazard Index</b>
Project Construction (unmitigated)	<b>49.2 (infant)</b>	<b>0.44</b>	0.04
<i>BAAQMD Single-Source Threshold</i>	>10.0	>0.3	>1.0
<b><i>Exceed Threshold? (unmitigated)</i></b>	<b>Yes</b>	<b>Yes</b>	No

As shown above and consistent with the conclusions of the TESP FEIR, the cancer risk and annual PM<sub>2.5</sub> concentration would exceed BAAQMD’s significance threshold. Consistent with the TESP FEIR, the project would be required to implement the BAAQMD BMPs as listed in mitigation measure AQ-1.1 (refer to pages 11 and 12 of this document) during construction. In addition, consistent with the direction of mitigation measure AQ-1.2 (refer to page 12 of this document), in order to address the significant impact caused by the risk of excess cancer cases and to further reduce emissions using “construction equipment selection for low emissions,” the proposed project shall be subject to the following condition of approval:



### **Condition of Project Approval**

- Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Community Development demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 80 percent reduction in DPM exhaust emissions. All diesel-powered off-road equipment operating on-site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters or equivalent. Alternatively, equipment that meets U.S. EPA Tier 4 standards for particulate matter or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement. Electrical power (e.g., a temporary line power) must be available on-site during the initial construction phases and cranes shall be electrified.

With implementation of mitigation measures AQ-1.1 and AQ-1.2 from the TESP FEIR and the condition of approval set forth above, the cancer risk would be reduced to 6.4 cases per million individuals and the annual PM<sub>2.5</sub> concentration to 0.09 µg/m<sup>3</sup>, which would be below BAAQMD's significance threshold.

Additionally, Kathryn Hughes Elementary School is located approximately 540 feet south of the project site. Modeling was used to predict the cancer risk, maximum PM<sub>2.5</sub> concentration, and health hazards associated with the project that could impact school-aged children attending this elementary school. Results of this assessment indicated that the maximum cancer risk would be 4.1 cases per million for child exposure (without any mitigation or construction emission controls). The maximum-modeled annual PM<sub>2.5</sub> concentration would be 0.16 µg/m<sup>3</sup> and the hazard index (HI) would be 0.01. None of these values would exceed BAAQMD's significance threshold for cancer risk, PM<sub>2.5</sub> concentrations, or HI.

#### **3.2.2.4 Operational Emissions**

The project proposes to construct up to 700 dwelling units in three buildings. Based on the conclusions of the TESP FEIR, all residential development proposed would be required to implement a TDM program and incorporate green building measures into the project. Consistent with mitigation measure AQ-2.1, the proposed project includes project specific TDM measures to reduce residential VMT as required by the City's CAP. The CAP requires a minimum 20 percent reduction in VMT with half of that reduction (a minimum of 10 percent) being achieved through a TDM plan. The project proposes the following TDM measures as shown in Table 3.2-4 below.

<b>Table 3.2-4: Proposed TDM Measures</b>	
<b><i>Bicycle and Pedestrian Facilities</i></b>	
Bicycle Parking	
Bicycle Repair Facilities*	
Bike Share Program*	
Resources (maps)*	
<b><i>Carpool and Vanpool Programs</i></b>	

<b>Table 3.2-4: Proposed TDM Measures</b>
On-site Ridematching Assistance
511 Ridematching Assistance
<i><b>Transit Elements</b></i>
Universal Transit Pass Program*
<i><b>Online Info Center for Tasman East</b></i>
Online Kiosk: website with information*
Information Packets for New Residents*
<b>Notes:</b> * This TDM measure is provided by the Tasman East Transportation Coordination Group (TETCG) as part of the Tasman East Site wide TDM Program. The TETCG is comprised of all residential property owners and developments who will oversee these programs. TDM measures were provided by Chao, Jonathan. Associate Principal, Steingberg Hart. July 23, 2019.

Additionally, consistent with mitigation measure AQ-2.2 and AQ-2.3, the project would include the following green building measures.

- Short-term bicycle parking spaces within 200 feet of the visitors' entrance
- Secured long-term bicycle parking
- Designated parking for clean air vehicles
- Electric vehicle charging stations
- Recycled water for irrigation use
- Minimum 65 percent construction and demolition waste diversion
- Stormwater treatment on-site

With implementation of the TDM program and green building measures the project, by itself, would have a less than significant impact on operational ROG and NO<sub>x</sub> emissions. While full build out of the TESP would have a significant and unavoidable criteria pollutant emissions impact, the proposed project is consistent with the development projections of the TESP FEIR and would not result in any new impacts or substantially increase the severity of the previously identified air quality impacts.

### **3.2.2.5 Combined Community Risk Impacts at Construction MEI**

Community health risk assessments typically look at all sources of TACs (including highways, streets, and stationary sources identified by BAAQMD) within 1,000 feet of a project site. Tasman Drive, Lafayette Street, and Lick Mill Boulevard are mobile sources of TACs. The Union Pacific Railroad (UPRR) is also in proximity, which generates TAC and PM<sub>2.5</sub> emissions from diesel locomotives. Additionally, stationary sources identified within the TESP FEIR that could affect the plan area were also evaluated. Stationary sources that were deemed to pose no risk or would no longer pose a risk due to removal were not evaluated in the cumulative community risk impact.

### **Roadway**

Traffic on high volume roadways (10,000 average daily trips [ADT] or more) is a source of TAC emissions that may adversely impact sensitive receptors in close proximity to the roadways. The construction MEI is located approximately 60 feet south of Tasman Drive (45,000 ADT), 670 feet

east of Lafayette Street (30,000 ADT), and 800 feet west of Lick Mill Boulevard (15,500 ADT). The BAAQMD's *Roadway Screening Analysis Calculator* was used to assess whether the roadways would have a potentially significant effect on the construction MEI.

### Railroad

The UPRR is located approximately 700 feet west of the construction MEI. Based on the TESP FEIR, the rail line was estimated to have a cancer risk of 22.0 cases per one million individuals, an annual  $PM_{2.5}$  concentration of  $0.03 \mu g/m^3$ , and an HI of less than 0.01 at 110 feet.

### Stationary Sources

Seven stationary sources were identified in the area (Plants 17251, 1642, 1636, 3037, 5323, 22529, and 20241). Of the seven, one facility has been closed (Plant 5323) and is not discussed further. Figure 3.2-2 below shows the project site and nearby sources of TACs.



**Figure 3.2-2: Project Site and Nearby Sources of TACs**

Table 3.2-5 below summarizes nearby TAC and  $PM_{2.5}$  sources of air pollution near the project site.

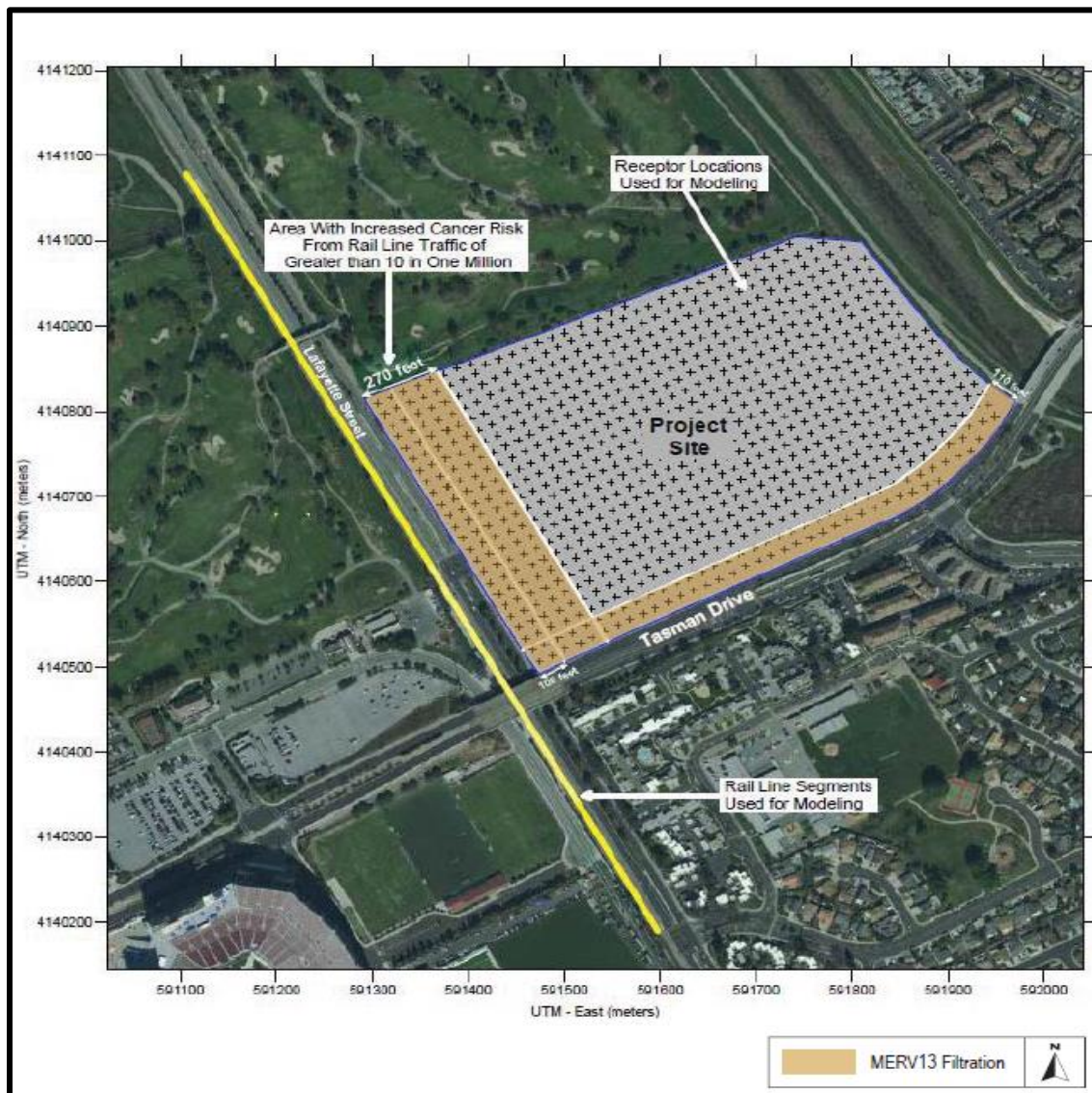
<b>Table 3.2-5: Stationary and Mobile Sources Community Risk Levels</b>			
<b>Source</b>	<b>Maximum Cancer Risk (per million)</b>	<b>Maximum Annual PM<sub>2.5</sub> Concentration (µg/m<sup>3</sup>)</b>	<b>Maximum Hazard Index</b>
Project Construction			
Unmitigated	<b>49.2 (infant)</b>	<b>0.44</b>	0.04
Mitigated	6.4 (infant)	0.09	<0.01
Tasman Drive at 60 feet	13.8	0.51	<0.01
Lafayette Street at 670 feet	1.9	0.06	<0.01
Lick Mill Boulevard at 800 feet	0.4	0.01	<0.01
UPRR Line at 700 feet	<22.0	<0.03	<0.01
City of Santa Clara – Golf Course Storm (Plant 17251) at >1,000 feet	0.08	<0.01	<0.01
Megastor (Plant 1642) at 880 feet	--	<0.01	--
Alzeta Corporation (Plant 1636) >1,000 feet	<0.1	<0.01	<0.01
Italix Company, Inc. (Plant 3037) at >1,000 feet	<0.1	0.01	<0.01
Nu-Metal Finishing (Plant 22529) at 950 feet	0.01	<0.01	0.01
RS Alameda, LLC. (Plant 20241) at 430 feet	0.78	<0.01	<0.01
Combined Total (Unmitigated)	<88.4	<1.11	<0.17
Combined Total (Mitigated)	<45.6	<0.76	<0.14
<i>BAAQMD Threshold – Combined Sources</i>	<b>&gt;100</b>	<b>&gt;0.8</b>	<b>&gt;10.0</b>
<b>Threshold Exceeded? (Unmitigated)</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Threshold Exceeded? (Mitigated)</b>	<b>No</b>	<b>No</b>	<b>No</b>

As shown above, the combined sources of TACs would exceed BAAQMD's significance threshold of 0.8 µg/m<sup>3</sup> for annual PM<sub>2.5</sub>. With implementation of mitigation measure AQ-1.1, consistent with the TESP FEIR, the annual PM<sub>2.5</sub> concentration would be reduced to less than 0.76 µg/m<sup>3</sup>. The proposed project is consistent with the development projections of the TESP FEIR and would not result in any new impacts or substantially increase the severity of the previously identified air quality impacts.

### 3.2.2.6 Toxic Air Contaminants – Planning Considerations

As mentioned previously, sensitive receptors located within 270 feet of the rail line, including a portion of the project site, would be exposed to an elevated cancer risk and/or PM<sub>2.5</sub> concentrations. Based on Figure 3.2-3 below or Figure 3.2-1 of the TESP FEIR<sup>4</sup>, MERV13 (or higher) filters would be required for all areas affected by air pollutant sources as a Condition of Project Approval.

<sup>4</sup> City of Santa Clara. *Draft Environmental Impact Report Tasman East Specific Plan (SCH #2016122027)*. July 2018.



**Figure 3.2-3: Residential Areas Requiring MERV12 Filtration**

The TESP FEIR concluded that implementation of the Condition of Project Approval would result in the cancer risk and PM<sub>2.5</sub> concentrations being below the BAAQMD significance thresholds for sensitive receptors. As the proposed project is consistent with the development projections of the TESP FEIR, the same findings would apply to the proposed project.

### 3.3 BIOLOGICAL RESOURCES

The following analysis addresses the potential biological resources impacts that would result from implementation of the proposed project. Specifically, the analysis addresses impacts to birds (bird strikes and loss of nesting habitat) and loss of trees.

Ruderal grassland, perennial freshwater wetlands, and riparian habitats have been identified along the eastern portion of the TESP site. The project site, which is located in the southwestern corner of the TESP area, is classified as developed land with no sensitive habitats or special-status species present.



Therefore, implementation of the proposed project would not contribute to any identified impacts to protected habitats and special-status species and no further analysis is required.

Construction impacts on nesting birds would be the same on all project sites within the TESP area. The TESP FEIR identified mitigation measures required of all projects under the TESP to reduce impacts to nesting birds to less than significant levels. These mitigation measures are incorporated by reference and no further analysis is required.

### **3.3.1            Findings of the Previously Certified FEIR**

#### **3.3.1.1        *Bird Strikes***

Based on the approved project, numerous resident and migratory songbirds are known to occur at the Ulistac Natural Area, south of Tasman Drive and a number of songbirds, waterbirds, and wetland-associated birds also occur along the Guadalupe River. Development proposed within the TESP area would be a maximum height of 220 feet. Some of the birds using habitats within the TESP, Guadalupe River, and Ulistac Natural Area are expected to strike the buildings, resulting in injury or death.

The following mitigation measures were included in the approved project to reduce impacts to the migratory birds.

**MM BIO-3.1:**        Due to the potential for buildings in the TESP area to result in high numbers of bird collisions, particularly if extensive glass facades are used, all new construction and building additions within the TESP area will implement the following bird-safe building design considerations:

- Reduce the extent of glass on the facades of new buildings and additions to the extent feasible.
- Reduce or eliminate the visibility of landscaped areas behind glass.
- No more than 10 percent of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground, unless located within 300 feet of the top of bank of the Guadalupe River within such boundary this requirement would extend to the entirety of the structure. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.
- Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies

with unbroken glazed segments 24 square feet and larger where feasible. If any such features are included in building designs, all glazing used in any such features will be 100 percent treated.

- Reduce glass at tops of buildings, especially when incorporating a green roof into the building design.
- If a green roof or green wall is incorporated into the building design, no more than 10 percent of the surface area of the building's combined facades within 12 vertical feet above and/or below the green roof or green wall shall have untreated glazing. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.
- Avoid the funneling of flight paths between buildings or trees towards a glazed building façade.
- Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions. For example, vegetation providing particularly valuable resources to birds (such as fruits) will be planted away from buildings with extensive glazing, and vegetation in general will be planted in such a way that it is not clearly reflected in windows. Water features would be located away from building exteriors to reduce the attraction of birds toward glazed facades.
- Minimize exterior lighting to the extent feasible, except as needed for safety. All exterior lights shall be directed toward facilities in the Plan Area (e.g., rather than directed upward or outward) and shielded to ensure that light is not directed outward toward the Guadalupe River or Ulistac Natural Area.
- Occupancy sensors or other switch control devices shall be installed on interior lights, with the exception of emergency lights or lights needed for safety purposes. On commercial buildings, these lights shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.

The City may waive or reduce any of the above-listed bird-safe design requirements based on analysis by a qualified biologist indicating that proposed construction will not pose a collision hazard to birds. Such a waiver will generally not be appropriate for façades adjacent to well-vegetated areas, but a waiver may be appropriate, for example, for façades that face developed areas lacking vegetation, water features, or other features that would be particularly attractive to birds.

Mitigation measure BIO-3.1 would incorporate bird-safe design elements into future building designs and reduce impacts to birds to the extent feasible. The TESP FEIR determined that with implementation of the identified mitigation measures, future development under the TESP would continue to result in a significant unavoidable avian collision impact.

### 3.3.1.2 *Increased Lighting*

Build out of the TESP would increase lighting compared to existing conditions. Wildlife species using the Guadalupe River and/or Ulistac Natural Area would be subject to increased predation, decreased habitat availability, and alterations of physiological processes if development under the TESP produces greater illumination than the existing conditions. The approved project included the following mitigation measure to reduce lighting impacts to wildlife species.

**MM BIO-4.1:** To the extent consistent with the normal and expected operations of commercial and/or residential uses under the TESP, take appropriate measures to avoid use of unnecessary lighting at night, especially during the bird migration season (February through May and August through November). Such measures may include the installation of motion-sensor lighting, automatic light shut-off mechanisms, downward-facing exterior light fixtures, and others. Exterior lighting within the Specific Plan area will be shielded as needed to block illumination from shining upward, or outward into the Guadalupe River to the east or Ulistac Natural Area to the south. Lighting plans for each development site shall be reviewed and approved by the Community Development Director prior to the issuance of building permits.

Mitigation measure BIO-4.1 would minimize lighting as part of project design under the TESP and, therefore, would reduce this impact to a less than significant level.

### 3.3.1.3 *Trees*

The implementation of the TESP would result in the removal of numerous trees on-site. Existing trees throughout the developed portions of the TESP area include a mixture of mainly non-native or not naturally-occurring, planted, ornamental species including eucalyptus, acacias, and London planes. The General Plan requires replacement of trees removed as part of a proposed development project.

The TESP FEIR concluded that removal of trees within the TESP area would not have a significant impact on wildlife because the trees are mostly landscape and non-native species that are not regionally limited. Given the substantial number of trees that would be removed by development proposed under the TESP, impacts to mature trees from future development under the TESP would be considered significant. The TESP FEIR includes the following mitigation which reduces the impact to less than significant.

**MM BIO-10.1:** Projects proposing or required to retain trees on-site shall implement precautionary measures during site construction to limit adverse environmental effects on ordinance-protected trees that are to be retained. A tree protection plan shall be prepared by a qualified arborist that, at a minimum, requires installation of an open material (e.g., chain link) fence six feet in height around the drip line and maintenance of the existing grade level around a tree and out to its drip line.

**MM BIO-10.2:** Project proponents under the TESP will comply with the City Code and submit permit applications for removal of all trees covered by the City's tree ordinance. Any street trees or heritage trees to be removed would require replacement on-site or off-site at a minimum 2:1 ratio per General Plan Policy 5.3.1-P10. To the extent feasible, the replacement trees will be planted on-site, and the project proponent will comply with all other tree removal requirements imposed by the City.

Mitigation measures BIO-10.1 and BIO-10.2 would reduce impacts to mature trees to a less than significant level.

### **3.3.2            Biological Resources Impacts Resulting from the Proposed Project**

#### **3.3.2.1        *Bird Strikes***

The TESP FEIR concluded that all new buildings, including the proposed project, would have the potential for bird strikes and are required to incorporate bird safe design features. Consistent with mitigation measure BIO-3.1, the project includes project specific bird safe design features to reduce bird collisions with the proposed building.

In January 2021, *H.T. Harvey* prepared an Avian Collision Risk Assessment for the proposed project. A copy of this report is provided in Appendix B. The analysis outlines the project's design elements and its compliance with mitigation measure BIO-3.1, which are listed below.

#### ***Reduce the extent of glass on the façades of new buildings to the extent feasible.***

The façades of the market-rate apartment parking garage would be composed of an aluminum screen (without glazing) which would help reduce glazing on this building. All portions of the building except the ground floor retail would have opaque wall panels that would also help reduce glazing on the buildings. The façades of the market-rate apartments and home for the ambulatory aged would, however, be predominantly glazed. Per mitigation measure BIO-3.1, all new construction and building additions within the TESP area shall reduce the extent of glass on the facades to the extent feasible. As a result, the project design would comply with this requirement.

#### ***Reduce or eliminate the visibility of landscaped areas behind glass***

No interior landscaped areas are proposed behind glass and, as a result, the project design would comply with this requirement.

***No more than 10 percent of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground, unless located within 300 feet of the top of bank of the Guadalupe River. Within such boundary this requirement would extend to the entirety of the structure. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125***

***inches wide at a maximum spacing of two inches. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.***

Certain areas of the buildings would have untreated glazing. The exact areas of the building façades that would incorporate glazing with a bird-safe treatment were not provided by the applicant. Additionally, bird-safe frit patterns to be used as part of the bird-safe glazing treatment have yet to be determined

Based on the Avian Collision Risk Assessment prepared for the project, the frequency of avian collisions to buildings on the project site would be lower compared to other sites within the TESP area due to its distance to the Ulistac Natural Area (approximately 875 feet east) and to the Guadalupe River (approximately 1,124 feet east). The assessment identified the following areas of high collision risk: 1) feature-related hazards<sup>5</sup> (e.g., free-standing glass railings and transparent glass corners) within 60 feet of proposed exterior vegetation and 2) extensive storefront glazing adjacent to landscape vegetation located on the lower floors of the buildings. The proposed project would use bird-safe frit patterns on certain glazing. Vertical elements of the frit patterns should be at least a quarter-inch wide at a minimum spacing of four inches, and horizontal elements should be at least one-third-inch wide at a minimum spacing of two inches. A trellis may be used in lieu of a bird-safe glazing treatment, but an overhang<sup>6</sup> may not. Spandrel glazing is not required to be treated at any location. Landscape vegetation is proposed in a number of locations. Due to the limited extent of vegetation proposed on the 20<sup>th</sup> floor of the home for the ambulatory aged building and 23<sup>rd</sup> floor of the market-rate apartments (including townhomes), no bird-safe treatment would be needed to reduce the potential for bird collisions. Nevertheless, the project shall comply with the identified condition of approval below to ensure that this requirement is met.

***Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies with unbroken glazed segments 24 square feet and larger where feasible. If any such features are included in building designs, all glazing used in any such features will be 100 percent treated.***

Glass railings and transparent glass corners are proposed in the project design on all buildings; however, the exact features that would incorporate bird-safe treatment have not yet been finalized. No greenhouses or other glass enclosures are proposed. Because the project has not yet finalized the details of bird-safe treatments, the project design would not currently comply with this requirement. As a result, the project shall comply with the identified condition of approval below to ensure that this requirement is met.

***Reduce glass at tops of buildings, especially when incorporating a green roof into the building design.***

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<sup>5</sup> A feature-related hazard is defined as a potential bird collision hazard that should be treated regardless of whether a building is located near a high-quality bird habitat area.

<sup>6</sup> While overhangs improve the overall visibility of a building to birds, they do not reduce bird collisions with glazing, especially when glazing is located adjacent to planted vegetation.



The parking garage façades of the market-rate apartments would consist of aluminum screen (without glazing) which would effectively reduce glazing at the top of the buildings where landscape vegetation is present on the rooftops. The podium and market-rate apartments would have opaque wall panels which would also reduce the extent of glazing on the buildings. The building façades are broken up by opaque wall panels and spandrel glazing in most locations, including the areas adjacent to the proposed rooftop open space. Where glazing is more extensive adjacent to vegetated rooftops, those areas shall be treated with a bird-safe glazing treatment. As a result, the project shall comply with the identified condition of approval below to ensure that this requirement is met.

***If a green roof or green wall is incorporated into the building design, no more than 10 percent of the surface area of the building's combined facades within 12 vertical feet above and/or below the green roof or green wall shall have untreated glazing. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.***

The project proposes roofs with landscape vegetation on the second, third, and 20<sup>th</sup> floor of the home for the ambulatory aged. Additionally, the third, eighth and 23<sup>rd</sup> floor of the market-rate apartment building would consist of roofs with landscape vegetation. As mentioned previously, glazing on the building is broken up by opaque wall panels and spandrel glazing in areas adjacent to proposed landscape vegetation on rooftops. A green wall is proposed on the lower levels of the southern façade of the mid-rise apartment building. The glazing on the southern façade of the mid-rise apartment building is broken up by opaque wall panels and spandrel glazing adjacent to the green wall. Where glazing is more extensive adjacent to vegetated rooftops and green walls, those areas shall be treated with a bird-safe glazing treatment. The project shall comply with the identified condition of approval below to ensure that this requirement is met.

***Avoid the funneling of flight paths between buildings or trees towards a glazed building façade.***

Vegetated areas are proposed adjacent to the south of the market-rate north apartments and north of the market-rate south apartments which is immediately adjacent to a vegetated courtyard on the third floor. These areas are surrounded by building façades that are predominantly glazed with the exception of the parking garage. This design would result in a higher probability of bird collisions due to the funneling of flight paths between buildings with glazed façades. As a result, the project shall comply with the identified condition of approval below to ensure that this requirement is met.

***Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions. For example, vegetation providing particularly valuable resources to birds (such as fruits) will be planted away from buildings with extensive glazing, and vegetation in general will be planted in such a way that it is not clearly reflected in windows. Water features would be located away from building exteriors to reduce the attraction of birds towards glazed façades.***

No water features are proposed. Non-native trees would be located adjacent to the proposed market-rate apartments; however, none of these trees are expected to provide valuable resources to birds.

The project proposes plants which would produce berries on-site which would attract birds and increase the potential for bird collisions with glazed façades. A number of flowering species would also produce flowers that would attract hummingbirds. The project has not yet finalized the details of bird-safe treatments. Based on the percentage of glazing proposed, the project design would not comply with this requirement as currently proposed. The project shall comply with the identified condition of approval below to ensure that this requirement is met.

***Minimize exterior lighting to the extent feasible, except as needed for safety. All exterior lights shall be directed toward facilities in the Plan Area (e.g., rather than directed upward or outward) and shielded to ensure that light is not directed outward toward the Guadalupe River or Ulistac Natural Area.***

No exterior lighting plan was provided for the project. To ensure that the project minimizes exterior lighting to the extent feasible, the project shall comply with the exterior Leadership in Energy and Environmental Design (LEED) Pilot Credit 55 lighting requirement as follows:

- Exterior building fixtures that are not necessary for safety, building entrances, and circulation shall be automatically shut off from midnight until 6:00 AM. Manual override capability may be provided for occasional after-hour use.
- Exterior up-lighting in the project design shall be avoided.

Due to the project site's distance to the Ulistac Natural Area (approximately 875 feet east) and to the Guadalupe River (approximately 1,124 feet east), the Avian Collision Risk Assessment concluded that unshielded exterior lighting in public areas would not spill outwards into these natural areas. As a result, shielding and direct lighting on-site would not be needed to comply with this requirement.

***Occupancy sensors or other switch control devices shall be installed on interior lights, with the exception of emergency lights or lights needed for safety purposes. Exterior shades shall also be considered to reduce light pollution. On commercial buildings, these lights shall be programmed to shut off during non-work hours and between 10:00 PM and sunrise.***

All proposed residential amenity space would have permanent light fixtures connected to occupancy sensors and the tenants on the ground floor (within the commercial space) would be required to program lights to shut off during non-work hours between 10:00 PM and sunrise, consistent with the measure.

No exterior shades are proposed to reduce light pollution. The project, however, would have no permanent light fixtures installed in residential spaces adjacent to windows. Residents would be required to furnish and install their own lighting. Therefore, no occupancy sensors would be installed within the residential spaces of the proposed buildings.

Additionally, due to the proposed buildings distance from the Ulistac Natural Area (875 feet) and from the Guadalupe River (1,124 feet) and the assumption that residents would not use extensive night lighting, the lack of occupancy sensors within residential spaces would not result in substantial

impact on birds. The project design is in compliance with this requirement.

In order to bring the buildings into compliance with mitigation measure BIO-3.1, the project shall be required to include the following measures as a Condition of Project Approval.

### **Conditions of Project Approval**

#### **Home for the Ambulatory Aged**

- All feature-related hazards (i.e., transparent glass corners and free-standing glass railings) within 60 feet of vegetated areas on floors one to five should be 100 percent treated with a bird-safe glazing treatment. Transparent glass corners only need to be treated where it is possible to see through from one side of the corner to the other (as determined by the design team).
- No more than 10 percent of the façades surrounding the courtyard (combined) shall consist of untreated glazing. All untreated glazed areas shall be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.
- Areas of extensive glazing located on the lower levels of the northern, eastern, and western façades of the building (adjacent to landscape vegetation) shall be treated with a bird-safe glazing treatment such that no more than 10 percent of the surface area of these façades (combined) have untreated glazing. All untreated glazed areas (i.e., the 10 percent untreated areas) shall be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments. Since no vegetation is proposed adjacent to the façades on the south side of the building, this measure is not required for the south façade. Note that any feature-related hazards (e.g., transparent glass corners and free-standing glass railings) shall be 100 percent treated and, therefore, should not be included in the 10 percent of the surface area that is untreated.

#### **Market-Rate Apartments (Including Townhomes)**

- All feature-related hazards where large areas of landscape vegetation is present (e.g., ground floor, third floor amenity terrace, and a portion of the eighth floor amenity terrace on the podium) shall be treated with a bird-safe glazing treatment. Because the vegetated areas are large and would attract birds, all feature-related hazards on adjacent façades as well as on façades within 60 feet above and below these areas shall be treated. The portions of glazing on feature-related hazards that are located immediately behind a trellis do not need to be treated.
- All glazing on the first and second floors above vegetated areas on the third floor shall be treated with a bird-safe glazing treatment such that no more than 10 percent of the surface area of façades has untreated glazing. All remaining untreated glazed areas on adjacent façades shall be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments. The feature-related hazards shall be 100 percent treated and, therefore, shall not be included in the 10 percent of the surface area that is untreated.

With implementation of the bird-safe design features proposed by the project and the Conditions of Project Approval, the project would have a less than significant impact on birds. While full build out of the TESP would have a significant and unavoidable bird strike impact, the proposed project, by itself, would not result in any new impacts or substantially increase the severity of the previously identified impact.

### 3.3.2.2 *Increased Lighting*

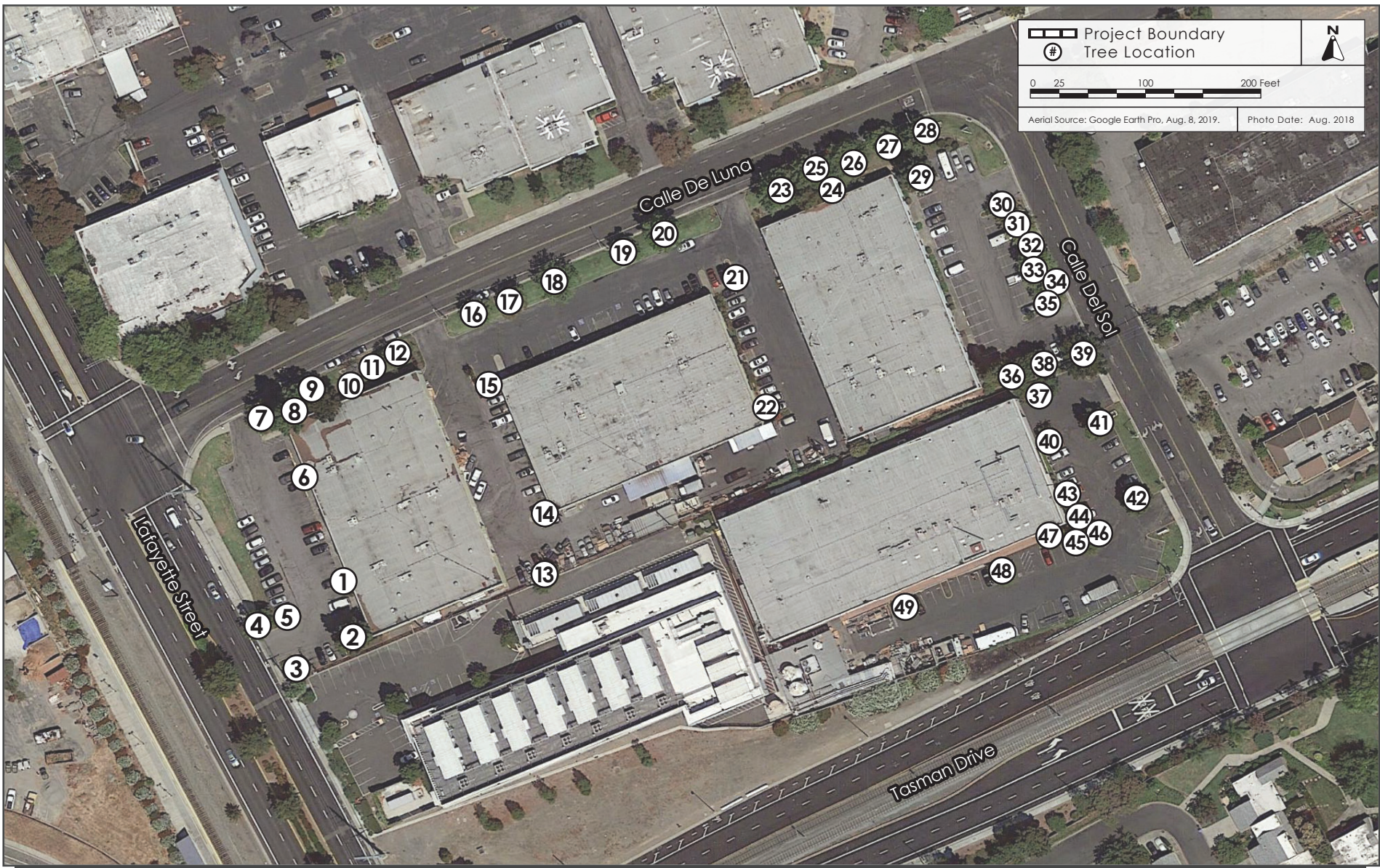
The proposed project would include internal building lights, parking garage lights, security lights, and external building lights. While the TESP FEIR identified increased lighting on-site as an impact on bird species in the high value habitat areas on and adjacent to the TESP area, the project site is not located near these habitat areas and is already developed. Consistent with mitigation measure BIO-4.1, exterior lighting shall be directed downward (not upward into the sky) to the fullest extent feasible. Furthermore, the project will undergo architectural and site design review by the Community Development Director and the City's Architectural Committee prior to issuance of building permits, consistent with mitigation measure BIO-4.1, to ensure that the project would not adversely impact bird species. As a result, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified impact.

### 3.3.2.3 *Trees*

As proposed, the project would remove all existing trees on the project site. The trees are listed in Table 3.3-1 below. Refer to Figure 3.3-1 for the location of trees.

<b>Table 3.3-1: Trees Surveyed On-Site</b>			
<b>Tree Number</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>Diameter (in inches)</b>
1	Callery pear	<i>Pyrus calleryana</i>	10
2	Red pine	<i>Pinus resinosa</i>	19
3	Callery pear	<i>Pyrus calleryana</i>	16
4	American sweetgum	<i>Liquidambar styraciflua</i>	17
5	Crape myrtle	<i>Lagerstroemia</i>	3
6	Callery pear	<i>Pyrus calleryana</i>	14
7	Callery pear	<i>Pyrus calleryana</i>	17
8	Red pine	<i>Pinus resinosa</i>	30
9	Red pine	<i>Pinus resinosa</i>	19
10	Red pine	<i>Pinus resinosa</i>	25
11	--	--	49.5
12	American sweetgum	<i>Liquidambar styraciflua</i>	11
13	--	--	--
14	Crape myrtle	<i>Lagerstroemia</i>	10
15	Crape myrtle	<i>Lagerstroemia</i>	11
16	American sweetgum	<i>Liquidambar styraciflua</i>	41.5
17	American sweetgum	<i>Liquidambar styraciflua</i>	43
18	American sweetgum	<i>Liquidambar styraciflua</i>	49
19	American sweetgum	<i>Liquidambar styraciflua</i>	43





TREE LOCATION MAP

FIGURE 3.3-1



Table 3.3-2: Trees Surveyed On-Site			
Tree Number	Common Name	Scientific Name	Diameter (in inches)
20	American sweetgum	<i>Liquidambar styraciflua</i>	95
21	Crape myrtle	<i>Lagerstroemia</i>	10
22	Crape myrtle	<i>Lagerstroemia</i>	10
23	American sweetgum	<i>Liquidambar styraciflua</i>	64
24	Lemon-scented gum	<i>Corymbia citriodora</i>	14
25	American sweetgum	<i>Liquidambar styraciflua</i>	51
26	American sweetgum	<i>Liquidambar styraciflua</i>	17
27	American sweetgum	<i>Liquidambar styraciflua</i>	13
28	American sweetgum	<i>Liquidambar styraciflua</i>	20
29	Red pine	<i>Pinus resinosa</i>	20
30	American sweetgum	<i>Liquidambar styraciflua</i>	35
31	American sweetgum	<i>Liquidambar styraciflua</i>	40
32	American sweetgum	<i>Liquidambar styraciflua</i>	59
33	American sweetgum	<i>Liquidambar styraciflua</i>	30.5
34	American sweetgum	<i>Liquidambar styraciflua</i>	45
35	Crape myrtle	<i>Lagerstroemia</i>	10
36	Red pine	<i>Pinus resinosa</i>	21
37	--	--	38
38	Red pine	<i>Pinus resinosa</i>	27
39	Southern magnolia	<i>Magnolia grandiflora</i>	7
40	Callery pear	<i>Pyrus calleryana</i>	9
41	Red pine	<i>Pinus resinosa</i>	19
42	Red pine	<i>Pinus resinosa</i>	18
43	Callery pear	<i>Pyrus calleryana</i>	9
44	Callery pear	<i>Pyrus calleryana</i>	14
45	Callery pear	<i>Pyrus calleryana</i>	9
46	Callery pear	<i>Pyrus calleryana</i>	34
47	Callery pear	<i>Pyrus calleryana</i>	9
48	Tuckeroo	<i>Cupaniopsis anacardioides</i>	33
49	Carob	<i>Ceratonia siliqua</i>	37
<b>Notes:</b> -- unable to measure or identify			

Consistent with mitigation measure BIO-10.2 and General Plan Policy 5.3.1-P10, any tree removed would be required to be replaced at a 2:1 ratio on-site. The project would be required to plant a total of 98 new trees. The proposed project would not result in any new impacts or substantially increase the severity of the previously identified impact.

### 3.4 HAZARDS AND HAZARDOUS MATERIALS

The following analysis addresses the potential for soil and groundwater contamination on the project site. Given the age of the buildings in the TESP area, the TESP FEIR concluded that the buildings would likely contain asbestos and/or lead-based paint. Remediation of asbestos and lead-based paint must be in accordance with national regulatory guidelines and Cal/OSHA standards. The regulatory requirements are incorporated by reference and no further analysis is required.

Impacts on airport safety, schools, and emergency operation plans would be the same on all project sites within the TESP area given that the projects would have to be designed consistent with the development standards established by the TESP. The TESP FEIR found impacts to airport safety, schools, and emergency operation plans to be less than significant.

### **3.4.1 Findings of the Previously Certified FEIR**

Based on the TESP FEIR, the project site historically consisted of agricultural land including row crops and orchards. Four facilities within the TESP area have been identified in the Regional Water Quality Control Board's (RWQCB) Spills, Leaks, Investigations, and Cleanup (SLIC) database. Of the four on-site facilities, three are currently identified as open cases as discussed below.

#### **Spills, Leaks, Investigations, and Cleanup (SLIC) Sites**

In 1997, RWQCB closed the SLIC case at 2339 Calle Del Mundo, however, residual concentrations of volatile organic compounds (VOCs) remained in soil and groundwater that pose a potential vapor intrusion concern. The VOC impacted groundwater appears to have migrated below the northerly adjacent landfill property.

VOCs were identified in the groundwater at 2301 Calle De Luna and have migrated below the easterly adjacent parcel at 2281 Calle De Luna. This open SLIC case is currently being overseen by the RWQCB.

The two remaining SLIC cases at 2278 Calle De Luna (Coatek, Inc.) and 2200 & 2222 Calle De Luna (Air Flight Service) are being overseen by the Santa Clara County Department of Environmental Health (SCCDEH). The Air Flight Service property was found to have elevated levels of TPH as diesel (TPHd) that are unrelated to the prior film processing done on the property. The Coatek, Inc. property was found to have elevated nickel and copper concentrations related to the industrial land use activities on the southern portion of the TESP area. Oil, grease, trichloroethene (TCE), TPH as motor oil (TPHmo), hexavalent chromium, and benzene concentrations were also found to be elevated above residential screening levels. Both facilities have entered into Voluntary Cleanup Agreements with SCCDEH.

#### **All Purpose Landfill**

The former Santa Clara All Purpose Landfill (landfill) is a closed municipal landfill with a footprint of approximately 136 acres located adjacent to the TESP area. Portions of the landfill have been converted into a public golf course, and the remainder is open space. The landfill consists of four parcels: 1, 2, 3/6, and 4. Parcel 2 is located adjacent to the north of the TESP area and Parcel 4 is across Lafayette Street to the west. Parcels 1 and 3/6 are located further to the north and northwest. Groundwater beneath the landfill, primarily on Parcel 4, is impacted with VOCs. The primary VOCs detected in groundwater samples collected during the first quarter of 2016 were 1,1 dichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, TCE, and vinyl chloride. The area of VOC impacted on parcel 4 is located cross-gradient from the site with respect to groundwater flow direction (northeast) and did not migrate below the Plan Area. Two groundwater monitoring wells are located on the southern border of the landfill (Parcel 2) and immediately north of the Plan Area.

Low concentrations of VOCs have been detected in ground water from both monitoring wells, one of which is located down-gradient of 2339 Calle Del Mundo, an identified SLIC site discussed above. Landfill gas investigations were conducted at the landfill and identified several VOCs in landfill gas. Benzene, ethylbenzene, and vinyl chloride were reported in landfill gas at concentrations exceeding residential and commercial Environmental Screening Levels (ESLs).

Given the industrial use of the site and prior agricultural uses and leaking underground storage tank (LUST) case, residual hazardous materials contamination is anticipated to be present on-site and could impact construction workers and adjacent land uses if disturbed during demolition or construction. The following mitigation measures are included in the TESP.

**MM HAZ-1.1:** Prior to the start of any demolition or construction activity, a property-specific Phase I Environmental Site Assessment (ESA) shall be completed in accordance with American Society for Testing and Materials (ASTM) Standard Designation E 1527-13 (or most recent version) to identify Recognized Environmental Conditions, evaluate the property history, and establish if the property is likely to have been impacted by chemical releases. Soil, soil vapor and/or groundwater quality studies shall subsequently be conducted, if warranted based on the findings on the property-specific Phase I ESAs to evaluate if mitigation measures are needed to protect the health and safety of site occupants. All site mitigation measures identified in the property-specific Phase I and II ESAs shall be completed under the oversight of an appropriate regulatory agency, such as the Department of Environmental Health (DEH), Department of Toxic Substances Control (DTSC), or RWQCB. Any required cleanup/remediation of the site during development activities shall meet all applicable federal, state and local laws, regulations, and requirements. The project applicant shall provide the appropriate oversight agency's written approval of the site mitigation measures to the City of Santa Clara prior to the issuance of a demolition and/or grading permit.

**MM HAZ-1.2:** At properties where VOCs are identified as contaminants of concern (COC), the potential for vapor intrusion shall be evaluated. A Vapor Intrusion Investigation Work Plan shall be submitted to the overseeing regulatory agency for review and approval. The plan shall include soil vapor sampling for VOCs in areas of concern. The soil vapor sampling shall be conducted in conformance with DTSC's July 2015 advisory titled *Active Soil Gas Investigations*. A minimum of two soil vapor sampling events (with soil vapor concentrations less than the most conservative residential or commercial screening levels – as appropriate) is required to document that mitigation measures are not required; additional sampling events may be required by the overseeing regulatory agency.

**MM HAZ-1.3:** The need for vapor intrusion mitigation measures will be dependent upon the planned building design and the results of the Vapor Intrusion Investigation.



Prior to redevelopment of the site, a report assessing the potential for vapor intrusion shall be submitted to and approved by the overseeing regulatory agency. The assessment shall be conducted in general conformance with DTSC's *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance)* dated October 2011.

**MM HAZ-1.4:**

Prior to the start of any construction activity on properties with known COC exceeding the lower of the then-current DTSC, the RWQCB or Environmental Protection Agency (EPA) residential screening levels, the project proponent shall submit the following plans to the overseeing regulatory agency for review and approval:

- *Corrective Action Plan.* An appropriate corrective action plan (e.g. remedial action plan, removal action workplace, etc.) shall be prepared that reflects the results of the above investigations. Site cleanup levels presented in the plan shall be based on a target cancer risk of 0.00001 or, for non-carcinogens, a target hazard quotient (THQ) of 1.0. The lower of the then-current DTSC, RWQCB, or EPA residential screening levels shall be used to interpret the TR and THQ levels or, alternatively, a site-specific human health risk assessment shall be prepared and approved by the overseeing regulatory agency. Higher cleanup goals may be acceptable, if approved in writing by the oversight agency. The project applicant shall provide an oversight agency's written approval of the corrective action plan to the City of Santa Clara prior to issuance of a demolition and/or grading permit. Leaving contaminated soil (above residential screening levels and, for metals, above background concentrations) in-place or re-using contaminated soil shall require the oversight agency's written approval. At a minimum, if contaminated soil is left in-place, a deed restriction or land use covenant shall detail the location of the soil. This document shall include a surveyed map of the location of the impacted soil and shall restrict future excavation in the impacted area unless approved in writing by an oversight agency.
- *Air Monitoring Plan.* This plan shall assess the potential for exposure of construction workers and neighboring occupants adjoining the property to COCs during construction activities; this plan shall specify measures to be implemented if COC concentrations exceed threshold values.
- *Vapor Intrusion Mitigation Plan and Associated Documents.* If the Vapor Intrusion Investigation identifies the need for mitigation measures, a Vapor Intrusion Mitigation Plan shall be prepared that describes the measures to be a result of vapor intrusion. The Vapor Intrusion Mitigation Plan will require the project applicant to design the proposed occupied spaces with appropriate structural and engineering features to reduce risk of vapor intrusion into buildings. At a minimum, this design shall include:

1) passive sub-slab ventilation with a spray applied vapor barrier (and with the ability to convert the system from passive to active ventilation), 2) monitoring to ensure the long-term effectiveness of the remedy, and 3) the implementation of institutional controls. Other designs would be acceptable is approved in writing by the overseeing regulatory agency. The Vapor Intrusion Mitigation Plan shall be submitted for agency review and approval. DTSC's October 2011 *Vapor Intrusion Mitigation Advisory* provides useful guidance in selecting, designing, and implementing appropriate response actions for sites where a potential vapor intrusion risk has been identified. A completed report shall be submitted to the overseeing regulatory agency upon completion of construction of the mitigation system. The report shall document installation of the vapor control measures identified in the Vapor Intrusion Mitigation Plan and present final as-built design drawings. A Long-Term Operations, Maintenance, and Monitoring Plan (OMMP) also shall be submitted for agency approval that presents the actions to be taken following construction to maintain and monitor the vapor intrusion mitigation system, and a contingency plan should the vapor mitigation system fail. A financial assurance mechanism shall additionally be established (i.e., proof that adequate funds are available for long-term maintenance and monitoring of the vapor intrusion mitigation system) and described in the OMMP.

**MM HAZ-1.5:**

A Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be developed to establish appropriate management practices for handling and monitoring of impacted soil, soil vapor, and groundwater that potentially may be encountered during construction activities. The SMP shall be prepared by an Environmental Professional and be submitted to the overseeing regulatory agency (e.g. RWQCB, DTSC and/or DEH) for review and approval prior to commencing construction activities. The SMP also shall be provided to the City of Santa Clara. Prior to the start of any construction activity that involves below ground work (i.e., mass grading, foundation construction, excavating or utility trenching), information regarding site risk management procedures, including copies of the HSP and SMP, shall be provided to the contractors for their review, and each contractor shall provide such information to its subcontractors. The SMP and HSP measures shall be incorporated into the project design documents:

- Site control procedures to control the flow of personnel, vehicles and materials in and out of the site;
- Measures to minimize dust generation, stormwater runoff and tracking of soil off-site;
- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or groundwater are present or suspected. Worker

training requirements, health and safety measures and material handling procedures shall be described;

- Perimeter air monitoring for dust during any activity that significantly disturbs impacted site soil (i.e., mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures;
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities;
- Protocols to characterize/profile soil suspected of being contaminated so appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with impacted groundwater shall be assumed contaminated. All soil excavated and transported from this site shall be appropriately disposed of at a permitted facility;
- Stockpiling protocols for “clean” and “impacted” soil;
- Decontamination procedures to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer;
- Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted. The DTSC’s Clean Fill Advisory (October 2001 or latest version) provides useful guidance on evaluating imported fill;
- Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors. Mitigation protocols shall be developed and implemented in the event elevated VOC vapors are released during excavation activities that may pose a risk to construction worker health and/or risk to the health of occupants of neighboring properties;
- Protocols to evaluate if the residual contaminants will adversely impact the integrity of below ground utility lines and/or structures (i.e., the potential for corrosion due to subsurface contamination)
- Measures to reduce soil vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill “plugs” at specified intervals on-site and at all locations where the utility trenches (within impacted soil or groundwater) extend off-site. In addition, utility conduits that are placed below groundwater shall be installed with water-tight fittings to reduce the potential for groundwater to migrate into the conduits.
- Measures to help reduce the potential for the downward migration of contaminated groundwater if deep foundation systems are proposed. These measures shall be identified in the geotechnical investigation report and implemented as part of the development plans.

**MM HAZ-1.6:** The project applicant's environmental professional shall assist in the implementation of the SMP and shall, at a minimum, perform part-time observation services during demolition, excavation, grading and trenching activities. Upon completion of construction activities, the environmental professional shall prepare a report documenting compliance with the SMP; this report shall be submitted to the oversight regulatory agency and the City of Santa Clara.

With implementation of the identified measures, development under the TESP would have a less than significant impact related to soil and groundwater contamination.

### **3.4.2            Hazards and Hazardous Materials Impacts Resulting from the Proposed Project**

The project proposes to construct up to 700 dwelling units within three buildings and a 0.5-acre public park at the southwestern corner of the TESP area. The project site is currently developed with four light industrial buildings. Groundwater on-site has been encountered at a depth ranging from eight to 10 feet below the ground surface (bgs). Groundwater in the area flows in the north to northeasterly direction. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

As previously stated, there are four facilities within the TESP area listed on the SLIC database. Of the four facilities, three are currently identified as open cases. None are located on the project site.

Consistent with mitigation measure HAZ-1.1, a Phase I ESA was prepared in April 2019 by *Langan Engineering and Environmental Services, Inc.* for the project. A copy of this report is provided in Appendix C.

#### **Sources of Contamination On-Site**

The project site has been listed on multiple regulatory databases. An overview of the project site conditions by parcel is provided below.

##### **Parcels 16, 17, and 18**

Based on the Phase I ESA, the current and former businesses that occupied the site (APNs 097-46-016, -017, -018, also known as Parcels 16, 17 and 18, respectively) do not represent a REC due to 1) the lack of documented spills or leaks, 2) no violations were identified, 3) existence of a Facility Detail Report, and/or 4) none of the detected VOCs exceeded their respective environmental screening levels (ESLs).

In 2014, *Langan Treadwell Rollo* summarized the analytical results of soil, groundwater, soil gas, and sub-slab samples previously collected on Parcels 16, 17, and 18. These results have been compared to RWQCB 2019 ESLs for residential. Low levels of total petroleum hydrocarbons as diesel (TPH-d) and total petroleum hydrocarbons as motor oil (TPH-mo) were detected in nine of the 30 samples. Approximately 0.0063 milligrams per kilogram (mg/kg) of Trichloroethene (TCE) was detected in Parcel 16. Concentrations of THP-d, TPH-mo, and TCE do not exceed the RWQCB 2019

ESLs for residential. Total petroleum hydrocarbons as gas (TPH-g), semi-volatile organic compounds (SVOCs), organochlorine pesticides (OCPs), chlorinated herbicides, and polychlorinated biphenyls (PCBs) were not detected at or above the method reporting limits. Total lead and total chromium were detected at or above the method reporting limits in each of the 30 samples; however, they were below their respective 2019 residential ESLs.

Nine groundwater samples were collected at Parcels 16, 17, and 18. Concentrations of 1,1-Dichloroethene (1,1-DCE) were found in Parcels 16 and 17 at concentrations of 6.5 and 18 microgram per liter ( $\mu\text{g/L}$ ), respectively, which exceed the 2019 ESLs. Freon 113, 1,1-DCA, diisopropyl ether (DIPE), 1,1,1-trichloroethane (1,1,1-TCA), methyl tertiary butyl ether (MTBE), and tetrachloroethene (PCE) were detected below their respective ESLs.

Seven samples (one soil-gas and six sub-slab soil-gas samples) were collected and analyzed from Parcels 16, 17, and 18. Benzene was identified in the sub-slab samples collected from Parcels 16 and 17 at concentrations ranging from 13 to 22 microgram per cubic meter ( $\mu\text{g/m}^3$ ), which exceeds the 2019 commercial sub-slab vapor intrusion ESL. No other detected VOCs exceeded their respective ESLs.

Since the subsurface investigation did not encounter any VOC exceedances in the soil, the exceedance detected in groundwater and soil-gas were determined to be from a limited localized source. Therefore, the Phase I concluded that no further investigation would be needed for these four parcels.

#### Parcel 28

No violations were reported for the former businesses that occupied the Parcel 28 (APN 097-46-028). Given the lack of violations and no documented spills or leaks, the current and former businesses at this parcel do not represent a REC.

### **September 2012 Phase I ESA**

A Phase I ESA for Parcel 28 was prepared by *AEI Consultants* in September 2012. The site has been occupied by several industrial tenants since 1981. In 1984, a tank farm was added to the site by the former business that occupied the parcel (Megastor/Mason Construction). In 1993, Western Digital removed two 1,400-gallon aboveground storage tanks (ASTs) of waste cobalt solution and installed one 3,000-gallon liquid nitrogen tank. In 1996, Lafayette Properties added a second floor mezzanine to the building and Western Digital installed a waste treatment system and equipment yard which consisted of two 4,500-gallon polyethylene storage tanks, two 500-gallon polyethylene process tanks, and one 1,800-gallon double polyethylene holding tank. In 1995, the project site was developed with an underground drainage system for a clean room. By 1996, a sub-grade water treatment system was installed within the building.

Parcel 28 was identified in the regulatory database for utilizing and generating large quantities of hazardous wastes (e.g., halogenated solvents, liquids with hexavalent chromium, and liquids with halogenated organic compounds) during industrial operations. Based on the Phase I ESA, hexavalent chromium is a mobile chemical that is an acutely toxic mutagenic, teratogenic, and carcinogenic



metal. Halogenated solvents, even when properly stored and handled, can migrate into the subsurface. Chlorinated solvents are highly mobile chemicals that can accumulate in soil and migrate into the groundwater.

### **November 2012 Phase II**

In November 2012, *AEI Consultants* prepared a Phase II Surface Investigation to access the presence of chemical compounds in the soil, groundwater, and sub-slab vapor. Seven borings were advanced to collect both soil and groundwater samples. Three temporary sub-slab vapor probes were installed within the Parcel 28 building. VOCs were not detected in any of the soil samples at or above laboratory detection limits.

Freon 113 was detected in one groundwater sample at a concentration of 220 µg/L. No ESL has been set for Freon 113. No other VOCs were detected at or above the detection limits in the remaining groundwater samples.

Concentrations of the sub-slab vapor samples were compared to the sub-slab vapor intrusion ESLs. Acetone, toluene, ethylbenzene, and xylenes were below the 2019 residential and/or commercial sub-slab ESL. Ethanol, ethyl acetate, Freon 113, 4-methyl-2-pentanone, tetrahydrofuran (THF), and trichlorofluoromethane (TCFM) were detected in at least one of the sub-slab vapor samples; however, no ESLs have been set for these chemicals. PCE and benzene was detected in one sample exceeding the 2019 commercial cancer risk sub-slab ESL, but below the 2019 commercial non-cancer hazard sub-slab ESL. Based on the samples analyzed, the 2012 Phase I ESA concluded that the impacts to groundwater and soil vapor (with the exception of Freon 113) is limited in extent and magnitude. Concentrations of Freon 113 were detected in groundwater and sub-slab vapor; therefore, the Phase I concluded that Freon 113 was released at this parcel.

### **Indoor Air Assessment 2013**

*ENGEO* previously prepared an Indoor Air Assessment in March 2013 to evaluate the potential for vapor intrusion. Four indoor air samples were collected from inside the building and five air samples from outside the building. Both the indoor and outdoor air samples detected concentrations of benzene which exceeded the RWQCB 2019 commercial indoor air cancer risk ESL. The indoor concentrations are likely from outside ambient air being condensed inside via HVAC intake. The assessment concluded that there is no significant incremental increase in risk for indoor air quality and that the indoor air quality is similar to other buildings in the vicinity of Parcel 28.

### **Environmental Site Characterization 2014**

An additional subsurface investigation was prepared by *Langan Treadwell Rollo* in 2014. Soil, groundwater, and sub-slab vapor sample were collected. The soil samples were analyzed for TPHg, TPHd, TPHmo, VOCs, OCPs, herbicides, SVOCs, PCBs, CAM17 and LUFT 5 metals. Groundwater and sub-slab vapor samples were analyzed for VOCs. TPH-d and TPH-mo were detected exceeding the 2019 commercial ESL in two of the five samples. TPH-g, VOCs, SVOCs, OCPs, PCBs and chlorinated herbicides were not detected at or above the ESLs. Total chromium was detected at or above the ESLs in each of the 12 samples analyzed. Freon 113 was detected in one groundwater

sample; however, no ESL has been set for Freon 113. No compounds in the sub-slab vapor samples were detected at or above the 2019 residential ESLs.

The soil analytical results from *AEI's* 2012 Phase II Subsurface Investigation and *Langan's* September 2014 subsurface investigation were compared to the California total threshold limit concentration (TTLC) hazardous waste criteria. Sub-slab vapor analytical results from *AEI's* 2012 report indicated isolated exceedances of VOCs (benzene and PCE) due to poor housekeeping practices. The sub-slab soil vapor analytical results from *Langan's* 2014 report did not detect VOCs above their respective screening levels. The groundwater analytical results were compared to ESLs for residential land use and no compounds were detected at concentrations that exceeded the established ESLs.

Since *Langan's* 2014 subsurface investigation did not encounter any soil and groundwater levels exceeding the ESLs, the previous exceedances from 2012 detected in soil vapor are likely from a limited, localized source and are not considered a REC.

### **Sources of Contamination Off-Site**

Three off-site facilities were identified with known soil and groundwater contamination located near the project site. These sites are listed below:

- 2301 Calle Del Luna
- South Bay Asbestos Area
- 5401 Lafayette Street

Analysis of these sites determined that they are not considered RECs with regard to the project site due to distance, direction of groundwater flow, regulatory oversight, and/or lack of mobility of the contaminants.

The Phase I concluded that there are no RECs related to the project site. The proposed project would not exacerbate any hazardous materials contamination that may be present in the TESP area and would not result in new or more substantive hazardous materials impacts than were identified in the TESP FEIR.

## **3.5 HYDROLOGY AND WATER QUALITY**

The following analysis addresses the potential hydrology and water quality impacts that would result from implementation of the proposed project. Specifically, this section examines the potential for off-site flooding resulting from development of the project site. In addition, the analysis addresses the projects consistency with the Municipal Regional Stormwater NPDES Permit (MRP).

Because the proposed project is consistent with the development assumptions in the TESP FEIR, water quality impacts from construction would be consistent with the conclusions of the FEIR. Furthermore, the project would be consistent with the findings of the FEIR regarding groundwater, drainage, and inundation hazards. No further discussion of these issues is provided.

### **3.5.1            Findings of the Previously Certified FEIR**

#### **3.5.1.1            *Post-Construction Stormwater Treatment***

As detailed in the TESP FEIR, all projects within the TESP area are required to comply with the MRP and C.3 stormwater treatment regulations. The TESP FEIR concluded that compliance with regulatory requirements would result in a less than significant water quality impact.

### **3.5.2            Hydrology and Water Quality Impacts Resulting from the Proposed Project**

#### **3.5.2.1            *Post-Construction Stormwater Treatment***

As proposed, the stormwater runoff on-site would be treated with bioretention basins and treatment devices. Consistent with the TESP FEIR, the proposed project would be required to comply with the MRP and NPDES requirements. The final stormwater control plan will be reviewed and approved by the City at the development permit stage. Therefore, the proposed project would not result in any new impacts or substantially increase the severity of the previously identified hydrology and water quality impacts.

## **3.6                NOISE**

The following analysis addresses the potential operational noise impacts that would result from the proposed project. Because the project is consistent with the development assumptions in the TESP FEIR, construction noise and vibration would be consistent with the conclusions of the FEIR and all identified mitigation measures would be required and are incorporated by reference. No further discussion of construction noise and vibration is provided.

Operational noise issues pertaining to mechanical equipment, traffic noise, and aircraft noise was found to be less than significant in the TESP FEIR. Because the project is consistent with the development assumptions in the TESP FEIR, the proposed project would also have a less than significant impact. No further analysis is required.

### **3.6.1            Findings of the Previously Certified FEIR**

With limited exceptions like airport noise, CEQA does not address the effects of existing environmental conditions on a project. The TESP FEIR analyzed aircraft noise as a CEQA impact and concluded that the impact would be less than significant, as the anticipated noise levels would be compatible with the proposed land uses with respect to the guidelines set forth in the Airport Master Plan. Since the proposed project is located within the TESP area and is consistent with the development projections in the TESP FEIR, the project's aircraft noise impacts would also be less than significant.

For noise from sources other than aircraft, the City of Santa Clara addressed the effect of existing noise sources on future residents in the TESP area as a planning consideration.

The predominant sources of noise that affect the noise environment within the TESP area and at nearby land uses results primarily from vehicular traffic along Lafayette Street and Tasman Drive.

Traffic along the local streets within the TESP area which include Calle Del Mundo and Calle De Luna, also affect the ambient noise environment. Aircraft associated with Norman Y. Mineta San José International Airport and trains passing along the Lick Mill Light Rail Transit Station and Great America Station also contribute to the noise environment in the area. Levi's Stadium, approximately 1,175 feet away from the project area, periodically contributes to the noise environment during large events such as NFL games and concerts. Based on findings from the 2009 Stadium EIR<sup>7</sup>, residences within 2,000 feet of the stadium would experience elevated exterior noise levels during events which would result in an unavoidable significant impact.

Based on the long-term measures made with the TESP area, future exterior noise levels would be 70 dBA CNEL along Tasman Drive, 74 dBA CNEL along Lafayette Street, and up to 67 dBA CNEL along the future Lick Mill Boulevard extension. Residential development proposed along these roadways would be incompatible with residential outdoor activity areas. Additionally, the TESP includes open space areas through a distributed non-contiguous park system. Open space areas within the center of the TESP area could be as close as approximately 243 feet from Lafayette Street and 216 feet from Tasman Drive. At a distance of 243 feet from Lafayette Street, noise levels at a neighborhood park would be expected to be 64 dBA CNEL (without building shielding). At a distance of 216 feet from Tasman Drive, noise levels at a neighborhood park would be approximately 64 dBA CNEL (without building shielding). These levels would be below the 65 dBA CNEL threshold (refer to Table 4.14-5 of the Santa Clara General Plan FEIR).

The following conditions of approval were included in the TESP FEIR to reduce exterior noise levels at common outdoor activity areas consistent with the City's General Plan:

- Do not locate common outdoor activity areas immediately adjacent to Tasman Drive, Lafayette Street, or the future Lick Mill Boulevard extension.
- Utilize site planning by placing outdoor activity areas in courtyards, on shielded podium levels (sky gardens) or rooftops, or behind buildings adjoining Tasman Drive, Lafayette Street, and Lick Mill Boulevard. Development adjacent to existing and planned open space shall be designed to provide shielding of the open space from Tasman Drive, Lafayette Street, and Lick Mill Boulevard.

The City of Santa Clara requires that interior noise levels be maintained at 45 dBA CNEL or less for residences. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA CNEL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA CNEL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a

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<sup>7</sup> City of Santa Clara. *49ers Santa Clara Stadium Project FEIR*. November 2009.

combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

According to the TESP FEIR, sound levels would range from 72 to 74 dBA CNEL at a distance of 50 feet from the southern and western border of the TESP area. Future interior noise levels at the plan area would be up to 55 dBA CNEL, exceeding the 45 dBA CNEL threshold of the Santa Clara General Plan. The TESP FEIR includes the following conditions of approval to reduce interior noise levels to 45 dBA CNEL or less:

- Assuming a conservative estimated ratio of 30 percent windows/doors to total wall area, preliminary calculations indicate that the facades of high-density residential buildings having line-of-sight to Lafayette Street would require windows and doors with a minimum STC rating of 30 to meet the interior noise threshold established by the City.
- Along the façades having direct line-of-sight to Tasman Drive and Lick Mill Boulevard, the minimum required STC for windows and doors would be 26.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the Community Development Director, for all residential units in the plan area so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- A qualified acoustical consultant shall review the final site plans, building elevations, and floor plans of the proposed residential buildings and make recommendations for noise insulation to reduce interior noise levels to 45 dBA CNEL or less. Treatments would include, but are not limited to, forced-air mechanical ventilation systems, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

### **3.6.2      Noise Impacts Resulting from the Proposed Project**

In August 2019, *Illingworth & Rodkin, Inc.* prepared an Interior Noise Assessment for the proposed project. A copy of this report is provided in Appendix D.

#### **3.6.2.1      *Interior Noise Levels***

Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces.

Consistent with the conditions of project approval in the TESP FEIR, the proposed site plan and building elevations were reviewed and interior noise levels from exterior noise sources were calculated by *Illingworth & Rodkin, Inc.* to determine the necessary building treatments to meet the City's interior noise standard. To maintain a habitable interior environment, all dwelling units should



be mechanically ventilated so that windows and doors can be kept closed at the occupant's discretion. The following noise insulation features shall be incorporated to reduce interior noise levels to meet the City's interior noise threshold:

- The north, west, and south façades of the home for the ambulatory aged have a line-of-sight to Lafayette Street and shall have windows and doors with a minimum STC rating of 35 to 38.
- Along the south façade of the home for the ambulatory aged, and the south, west, and east façades of the multi-family market rate apartments (which have a direct line-of-sight to Tasman Drive), the required STC for windows and doors shall be 30 to 35.
- The remaining façades shall have windows and doors with a minimum STC rating of 28.
- A suitable form of force-air mechanical ventilation, as determined by the local building official, shall be provided to all residential units on-site so that windows can be kept closed at the occupant's discretion.
- If substantive changes are made to the design of the project prior to building department submittal, a qualified acoustical consultant shall confirm the noise insulation recommendations based on the final site plans, building elevations, and floor plans of the proposed residential buildings. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

### **3.6.2.2        *Exterior Noise Levels***

#### **Residential Areas**

As proposed, privately-owned publicly accessible space would be located on the northwest portion of the site (adjacent to Lafayette Street), north of the home for the ambulatory aged, and on the southeast portion of the site. Specifically, the townhouses, home for the ambulatory aged, and market rate apartments would have balconies/patios. Per the TESP FEIR, private terraces or balconies within mid/high density residential developments are not typically considered sensitive to exterior noise levels.

#### **Retail Areas**

The project proposes approximately 16,754 square feet of commercial space which would be located south of Calle De Luna and west of Calle Del Sol. Currently, noise levels along Calle Del Sol range up to 68 dBA CNEL. With full build out of the TESP FEIR, all retail proposed along Calle Del Sol would be exposed to noise levels up to 71 dBA CNEL. Based on Table 4.14-5 of the Santa Clara General Plan FEIR, noise levels would be acceptable if noise attenuation measures are used to reduce interior noise at retail locations to acceptable levels, consistent with the TESP FEIR.

#### **Open Space Areas**

A 0.5-acre park and approximately 12,263 square feet of greenway space is proposed along the northern portion of the site. Additionally, a pool deck, outdoor seating, barbeque area, outdoor fitness area, and bocce ball court would be located on the eighth floor of the proposed apartment building.

Consistent with the Conditions of Project Approval included in the TESP FEIR, the proposed park and all outdoor common activity areas would be shielded by the proposed buildings from noise on Lafayette Street and Tasman Drive and would not be in proximity to the future Lick Mill Boulevard extension. Therefore, the project would meet the City's noise standards and would be consistent with the findings of the TESP FEIR.

### **3.7 TRANSPORTATION**

The following analysis addresses the residential and retail land use equivalencies for the 191 units proposed for the home for the ambulatory aged component of the project based on vehicle trip generation. No further discussion of traffic impacts is provided.

#### **3.7.1 Findings of the Previously Certified FEIR**

##### **Trip Generation Estimates**

Based on the Institute of Transportation Engineers (ITE) trip generation rates and applicable reductions, full build out of the TESP FEIR would generate 30,695 daily trips, with 2,370 trips (665 inbound and 1,705 outbound) occurring during the AM peak hour and 2,765 trips (1,675 inbound and 1,090 outbound) occurring during the PM peak hour.

##### **Intersection Levels of Service – Existing Plus TESP Project**

Under the existing plus TESP project scenario<sup>8</sup>, the following four intersections would be significantly impacted:

- Tasman Drive/Centennial Drive and Montague Expressway/Mission College Boulevard
- Lafayette Street/Great America Way and Lafayette Street/Calle Del Mundo
- Lafayette Street/Great America Way intersection (unsignalized) would meet the peak hour signal warrant during the PM Peak Hour
- Lafayette Street/Calle Del Mundo intersection (unsignalized) would meet the peak hour signal warrant during the AM peak hour.

Based on the TESP FEIR, all other study intersections would continue to operate at acceptable levels of service under existing plus project conditions.

The following mitigation measures are included in the TESP FEIR to reduce existing plus project level traffic impacts.

**MM TRANS-1.1:** 9. Tasman Drive and Centennial Drive (City of Santa Clara) – Add a third eastbound through lane

With the implementation of the improvement, the TESP FEIR concluded that the Tasman Drive/Centennial Drive intersection would operate at an acceptable LOS D. However, due to the

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<sup>8</sup> Existing plus project conditions represent existing peak hour traffic volumes with the addition of traffic generated by the proposed project if the project were open and operating today.

light rail lines along Tasman Drive, coordination with Valley Transportation Authority (VTA) would be needed to secure the right-of-way. Since mitigation measure TRANS-1.1 relies on the approval of VTA, the City cannot know with certainty that this mitigation measure would be implemented, and therefore, the TESP FEIR concluded that this impact would be significant and unavoidable.

**MM TRANS-1.2:** 10. Lafayette Street and Great America Way (City of Santa Clara) – Signalize this intersection prior to occupancy of planned development comprising 30 percent of the project trip generation.

The TESP FEIR concluded that with implementation of mitigation measure TRANS-1.2, the Lafayette Street/Great America Way intersection would operate at an acceptable LOS D and the impacts to the intersection would be reduced to less than significant.

**MM TRANS-1.3:** 11. Lafayette Street and Calle Del Mundo (City of Santa Clara) – Signalize this intersection prior to occupancy of planned development comprising 70 percent of the project trip generation.

With implementation of mitigation measure TRANS-1.3, the Lafayette Street/Calle Del Mundo intersection would operate at LOS B and any impacts to this intersection would be reduced to a less than significant level.

**MM TRANS-1.4:** 37. Montague Expressway and Mission College Boulevard (County of Santa Clara) – This intersection is located in the City of Santa Clara and under the jurisdiction of Santa Clara County. The VTP 2040 project would add a third southbound left-turn lane to the intersection. The project shall make a fair-share contribution towards the additional turn lane.

The TESP FEIR concluded that with implementation mitigation measure TRANS-1.4, the Montague Expressway/Mission College Boulevard intersection would operate at an acceptable LOS E during the PM Peak Hour and the average delay would be better than existing conditions. Although this intersection is located in the City of Santa Clara, it is within the jurisdiction of Santa Clara County. Even with implementation of mitigation measure TRANS-1.4, the impact would be significant and unavoidable because the identified improvement is under the jurisdiction of Santa Clara County and the City cannot guarantee that implementation of the improvement would be concurrent with the TESP.

### **Freeway Levels of Service – Existing Plus TESP Project**

Build out of the TESP area would impact mixed-flow lanes and high-occupancy vehicle (HOV) lanes on the following freeway segments:

#### Mixed-Flow Lane Segment Impacts:

US 101 Northbound:

- Bowers Avenue/Great America Parkway to Lawrence Expressway (AM peak hour)
- Lawrence Expressway to North Fair Oaks Avenue (AM peak hour)

- North Fair Oaks Avenue to North Mathilda Avenue (AM peak hour)

US 101 Southbound:

- North Mathilda Avenue to North Fair Oaks Avenue (PM peak hour)
- North Fair Oaks Avenue to Lawrence Expressway (PM peak hour)
- Lawrence Expressway to Bowers Avenue / Great America Parkway (PM peak hour)

SR 237 Eastbound:

- US 101 to Mathilda Avenue (PM peak hour)
- Mathilda Avenue to North Fair Oaks Avenue (PM peak hour)
- North Fair Oaks Avenue to Lawrence Expressway (PM peak hour)
- Lawrence Expressway to Great America Parkway (PM peak hour)
- North First Street to Zanker Road (PM peak hour)

SR 237 Westbound:

- Great America Parkway to Lawrence Expressway (AM peak hour)
- Lawrence Expressway to North Fair Oaks Avenue (AM and PM peak hours)
- North Fair Oaks Avenue to Mathilda Avenue (AM and PM peak hours)
- Mathilda Avenue to US 101 (PM peak hour)

I-880 Southbound:

- SR 237 to Dixon Landing Road (AM peak hour)

HOV Lane Segment Impacts:

US 101 Northbound:

- Bowers Avenue/Great America Parkway to Lawrence Expressway (AM peak hour)
- Lawrence Expressway to North Fair Oaks Avenue (AM peak hour)

US 101 Southbound:

- North Fair Oaks Avenue to Lawrence Expressway (PM peak hour)
- Lawrence Expressway to Bowers Avenue / Great America Parkway (PM peak hour)

SR 237 Eastbound:

- Mathilda Avenue to North Fair Oaks Avenue (PM peak hour)
- North Fair Oaks Avenue to Lawrence Expressway (PM peak hour)
- Lawrence Expressway to Great America Parkway (PM peak hour)

SR 237 Westbound:

- Great America Parkway to Lawrence Expressway (AM peak hour)

Full mitigation of significant project impacts on freeway segments would require roadway widening to construct additional through lanes, thereby increasing freeway capacity. Per the TESP FEIR, since it is not feasible for an individual development project to bear responsibility for implementing such extensive transportation system improvements due to constraints in acquisition and cost of right-of-

way, and no comprehensive project to add through lanes has been developed by Caltrans or VTA for individual projects to contribute to, the significant impacts on the directional freeway segments identified above would be significant unavoidable.

### **Intersection Levels of Service – Background Plus TESP Project**

The background plus TESP project scenario includes existing traffic volumes and traffic generated by approved but not yet constructed projects and not occupied developments to account for growth in the project area. The TESP FEIR found that eight intersections would operate at an unacceptable LOS during at least one hour under background plus project conditions. Six of the eight intersections would be significantly impacted by the project:

- Great America Parkway and Westbound 237 Ramps
- Tasman Drive and Centennial Drive
- Lafayette Street and Great America Parkway
- Lafayette Street and Calle Del Mundo
- Tasman Drive and Lawrence Expressway
- Montague Expressway and Mission College Boulevard

All other study intersections would operate at an acceptable LOS during both the AM and PM Peak Hours of traffic. The following mitigation measures are included in the TESP.

**MM TRANS-3.1:** 1. Great America Parkway and Westbound 237 Ramps (City of San José/CMP) – Restripe the southbound approach to one through/right-lane and one right-lane, which would not require right-of-way and/or narrowing of the median and would improve intersection operations to an acceptable LOS.

Since this intersection is located in the City of San José, the City of Santa Clara cannot guarantee that the identified improvement would be implemented in a timely manner such that the TESP's project impact is avoided or mitigated. The TESP FEIR concluded that this impact would remain significant and unavoidable.

**MM TRANS-3.2:** 9. Tasman Drive and Centennial Drive (City of Santa Clara) – Add a third eastbound and a third westbound through lane.

With the implementation of mitigation measure-3.2, the Tasman Drive/Centennial Drive intersection would operate at an acceptable LOS D. Due to light rail lines along Tasman Drive, coordination with VTA would be needed to secure right-of-way. Since this mitigation relies on the approval of VTA, the City of Santa Clara cannot know with certainty that this mitigation measure would be implemented. As a result, the TESP FEIR concluded that this impact would be significant and unavoidable.

**MM TRANS-3.3:** 10. Lafayette Street/ Great America Parkway and 11. Lafayette Street/Calle Del Mundo –Signalize intersections prior to occupancy of development



comprising 30 percent and 70 percent, respectively, of the TESP project trip generation.

**MM TRANS-3.4:** 37. Montague Expressway and Mission College Boulevard (County of Santa Clara) – The Valley Transportation Plan (VTP) 2040 project would add a third southbound left-turn lane to the intersection. The project shall make a fair-share contribution towards the additional turn lane.

To fully mitigate the TESP’s project impact, a second northbound left turn lane would be needed. The right-of-way constraints make this mitigation infeasible. A fair share contribution shall be made to the interchange. This intersection is located in the City of Santa Clara and under the jurisdiction of Santa Clara County. Even with implementation of mitigation measure TRANS-1.4, the impact would be significant and unavoidable because the improvement at this intersection is not under the jurisdiction of the City of Santa Clara and the City cannot guarantee the implementation of the improvement concurrent with the TESP area.

### **3.7.2            Traffic Impacts Resulting from the Proposed Project**

The project would construct two apartment buildings (one 22-story building and one eight-story building), a 20-story building for the ambulatory aged, and a 0.5-acre public park. The home for the ambulatory aged would have up to 191 units. The 22-story apartment building would have up to 308 dwelling units and the eight-story apartment building would have up to 201 dwelling units. The proposed ambulatory aged units do not fit under any of the proposed TESP area land uses (e.g., residential units, retail space, a grocery store, or a school). To estimate the equivalent number of residential units and amount of retail space, *Fehr & Peers* prepared a Trip Generation Analysis for the proposed project in November 2019. A copy of this report is provided in Appendix E.

#### **3.7.2.1            *Trip Generation Estimates***

Traffic trips generated by the project were estimated using the rates for assisted living units (which includes memory care units) published in the Institute of Transportation Engineers’ (ITE) Trip Generation Manual, 10th Edition (2017). The table below summarizes the trip generation estimates for the assisted living units.

<b>Table 3.7-1: Trip Generation Estimates (Home for Ambulatory Aged)</b>			
	<b>Daily</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
Rates	2.60	0.19	0.26
Trips	496	36	50

Based on the trip generation table above, the project would generate approximately 496 daily trips with a total of 36 new daily trips during the AM peak hour and 50 new daily trips during the PM peak hour. The number of trips were then divided by trip generation rates for mid-rise apartment and shopping center from the Trip Generation Manual to estimate the equivalent number of residential units and square feet of retail space, respectively.

Table 3.7-2 below summarizes the residential and retail equivalencies. Based on the Trip Generation Analysis prepared for the project, there is a range of equivalences depending on whether daily, AM peak hour, PM peak hour, or inbound or outbound peak-hour trips are used as the basis. The equivalent number of residential units would range from 48 to 256 units and the amount of retail space would range from 10,400 square feet to 39,700 square feet.

<b>Table 3.7-2: Trip Generation Estimates Equivalency</b>			
<b>Land Use</b>	<b>Daily</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
<b>Rates</b>			
Residential	5.44	0.36	0.44
Retail	37.75	0.94	3.81
<b>Equivalent Sizes (residential units and 1,000 square feet of retail space)</b>			
Residential	91	100	114
Retail	13.1	38.3	13.1
<b>Note:</b> Traffic conditions would be worse during the peak hours and both inbound and outbound traffic would contribute to congestion levels. Therefore, the total peak hour volumes were used as the basis for the equivalencies and the highest values to be conservative.			

To be conservative, the highest total peak hour volumes were used as the equivalencies. Therefore, 191 assisted living units (which includes memory care units) would be equivalent to 114 residential units or 38,300 square feet of retail space. The estimated trips generated by the home for the ambulatory aged (based on the equivalencies) would be within the development assumptions and traffic trip estimates of the TESP FEIR. The proposed project would not result in any new impacts or substantially increase the severity of the previously identified transportation impacts.

### 3.8 CONCLUSION

Based on the above analysis and discussion, no substantive revisions are needed to the TESP FEIR, because no new significant impacts or impacts of substantially greater severity would result from the proposed project. There have been no changes in circumstance in the project area that would result in new significant environmental impacts or substantially more severe impacts, and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the TSEP FEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State CEQA Guidelines Section 15162, and an EIR Addendum has therefore appropriately been prepared, pursuant to Section 15164.

### APPENDICES

Appendix A: Construction Air Quality Analysis and Health Risk Assessment

Appendix B: Avian Collision Risk Assessment

Appendix C: Phase I Environmental Site Assessment

Appendix D: Interior Noise Assessment

Appendix E: Trip Generation Analysis